

Kingsbridge, West Alvington and Churchstow Neighbourhood Plan
Record of SHDC Reg. 14 comments and Steering Group responses

Policy	SHDC Comments	NPG comment	Action taken
Policy KWAC Env1 Settlement Boundaries and the avoidance of coalescence	No comments	None	None
Policy KWAC Env2 Local Green Spaces(LGS)	<p>1. I would suggest the Policy wording is enhanced to include the effect this policy will have in terms of the determination of planning applications. Suggest reference to “made” plans and the policy wording that has been considered acceptable.</p> <p>2. My concerns remain regarding the allocation of small spaces/highway verges in Churchstow (Figure 17c).</p> <p>KLGS2: Concerns remain that this designation could compromise Council plans.</p> <p>KLGS6: As above.</p> <p>KLGS8: As above.</p> <p>The amendments to Appendix 3, in response to the Council’s original comments, are noted. However, it is considered the Policy, as it stands, should reflect any specific issues relating to particular LGS allocations. As the Policy stands it would compromise proposals that are supported by SHDC and KTC. The</p>	<p>1. Noted, however the policy wording does not need elaboration, it is clear from the NPPF para 100 what the LGS designation means. Reference should be made by the LPA to emerging as well as made plans so the suggested wording would restrict the effectiveness of the designation at a planning application or appeal.</p> <p>2. Noted however see the NPG’s response on 14/5/21. This is contrary to the wishes of the Parish Council and the NPG wish this to be determined by an Examiner</p> <p>KLGS 2,6, & 8; see NPG response on 14/5/21 and the qualification to the designation in Appendix 3. The NPG are not aware of any specific proposals that would compromise the designation. If there are any could SHDC share them. Response to be reviewed by KTC</p> <p>The NPG is not clear how a meeting would progress this without clear proposals from SHDC.</p>	<p>1. No change</p> <p>2. No change</p> <p>KLGS 2,6 and 8; no change</p>

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	content of an Appendix would have secondary material significance to the Policy itself in the determination of any planning application. I WOULD SUGGEST A MEETING IS CONVENED WITH RELEVANT OFFICERS OF THE COUNCIL TO DISCUSS THE ISSUES RAISED.		
Policy KWAC Env3 Impact on the South Devon Area of Outstanding Natural Beauty (AONB), green corridors and green infrastructure.	I would suggest that some guideline regarding the “size and scale” of development that would trigger application of this Policy is provided.	The wording of the draft’ size and scale...development were added at the specific request of SHDC, other Reg.14 representations e.g. Devon Wildlife Trust objected to this and that all applications should address this policy. Now SHDC wishes to go further with specific size constraints.	Delete reference to size and scale and leave this to the Examiner to judge.
Policy KWAC Env 4 Locally Important Views	Concerns remain regarding the number of views subject of this Policy. Including so many could dilute the effectiveness of the Policy which should be aimed at key views.	See response to SHDC dated 14/5/21. The NPG do not consider the number of views excessive, in fact following a representation an additional view will be added.	No change
Policy KWAC Env 5 Prevention of light pollution	No comment.	Noted	Changes made following other representations.
Policy KWAC Env 6 Prevention of Flooding	As already suggested the EA’s views on the wording of this policy should be sought.	Noted, however we have not received any specific comments from the EA at Reg 14 comments from DCC were received and included.	Changes made following representations from DCC.
Policy KWAC Env 7 Carbon Reduction	I am presuming the “support” given here would also apply to development not requiring planning permission?	Noted, however development not requiring planning permission would not be subject to the provisions of this Plan so it is unclear why this comment is made.	No change
Policy KWAC Env 8, Encouraging renewable energy	No comment.	Noted	Changes made following other representations.
Policy KWAC Env 9, Allotments	As already indicated Trebble Park is identified as an LGS and that designation could prejudice potential improvements thereto.	See previous response 14/5/21 evidence has been provided that there is a waiting list for Trebble Park allotments and that it is a valued resource (see Appendix	Will change the last sentence as suggested.

