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Rosalind Rice
Clerk to North Tawton Town
Council

BY EMAIL ONLY

15/01/2017

Dear Rosalind

**West Devon District Council response to the draft
North Tawton Neighbourhood Plan**

Thank you for sending the pre-submission North Tawton Neighbourhood Plan (Regulation 14)* to the Local Planning Authority (LPA) for comments. This will be referred to as the Draft North Tawton Neighbourhood Plan (the NP) in this document.

The LPA fully supports the initiative to produce a neighbourhood plan and recognises that much work has gone into the development of the NP with extensive community involvement. The LPA commends the North Tawton Neighbourhood Plan Group for all the hard work already put into the NP.

These comments have been provided to assist the Neighbourhood Planning Group in producing a Draft Neighbourhood Plan for submission to the LPA at Regulation 15*. The response is based on the information provided and available at the time of reviewing the NP, which includes the pre-submission draft North Tawton Neighbourhood Plan and background documents available on the website.

A number of suggestions are made below for further consideration prior to submission at Regulation 15, to help ensure the NP is successful at examination and contributes to a strong planning policy framework for the North Tawton Neighbourhood Area.

*Neighbourhood Planning (General) Regulations 2012

www.southhams.gov.uk

Key comments on the overall NP are:

1. The plan is well written and very well presented. The group have done a good job of trying to make the plan as accessible as possible: presentation of topics that can be looked at one by one online works well. Naming the themes on the webpage would aid navigation. The relationship between the NP and the Joint Local Plan (JLP) has been successfully managed, and references to the JLP allocations sit well within the NP.
2. However, the combined requirements on new housing will result in a significant burden on house builders (from individuals to big companies) and may prevent other aims of the plan being delivered.
3. **Conformity with the Development Plan and meeting the Basic Conditions.** As you are no doubt aware, one of the ‘basic conditions’ that neighbourhood plans must fulfil is to be in conformity with the strategic policies of the Local Development Plan that is extant at the time of the examination of the NP. For West Devon, this is currently the Local Development Framework, including the 2011 Core Strategy and associated documents, except where this is out of date and the NPPF takes precedence. However, it is possible that emerging policy will be adopted by the time of the NP examination: The Plymouth and South West Devon Joint Local Plan (JLP) is currently being examined and is expected to be adopted in 2018. These comments therefore assume that the JLP is the relevant Local Development Plan for the North Tawton NP. A list of strategic Development Plan policies is included as an appendix to this letter.

Comments on specific text and policies: Please assume the LPA’s support for policies that are not mentioned.

Policy or Text	WDBC comment
Historic & Natural Environment	
Objectives	<p>It is uncertain how the NP can secure the rural state of the countryside, but the intention is relatively clear in terms of maintaining rural character. With regard to historic assets, any terminology needs to reflect what is said in the NPPF – for example, ‘protect’ is not featured in NPPF, a designation in itself provides protection for an asset.</p> <p>There is reference to a conservation area appraisal in 1996: this appraisal is likely to need updating and we suggest that a commitment to pursuing this project could be included in the NP.</p>
Policy CH1 – Local Green Space	<p>NPs are encouraged to identify LGS, but these need to conform with the very specific criteria set out in NPPF para 77. The consultation work that has been undertaken regarding proposed LGS is acknowledged. However, further evidence is recommended to clearly show how each of the proposed LGS meets each of the criteria in NPPF 77. Some of the proposed do not appear to meet</p>