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	Suggest last sentence of this Policy would better read..... "Where appropriate development that includes....."	A3). We are unaware of any 'potential improvements' that might affect the proposed designation	
Policy KWAC Env 10 Promotion of tree planting	The opening paragraph appears to limit applicability to "private gardens and on shared community space". Second paragraph, last sentence; this need not be included since this is already dealt with through the planning application process.	Noted however it is not clear where in the local planning process community planting is supported	Amend first para. deleting within.community space.
Policy KWAC H1 Affordable Housing	1. Para 5.4.1 Last Sentence: Policy KWAC Env1 accepts the presumption in favour of development within the Settlement Boundaries of West Alvington and Churchstow. I suggest limiting such to affordable housing is not permissible. 2. As already indicated I consider this Policy is over complicated, prescriptive and includes potential and actual conflicts with JLP Policy. I repeat below the concerns already raised and others that have become apparent:- Criterion a) The JLP sets out the %age of affordable homes that should accompany devevelopment proposals. Any deviation from this should be fully evidenced. This Policy seeks to identify other criteria that should be applied when making this assessment. The justification nor the evidence give a clear explanation of why this is necessary. Criterion b) Please see JLP Policy DEV8 which sets out the basis for seeking a locally appropriate mix of housing types. This Policy should form the basis for drafting this criteria.	1. noted however this provision (in supporting text) was included at the specific requests of the respective Parish Councils. We would prefer if the Examiner judges if it is permissible. 2. See our response on 14/5 where we drew SHDC's attention to similar policies in other local made N plans. a) This text is similar to Salcombe and South Huish made Plans (adjacent parishes) so we are unclear why SHDC query this and not previous plans. b) As above d) There has not been a viability test however, this is the conclusion of the HNA. Please refer to Appendix A8 paras 19,207 and section 4.4. f) We have quoted the SHDC local allocation policy and the exceptional circumstances provisions of it (paras 1.2 and 4.4) the Plan is not deviating or amending the allocation policy. e) We recommend that SHDC look further into the HNA in particular paras 145, 146 and 198 and the testing of the conclusions. Given the challenging affordable housing market in the Plan area we are unsure why SHDC chose to query rather than support the HNA conclusions. Given the position taken by SHDC to both the Plan and supporting HNA we are unsure what benefit a meeting will	1. No change 2. No change a) No change b) No change d) No change f) No change e) No change

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	<p>Criterion d) Have the %ages set out been subject of viability testing?</p> <p>Criterion f) Last sentence: It is not acceptable to seek to amend the Allocation Policy under the aegis of an NP Policy.</p> <p>Criterion e) Have you evidence to submit showing the 50% discount is viable. The AECOM HNA states the highest possible discount should be sought but qualifies this (para 143) by stating “where there is evidence to suggest this is appropriate”. My assumption is this would include viability testing. Has the Group undertaken this work?</p> <p>AS YOU WILL NOTE I HAVE SIGNIFICANT CONCERNS REGARDING THE CONTENT OF THIS POLICY. I WOULD SUGGEST A MEETING IS CONVENED WITH THE RELEVANT OFFICERS OF THE COUNCIL TO DISCUSS.</p>	<p>deliver and we would prefer to defer to an independent Examiner</p>	
Policy KWAC H2 Market Housing	No comment.	Noted	No change
Policy KWAC H3 Rural Exception Sites outside the settlement boundariES	This Policy repeats JLP Policy without adding to it.	We disagree, please note (as previously advised on 14/5/21) that similar policy wording has passed examination in South Huish, and gives clarity to the principle of Rural Exception Sites for the Plan area. We question why SHDC are querying this. JLP policy TTV 27 makes no mention of Rural Exception Sites, the only reference in the JLP is in the definitions (page 360) which is less specific than the NPPF definition.	No change
Policy KWAC H4 - Principal Residence	Thank you for sending me the Northumberland Policy. The Northumberland Local Plan hasn't reached Public Inquiry as yet	The policy wording is quite explicit but we will add further clarity.	'an individual' parish added to text