	the first criteria, in that they cannot be considered 'close' to the community that they serve.
Policy CH2 – Design	<p>It is good to have a policy like this supported by a Design Statement.</p> <p>However, the NP should be careful not to create an environment that stifles innovation and only seeks to copy what is already there. As will be repeated throughout this response, there needs to be a degree of pragmatism over what the NP requires – use of local materials may be preferable, but should not be an absolute requirement. The cost of delabole slate for example is three times higher than a reclaimed Welsh or French slate that would give an equally authentic finish, and a finish that is still superior to new Brazilian, Spanish or man-made slates. Making development costs more expensive will have implications for other aspects of a proposal, such as affordable housing or other community benefit.</p>
Community Life	
Objective	Suggest that the word 'provide' is taken out of the objective, as it holds the NP solely responsible for delivering something that it does not have direct control over.
Policy CO1 – Community Facilities	Additional wording is recommended to clarify that in some instances, particularly for private businesses, permitted development rules may apply and this policy will not be effective.
CO3 – Priority Infrastructure Projects	Good idea to identify projects that may require investment. Mention of CIL is good idea in terms of future-proofing, but will not yield any short-term investment, as WDBC doesn't have a CIL, and there is no expectation of doing so any time soon. S106 contributions can only be secured to help mitigate the impacts of a development, and cannot be used to obtain funding for historic funding shortfalls or for facilities that have no relationship with the proposal site.
Economy	
Objective	As above, the NP cannot be in full control of 'providing' a greater level and variety of employment, as it is largely down to the market to provide employment opportunities. However, the NP could 'facilitate' these opportunities, and this wording is suggested in preference.
Policy E1 – Employment Land	Suggest using planning permission references for committed sites, rather than SHLAA references

Policy E2 – Mixed Use	Careful consideration is advised before proceeding with this policy. 10 units seems much too small to consider including an employment component. This is likely to result in incompatible uses, and mixed-use will have a big impact on the viability of a scheme, as commercial property, especially speculative commercial property, has a much smaller financial return than residential. Given the large amount of established employment space already in the town, it is hard to justify requiring it on all schemes of over 10 units as well.
E3 – Live/Work	This seems a more flexible and up-to-date policy approach than E2, given that a lot more people work from home, or may require smaller more flexible work units. Developers may simply want to provide an office/spare bedroom as a flexible workspace: would this fulfil the aims of the policy?
Housing	<p>The group is be congratulated on undertaking a Call for Sites. However, the Council would prefer to see actual allocations. Planning is about providing certainty, and the 2 sites mentioned (whilst subject to planning applications) should be allocated with specific delivery aims identified, or else deleted, as otherwise the status of these sites is uncertain. The plan should consider how it can assist a decision maker to come to an appropriate decision, and naming the sites without offering support or allocation doesn't help the decision maker.</p> <p>Is the Devonshire Gardens site really 'brownfield'? There are potential implications for describing it as such – if the site goes on the brownfield register then it is as good as a permission in principle, and is harder for the NP to dictate what is delivered on the site and how.</p>
HO1 – Housing	As mentioned previously, care should be taken not to be too prescriptive regarding the demands on new housing, or establish too many requirements that render the delivery of new homes unviable and/or unaffordable. Rainwater harvesting is to be encouraged, but should not be a requirement, as it is expensive to install: increased development costs will either prevent houses being built at all, or will drive up prices that are pushed onto buyers. By all means aim high, but these aims should be preferences rather than requirements. vii) this should say 'site sizes' rather than 'plot sizes'. 12 seems arbitrary, and may not provide the best solution on any given piece of land. Suggest deleting this and using 30 dwellings per hectare as a guide.
HO5 – Private Amenity Space (Gardens)	While the aim of this policy is appreciated, these requirements are considered too prescriptive. It may be

	<p>an idea to suggest external space is provided at a certain proportion of the national space standards for internal floor space. However, this should be expressed as a preference rather than a requirement. Otherwise acceptable sites could be prevented from being developed if these standards are applied.</p>
HO6 – Residential, supported and sheltered	<p>This policy is supported although it may need to be more explicit about the type of housing – open market and/or affordable?</p>
HO7 – Parking	<p>This policy is supported: references to the Highways Authority are useful and it is good to see aspirations for plug-in charging points.</p>
HO8 – Self build	<p>This policy is supported. Could the NP allocate a site for self and custom build to improve the chances of delivery?</p>
Infrastructure	
IN1 – Health provision	<p>The aim of this policy is supported, given the local circumstances.</p>
IN2 – Education	<p>Arguably this policy is not necessary as it should happen anyway as part of the Development Management process.</p>
IN3 – Car parking	<p>This policy partly repeats HO7. S106 cannot be used to increase town centre parking provision unless there is a clear impact from the proposed development.</p>
IN4 – Traffic	<p>Assessment of traffic impact happens as a result of the Development Management process anyway. It is unreasonable to expect new developments to provide solutions to existing traffic problems, unless there is a clear and demonstrable link between new development and impacts on flows in the town centre.</p>
Energy & Environment	
EE1 – Housing development	<p>A laudable aspiration, and accords with emerging JLP position that will shortly be tested in examination. Consideration again needs to be given to viability, and the plan should not be too prescriptive in terms of PV: significant carbon savings can be achieved through the use of ground and air source heat pumps.</p>
EE2 – Individual and Community Energy Schemes	<p>Pleased to see this policy included: well written and justified. Requirement iv) could be applied to all development rather than just energy proposals.</p>

EE3 – Commercial energy	A good positive policy, but it needs to clearly differentiate between wind and other technologies – Government policy from June 2016 requires new wind turbines to be delivered on allocated sites only, either in Local Plans or neighbourhood plans.
EE4 – Sustainability of housing	The merits of passivhaus are understood, but it is unrealistic to require all new housing to be built to this standard and expect schemes to be viable. Passivhaus is also a very specific type of build technology, and to insist on this could prevent the delivery of near zero-carbon homes, that far exceed current building regulations, from being delivered. Would local supply chains or trades be able to support this requirement? Would the local community support it if it meant that local materials were not used or out-of-area companies employed to deliver such a standard?

I hope these comments are useful. Please do not hesitate to contact me if you have any queries.

Best wishes,

Mandy Goddard
Neighbourhood Planning Specialist



West Devon and West Devon Strategic Development Plan Policies December 2017

This document sets out the strategic development plan policies which neighbourhood plans in West Devon and West Devon should demonstrate conformity with, as at December 2017.

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Introduction

Neighbourhood plans must be in conformity with the strategic elements of the Local Development Plan that is extant at the time of the examination of the neighbourhood plan. As at December 2017, the extant Local Development Plans for the two Districts are the West Devon Core Strategy 2006 and associated documents, and the West Devon Core Strategy 2011 and associated documents. Further detail on these documents and the relevant policies is given below in Sections 2 and 3. A new Joint Local Plan for the two Districts and Plymouth is currently being examined and is expected to be adopted in 2018.

1. The Emerging Plymouth and South West Devon Joint Local Plan (JLP)

<https://www.plymouth.gov.uk/sites/default/files/PlymouthSouthWestDevonJointLocalPlanSubmission.pdf>

Emerging policy should not be referenced in Neighbourhood Plans if the NP is expected to be examined before it is adopted. However, it is important to ensure that NPs are in general conformity with the strategic elements of the emerging JLP and with evidence gathered for the JLP, so that the NP does not become out of date once the JLP is in place.

Relevant sections and policies of the JLP are as follows:

The Vision

The Strategic Objectives

Policy SPT1 Delivering sustainable development

Policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities
Policy SPT3 Provision for new homes
Policy SPT4 Provision for employment floorspace
Policy SPT5 Provision for retail development
Policy SPT6 Spatial provision of retail and main town centre uses
Policy SPT7 Working with neighbouring areas
Policy SPT8 Strategic connectivity
Policy SPT9 Strategic principles for transport planning and strategy
Policy SPT10 Balanced transport strategy for growth and healthy and sustainable communities
Policy SPT11 Strategic approach to the natural environment
Policy SPT12 Strategic infrastructure measures to deliver the spatial strategy
Policy SPT13 European Sites – mitigation of recreational impacts from development
Policy TTV1 Prioritising growth through a hierarchy of sustainable settlements
Policy TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
Policies TTV3 – TTV28 (Main Towns) where relevant
Policy TTV29 Site allocations in the Smaller Towns and Key Villages where relevant
Policy TTV30 Empowering local residents to create strong and sustainable communities where relevant
Policy TTV31 Development in the countryside

Policy DEV1 Protecting health and amenity
Policy DEV2 Air, water, soil, noise, land and light pollution
Policy DEV3 Sport & Recreation
Policy DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
Policy DEV9 Meeting local housing need in the Plan Area
Policy DEV10 Delivering High Quality Housing
Policy DEV13 Consideration of sites for Travellers and Travelling Showpeople
Policy DEV14 Maintaining a flexible mix of employment sites
Policy DEV15 Supporting the rural economy
Policy DEV17 Promoting competitive town centres (where relevant)
Policy DEV18 Protecting local shops and services
Policy DEV20 Place shaping and the quality of the built environment
Policy DEV21 Conserving the historic environment
Policy DEV22 Development affecting the historic environment
Policy DEV24 Landscape character
Policy DEV25 Undeveloped Coast and Heritage Coast
Policy DEV27 Nationally protected landscapes
Policy DEV28 Protecting and enhancing biodiversity and geological conservation
Policy DEV29 Green and play spaces
Policy DEV30 Trees, woodlands and hedgerows
Policy DEV31 Specific provisions relating to transport
Policy DEV32 Meeting the community infrastructure needs of new homes
Policy DEV34 Delivering low carbon development
Policy DEV35 Renewable and low carbon energy (including heat)
Policy DEV36 Community energy
Policy DEV37 Managing flood risk and water quality impacts
Policy DEV38 Coastal Change Management Areas