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	<p>so this Policy has not been adopted. I am content however that a Policy along these lines is included in the NP. I believe the NP should be explicit that the Policy applies individually to each of the Parishes.</p> <p>On another note the Census is not always the best indicator. Most Groups produce evidence based on the Census plus other available information often survey work carried out by themselves. Suggest therefore the evidence base to be relied upon is wider and more flexible.</p>	<p>The definition of ‘household spaces with no usual residents’ is an established measure/ indicator under the census and the definition of second homes. SHDC’S suggestion of alternative indicators based on further surveys is not in our view practical as once made the NPG will be dissolved and the responsibility falls on to the Parish Council and possibly the District. The policy wording is based on advice in the HNA (paras 235 and 237) and the example of the Northumberland Local Plan (policy HOU8(4) or HOU10)</p>	
<p>Policy KWAC Em1 Additional employment land and safeguarding of existing employment uses.</p>	<p>I reiterate the potential mismatch between this Policy and KWAC BE1.</p> <p>Since providing the pre Reg 14 comments I have received the following comments from my Strategic Planning colleagues:-</p> <ul style="list-style-type: none"> This policy is ambiguous in its intent – is it safeguarding employment land/sites for employment use, or not? <i>‘Retention of existing employment sites is supported unless...’</i> – which suggests that their non-retention may be acceptable. The next sentence then states <i>‘Changes of use resulting in the loss of employment land to the plan area will not be supported’</i>. If that is the case then the sentence that precedes it is contradictory and superfluous. The words <i>‘to the plan area’</i> are not clear and should be deleted. If the wording <i>‘to the plan area’</i> has been included to try to retain any 	<p>We do not consider the first to sentences contradictory, the intention is to identify new employment land (through brownfield sites) and retain existing within the overall (Neighbourhood) Plan area. To delete ‘plan area’ would be misleading however we shall clarify the text.</p> <p>The intention was to identify additional employment land through the intensification of existing brownfield sites however SHDC appear to be discouraging this through later comments on KWAC BE1</p> <p>We are surprised that SHDC are criticising this policy. They will be aware that in the absence of an economic strategy for the district the NPG commissioned Economic Strategy Research (Appendix A6) This are other policies are informed by this research.</p>	<p>Text expanded</p>

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	<p>employment uses that seek to relocate within the NP area, then the plan needs to make this clearer. However, if this is the intention – then <u>where</u> are they going to relocate? Does the NP allocate additional employment sites? Some of the ‘bad neighbour’ uses referred to might be best relocating at Torr Quarry employment estate – but this is in a neighbouring parish (Buckland-Tout-Saints) outside of the NP area. By promoting the relocation of such uses the danger is that they will move away from the NP area and potentially outside of the district; this cannot be controlled.</p> <ul style="list-style-type: none"> • It is possible that the NP is attempting to deal with certain site <u>users</u> (i.e. specific occupiers), whereas the plan can only deal with land <u>uses</u>. <p>The policy includes in its title ‘<i>Additional employment land...</i>’, but the NP neither allocates any specific additional sites, nor sets out any clear policy guidance on what might constitute ‘<i>other suitable sites</i>’</p>		
<p>Policy KWAC Em2 the regeneration and intensification of employment sites at Lower Union Road and Orchard Industrial Estate.</p>	<p>I reiterate my strong concerns regarding the content of this Policy. It remains my view that redlining this area in the NP, at this juncture, could lead to undesirable consequences. For example the buying and selling of land may be unduly affected since the proposed designation will appear on land searches. The Roger Tym Study is dated, the preparation of a Development Brief for this area should be</p>	<p>Please refer to our response (14/5/21) to SHDC’s earlier comments in particular that the concept for regenerating this area is not new (see Local Plan 1989- 2001 policy KP2 Employment Area 3) The red line follows a similar (KP2 EA3) form omitting the built out supermarket site) The RTP study was funded by the town and public grants, there is a high level of local support from land owners and the community so we are surprised SHDC do not support it.</p>	<p>No change proposed.</p>

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	based on up to date research alongside robust and full consultation with landowners, tenants and employees. The Development Brief that has been produced sets out good ideas for future development/redevelopment of the area. I suggest this needs to be worked through fully with stakeholders before its inclusion in the NP.		
Policy KWAC Em3 Support for the central shopping area of Kingsbridge	No comment.	Noted	No change
Policy KWAC Em4 Mixed use employment	No comment	Noted	No change
Policy KWAC Em5 Promotion of innovative tourism businesses	No comment,	Noted	Changes made following other representations.
Policy KWAC Em6 Support for training links	No comment	Noted	No change
Policy KWAC BE1 Brownfield first	My strong concerns regarding the content of this Policy set out in my email dated 22/3/21 which, amongst other things, stated "Your proposal to promote the development of brownfield sites as a priority reflects National and Local Policy. I am concerned however that allocating these sites in the NP could give rise to issues. In the first instance have the owners of these sites been approached to determine their views on the potential for redevelopment if not I consider obtaining their position in advance of formal consultation is important. In the second, and as important as the first, has any work been	The owners of all the sites identified in Appendix B36 have been notified and we have not received any adverse comments. We have previously notified SHDC of this. The draft policy wording follows advice from consultants AECOM offered as part of their HNA work, this was passed on to SHDC on the 12/5/21 by email. This email also advised the following: <i>'Your suggestion that we carry out 'robust assessment and consultation' is in my view premature and against the intention of the policy. If appropriate such work would be outside the capacity of the steering group and the level of support I can provide. To address your concerns it may be necessary to omit the appendix and any reference to</i>	Changes made to policy text following this and other representations.

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	<p>carried out to test whether these sites can in fact be redeveloped. It is a requirement that sites identified for development/redevelopment in a NP are accompanied by technical, landscape and environmental assessments that exhibit to an Examiner that sites earmarked in the NP can in fact be developed. Two further issues: firstly, I assume, but this is not stated, that the preferred use for these sites is housing?.... and secondly I note some of the sites are currently being used so are not technically brownfield. Despite this, my initial view is that formal allocation of these sites in the Plan should not be made.”</p> <p>My concerns remain regarding the content of this Policy. These concerns are reinforced by the comments made by Historic England, Natural England and the Environment Agency regarding the lack of any formal assessment of the sites in question.</p>	<p><i>particular sites however this dilutes the policy significantly. Initial consultations with the community/ stakeholders suggests there would be strong support for the plan’s current approach to promoting important brownfield sites in the town so to lose this policy would be unfortunate. In my view the need for a development brief in advance of a planning application would be highly beneficial to the landowner and would help deliver a successful development so I am not sure why this would be considered contentious or counter to the interests of owners and residents.’</i></p> <p>The SHDC comment misrepresents the responses from HE, NE and EA (no comment received at Reg 14) any concerns they have we believe can be addressed by additional policy and supporting text.</p> <p>Discussions with SHDC are ongoing but we are unsure why the LPA have concerns over this policy, as it contributes to sustainable development . The policy has regard to national policy and guidance in particular para 119 of the NPPF and is in our view in general conformity with strategic JLP policies. We consider it meets the tests of para 37 of the NPPF.</p>	
<p>Policy KWAC BE2 Kingsbridge Quayside and town square</p>	<p>My Pre Reg 14 comments stated:-.... “The Policy and Design Brief proposed for Kingsbridge Quay differs from the JLP Policy TTV10 in that it introduces elements, for example the retention of like for like car parking, that could undermine the possibility of achieving a viable scheme on this site. I would suggest that, in the first instance, a meeting is convened with relevant officers of</p>	<p>Your comment was addressed in our response dated 14/5/21. We see no contradiction in the policy and supporting development brief. These develop and expand on JLP policy TTV10. SHDC should remember that past proposals for the Quayside have been strongly resisted by the community, the policy and brief set out to address these concerns in a positive manner. SHDC’s stance is contrary to this.</p>	<p>Changes following discussions with officers of SHDC</p>