2. West Devon District Council

Development Plan Strategic Policies December 2017

<https://www.southhams.gov.uk/article/3868/Local-Development-Framework>

The extant Development Plan for West Devon District as at December 2017 comprises the following documents:

- 2006 Core Strategy including saved policies from the 1996 Local Plan
- 2007 Sherford New Community Area Action Plan (AAP)
- 2008 Affordable Housing Development Plan Document (DPD)
- 2010 Development Policies Development Plan Document (DPD)
- 2011 Site Allocations Development Plan Document (DPD) for:
 - Dartmouth
 - Ivybridge
 - Kingsbridge
 - Totnes
 - Rural Areas

The Council considers the following policies relevant as strategic policies with which Neighbourhood Plans should be in conformity where they are still up to date and in conformity with the National Planning Policy Framework (NPPF). Where policies are not in conformity with the NPPF, the NPPF will take precedence and the relevant NPPF paragraph or section is given.

Policies that the Council considers Neighbourhood Plans should be in conformity with are shaded green in the following table.

Strategic Policy	Conformity required?	Notes
Core Strategy 2006		
CS1, Location of Development	Y	Not in full conformity with NPPF; however, NPs should have regard to CS1 as it gives an indication of which settlements are considered sustainable by the Council. NPPF Paras 14-15 are also relevant ('Presumption in favour of sustainable development').
CS2, Housing numbers	N	Out of date. Not in conformity with NPPF – relevant section: 6. Delivering a wide choice of high quality homes. JLP evidence is relevant.
CS3, Employment land provision	Y	Compliance required though NPs may add detail
CS4, Sherford New Community	N	Where relevant.
CS5, Previously developed land	Y	NPPF 111 permits local targets. No new evidence to suggest a different target, however, the Council suggests flexibility on the 50% figure.

CS6, Affordable Housing	N	Does not conform with NPPF in terms of evidence. NPPF Paras 50 and 54 are relevant. New JLP evidence suggests 30%
CS7, Design	Y	Sets out broad design parameters. NPs may add local detail. DPD1 is relevant.
CS8, Infrastructure provision	Y	NPs may add local detail.
CS9, Landscape and historic environment	Y	In broad conformity with NPPF. NPs may add local detail. DPD2 and DPD5 are relevant.
CS10, Nature conservation	Y	DPD5 is relevant.
CS11, Climate change	Y	In broad conformity with NPPF. NPs may add local detail.
CS12 Tourism	N	NPPF does not advocate a sequential approach for tourism related development. Relevant NPPF sections: 1. Building a strong, competitive economy 2. Ensuring the vitality of town centres 3. Supporting a prosperous rural economy
CS13, Rural diversification	N	Not in full conformity with NPPF. NPPF Para 28 takes precedence.
Development Policies DPD		
DPD7, Transport, access and parking	Y	
DPD8, Open space, sport and recreation	Y	
DP11, Housing mix and tenure	Y	
Site Allocations DPD policies where appropriate		

3. West Devon Borough Council

Development Plan Strategic Policies December 2017

<https://www.westdevon.gov.uk/article/3867/Local-Development-Framework>

The extant Development Plan for West Devon Borough Council as at December 2017 comprises the following documents:

- 2011 Core Strategy
- Proposals Map
- Settlement Maps
- Saved policies from the 2005 Local Plan Review (as amended 2011)

The Council considers the following policies relevant as strategic policies with which Neighbourhood Plans should be in conformity where they are still up to date and in conformity with the National Planning Policy Framework (NPPF). Where policies are not in conformity with the NPPF, the NPPF will take precedence and the relevant NPPF paragraph or section is given. Evidence produced to support the emerging Joint Local Plan should be taken into account: this is highlighted where relevant.