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	<p>South Hams Council to discuss the content of this Policy and the Brief.”</p> <p>I would add to this my concerns raised under KWAC T2.</p> <p>It was suggested we meet and you did offer to to so during the Reg 14 consultation.</p> <p>Unfortunately this was not possible. I would suggest a meeting as soon as possible.</p>		
Policy KWAC BE3 Design Quality	<p>I reiterate the comments made in regard of the Pre Reg 14 submission:-</p> <p>“There is no need to repeat requirements that are already specified in the JLP and SPD. Section 2 of this Policy (regarding subdivision) I believe would be better served as stand-alone Policy. I would suggest that an evidence base for this new policy is produced based on issues that have arisen ie cases where subdivision has been detrimental.”</p>	<p>See our response on 14/5/21. The policy goes beyond the provisions of the JLP and once made as part of the Development Plan would have greater weight than the SPD . Please refer to the made version of the South Huish NDP where plot sub-division was included within a design quality policy. No additional evidence was requested by the examiner or SHDC on this so we are unsure why it is being requested now.</p>	No change proposed
Policy KWAC BE4 Safeguarding Designated and Non-Designated heritage assets and the conservation areas of Kingsbridge and West Alvington	<p>I reiterate my comments made in regard of the pre Reg 14 consultation:-</p> <p>1) “This Policy need not repeat the Policy protection afforded to Designated Heritage Assets which already enjoy adequate protection from these Policies.”</p>	<p>See our response on 14/5/21, the policy wording follows similar lines to made plans(e.g. South Huish) . The policy wording received no adverse comments from HE at Reg 14.</p>	No change proposed
Policy KWAC T1 Sustainable Transport routes	<p>“I would suggest this Policy is fully discussed with relevant South Hams’ officers. I can provide contact details. My attention has been drawn to potential inconsistencies in the content and concerns at not being able to fully comment on the suggested routes without access to a proposals plan”.</p>	<p>the policy has been revised following specific and constructive comments from DCC and the Devon Countryside Access Forum. It is not clear what extra SHDC Officers can add. The routes and ‘potential’ inconsistencies have been addressed including deleting Figure 29</p>	Changes made to policy text following other representations.

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Policy KWAC T2 Non-fossil fuel vehicle hub	Please see comments on Policy KWAC BE2. My comments in regard of the Pre Reg 14 consultaion were:- " I would suggest this proposal is added to the discussion with relevant South Hams officers as indicated."	See comments on BE2.It is not clear what a meeting with officers would deliver. Please note this policy has been supported at Reg 14 by all other consultees.	No change proposed
Policy KWAC T3 Car Parking	I repeat the comments made in regard of the Pre Reg 14 consultaion:- Criterion b) is overly restrictive. Criterion f): I am presuming the land proposed for the car park is in public control?....If not has the owner been consulted	As stated previously (14/5/21) b) reflects the wishes of the parishes and town and a very similar policy wording was considered sound at Examination for the South Huish NP. As previously advised to SHDC (my email 24/8/21) the land referred to under f) is the subject of a S106 agreement with the developer of Reeves Way.	No changes proposed
Policy KWAC T4 Traffic calming	As indicated in my Pre Reg 14 comments Devon CC Highways should be consulted on this Policy. I believe the issues covered by the Policy would be more appropriately addressed as a Community Aspiration.	DCC (Planning, transportation and environment) have submitted a representation but made no reference to this policy. As explained in our response of 14/5/21 we shall await the advice of the Examiner. The need for traffic calming in areas of the Plan area is well supported by the Parish and Town Councils and the community. Similar policies have been considered sound at examination e.g Kenton (Teignbridge)	No change proposed
Policy KWAC T5. The Primrose Trail	No comment	Noted, however it has be decided following other representations to delete this policy	Policy deleted based on other representations
KWAC HW1 Community facilities	I am presuming the owners of the community facilities listed have been consulted individually?	The facilities are well established in the community, many in public or community ownership. The community groups were consulted as part of Regulation 14	Changes made to policy text following other representations.
KWAC HW2 Open Space	I reiterate my comments made in regard of the Pre Reg 14 consultaion:-	See our response dated 14/5/21. We are not sure what benefit a meeting with officers would gain. Similar wording	No change proposed

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	“ I would suggest however that the first paragraph of this Policy is discussed with relevant South Hams’ officers to ensure this aligns with the Council’s approach.”	was accepted as sound at examination on South Huish and Salcombe NDPs	
KWAC HW3 A community centre for Kingsbridge	The comments of Historic England raise concerns regarding Paragraph 5.8.6 which I am sure you will address. I note the proposals have been removed form this Policy as requested.	Noted, para. 5.8.6 amended	Text amended in 5.8.6.

PS 10/9/21

Updated 7/10/21