Policies that the Council considers Neighbourhood Plans should be in conformity with are shaded green in the following table.

Strategic Policy	Conformity Required?	Notes
2011 Core Strategy		
Strategic Policy 1 Sustainable Development	Yes	Sets out sustainable development principles and is in conformity with the NPPF
Strategic Policy 2 Decentralised Renewable and Low Carbon Energy to Supply New Developments	No	Whilst the aspirations of the policy are NPPF compliant, the delivery component of it is not – in that such requirements are likely to be considered so onerous now as to threaten viability and deliverability. NPPF Section 10 takes precedence, particularly paragraphs 97 and 98.
Strategic Policy 3 Renewable Energy	No	Not fully NPPF compliant: pre-dates the Written Ministerial Statement that requires onshore wind to come forward only on allocated sites in Local or Neighbourhood Plans. NPPF Section 10 and Written Statement (HCWS42) take precedence. https://www.parliament.uk/documents/commons-vote-office/June%202015/18%20June/1-DCLG-Planning.pdf

		More up-to-date evidence and guidance is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 4 Infrastructure Provision	Yes	In general conformity with NPPF. See also West Devon Infrastructure Delivery Plan 2015 https://www.plymouth.gov.uk/sites/default/files/WestDevonBoroughCouncilInfrastructureDeliveryPlan.pdf
Strategic Policy 5 Spatial Strategy	No	Partially in conformity with NPPF, but too inflexible on development in the countryside/outside village development boundaries. NPPF Presumption in Favour of Sustainable Development takes precedence, Paras 14-16.
Strategic Policy 6 Density of Housing Development	No	While the NPPF allows for density rates to be set locally, it emphasises local circumstances and appropriate design. NPPF Paras 47 and 59 take precedence.
Strategic Policy 7 Strategic Distribution of Housing	Yes	Broadly in conformity with NPPF, provided up-to-date evidence still supports these numbers. Evidence is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 8 Inclusive Communities	Yes except final paragraph (Lifetime Homes Standard)	Largely in conformity with NPPF. Lifetime Homes Standard no longer in use. Housing mix should be based on up-to-date evidence of local needs. For district need see Strategic Housing Market Assessment 2017 https://www.plymouth.gov.uk/sites/default/files/StrategicHousingMarketNeedsAssessmentPart2.pdf
Strategic Policy 9 Meeting Housing Needs	No	Does not conform with NPPF in terms of evidence. NPPF Paras 50 and 54 are relevant. New JLP evidence suggests 30% - see JLP Dev8 for detail. See https://www.plymouth.gov.uk/sites/default/files/StrategicHousingMarketNeedsAssessmentPart2.pdf
Strategic Policy 10 Supporting the Growth of the Economy	Yes	The objective of this policy is in conformity with the NPPF, though the NPPF gives more detail on an expected strategy for plans. NPPF Paras 18-22 are relevant. Up-to-date evidence is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 11 Rural Regeneration	Yes	In broad conformity with NPPF.
Strategic Policy 12 Retailing	Yes	In broad conformity with NPPF. See SPD 'Assessing the Impact of New Retail Development in West Devon' 2013 and evidence at https://www.plymouth.gov.uk/jointlocalplanevidencebase

Strategic Policy 13 Community Services and Facilities	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 14 Accessibility Planning	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 15 Traffic Management	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 16 Safer Communities	Yes	In conformity with NPPF.
Strategic Policy 17 Landscape Character	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 18 The Heritage and Historical Character of West Devon	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 19 Biodiversity	Yes	In broad conformity with NPPF. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 20 Promoting High Quality Design	Yes	In broad conformity with NPPF, although NPPF also references distinctive and innovative design (para 63, 65) and community involvement. NPPF Paras 56-68 are relevant. Up-to-date evidence available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 21 Flooding	Yes	NPPF paras 102-104 are relevant
Strategic Policy 22 Okehampton	No	Up-to-date evidence is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 23 Tavistock	No	Up-to-date evidence is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase
Strategic Policy 24 Sustainable Rural Communities	No	Up-to-date evidence is available at https://www.plymouth.gov.uk/jointlocalplanevidencebase