

# **STOKE FLEMING NEIGHBOURHOOD PLAN**

## **Submission Draft Version**

**A report to South Hams District Council  
into the examination of the  
Stoke Fleming Neighbourhood Plan  
by Independent Examiner, Rosemary Kidd**

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## 1.0 Summary

- 1.1 The Stoke Fleming Neighbourhood Plan has been prepared to set out the community's wishes for this parish which contains the village of Stoke Fleming and surrounding countryside.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
  - The deletion of Policies H1, H2, H5, and E3;
  - Clarification of the wording of policies and the supporting text; and
  - Improvements to the mapping of policies.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Stoke Fleming Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

## 2.0 Introduction

### Background Context

- 2.1 This report sets out the findings of the examination into the Stoke Fleming Neighbourhood Plan (referred to as the SFNP throughout this report).
- 2.2 Stoke Fleming village lies about three miles to the south west of Dartmouth within the boundary of South Hams District Council. The parish runs from its boundary with Dartmouth in the north to the shores of Start Bay. Stoke Fleming village and the southern part of the parish lie within the South Devon AONB. It is a rural parish with an historic village at its core containing a conservation area and several listed buildings. There are also several smaller communities within the parish. At 2011 there were 1019 people living in Stoke Fleming in 577 households.

### Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Stoke Fleming Neighbourhood Plan by South Hams District Council with the consent of Stoke Fleming Parish Council in May 2018. I do not have any interest in any land that may be affected by the SFNP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies. My appointment was facilitated through the Neighbourhood Planning Independent Examiner Referral Service.

### Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
  - The Neighbourhood Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area); and

- The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.

2.5 An Independent Examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to neighbourhood plans:
  - Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further Basic Condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

2.6 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the plan should proceed to referendum if modified; or
- That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

2.7 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should

extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension.

- 2.8 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
- 2.9 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

### **The Examination Process**

- 2.10 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.
- 2.11 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.
- 2.12 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I have considered the documents set out in Section 5 of this report in addition to the Submission draft of the Stoke Fleming Neighbourhood Plan 2018 – 2034.
- 2.13 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening report for the Habitats Regulation Assessment and the Strategic Environmental Assessment Environmental Report. In my assessment of each policy I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.
- 2.14 I have undertaken an unaccompanied visit to the Plan area and viewed the sites referred to under the policies in the plan.

## **Legislative Requirements**

### **Qualifying Body**

- 2.15 The neighbourhood plan making process has been led by Stoke Fleming Parish Council which is a “qualifying body” under the Neighbourhood

Planning legislation which entitles them to lead the plan making process. The Plan was prepared by the Neighbourhood Plan Steering Group.

- 2.16 I am satisfied that the requirements set out in the Localism Act (2011) and in Section 61F(1) and (2) of the Town and Country Planning Act (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act) have been met.

### **The Plan Area**

- 2.17 The Neighbourhood Plan area is co-terminus with the parish of Stoke Fleming. The area was designated by South Hams District Council on 5 June 2014 as a Neighbourhood Area. The Basic Conditions Statement confirms that there are no other neighbourhood plans relating to that area.
- 2.18 This satisfies the requirements of preparing a Neighbourhood Development Plan under section 61G (1) (2) and (3) of the Town and Country Planning Act 1990 (as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004) and regulations 5, 6 and 7 of the Neighbourhood Planning (General) Regulations 2012.

### **Plan Period**

- 2.19 A neighbourhood plan must specify the period during which it is to have effect. The Foreword to the Plan states that the lifespan of the Neighbourhood Plan is 2018 – 2034 and this date is shown on the cover of the Plan and on the headers in the Plan and other background documents.

### **Excluded Development**

- 2.20 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.

### **Development and use of land**

- 2.21 The Neighbourhood Development Plan should only contain policies relating to development and use of land. Subject to the modifications proposed, the SFNP would be compliant with this requirement of Section 38B of the Planning and Compulsory Purchase Act 2004 as amended.
- 2.22 The submitted Plan contains a number of non land use Community Projects and these are clearly distinguished from the land use planning policies in section 9 of the Plan. Paragraph 9.1 confirms that they are not planning policies.
- 2.23 I am satisfied therefore that the Stoke Fleming Neighbourhood Plan satisfies all the legal requirements set out in paragraph 2.4 above.

## The Basic Conditions

### Basic Condition 1 – Has regard to National Policy

- 2.24 The first Basic Condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
- 2.25 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.26 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:
- “Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”*
- 2.27 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that:
- “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*
- 2.28 The NPPF of 2012 is referred to in this examination. Paragraph 214 of Appendix 1 of the July 2018 NPPF states that the policies of the 2012 NPPF will apply for the purpose of examining plans where those plans are submitted on or before 24 January 2019. The footnote to this paragraph confirms that this applies to neighbourhood plans.
- 2.29 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the strategic development needs set out in the Local Plan*” and further states that “*the neighbourhood plan must address the development and use of land by setting out planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan*”.

- 2.30 Paragraph 16 of the National Planning Policy Framework is clear that those producing neighbourhood plans should support the strategic development needs set out in local plans, including policies for housing and economic development. Qualifying bodies should plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. PPG guidance under Rural Housing states that *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless they can be supported by robust evidence”*.
- 2.31 The Basic Conditions Statement describes the Plan objectives, reasoned justification and resulting policies and how they are aligned with national policy and guidance. It demonstrates that the Plan has regard to the elements set out in the NPPF, relevant to the Plan Area and to delivering sustainable development.
- 2.32 I consider the extent to which the policies of the plan meet this Basic Condition No 1 in Section 3 below.

### **Basic Condition 2 - Contributes to sustainable development**

- 2.33 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.34 There is no legal requirement for a formal Sustainability Appraisal to be carried out in respect of neighbourhood plans. However good practice suggests that where neighbourhood plans are allocating land for development an appraisal should be carried out.
- 2.35 Section 6 of the Basic Conditions Statement and the Sustainability Matrix consider how the policies of the SFNP contribute to the delivery of sustainable development with regards to economic, social and environmental aspects. It shows that the Plan’s policies are, in the main, either neutral in effect or will make Stoke Fleming more sustainable.

### **Basic Condition 3 – is in general conformity with strategic policies in the development plan**

- 2.36 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The adopted strategic policies covering the Neighbourhood Plan area are contained in the South Hams Local Development Framework Core Strategy which was adopted in 2006 and the 2010 Development Policies DPD. There are also saved policies from the 1996 Local Plan. Two housing

sites for about 60 houses were allocated in Stoke Fleming village in the 2011 Site Allocations (Rural Areas) DPD.

- 2.37 South Hams District Council is preparing the Plymouth and South West Devon Joint Local Plan 2014 – 2034. It is well advanced and the examination stage concluded in March 2018.
- 2.38 As the adopted LDF predates the 2012 NPPF, care is needed in its use as some of the policies may be considered to be out of date. I have referred to the evidence base for the emerging joint Local Plan where relevant and appropriate in my consideration of the basic conditions to ensure that the SFNP supports the strategic development needs in the emerging Local Plan and does not place blanket restrictions on future development in the area unless it is supported by robust evidence.
- 2.39 The Basic Conditions Statement describes the Plan objectives, reasoned justification and resulting policies and how they are aligned with adopted LDF policies in the 2006 Core Strategy and 2010 Development Management DPD.
- 2.40 The Council raised no concern over general conformity with the strategic policies of the development plan. I consider in further detail in Section 3 below the matter of general conformity with the strategic policies of the plan.

#### **Basic Condition 4 – Compatible with EU obligations and human rights requirements**

- 2.41 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.42 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the responsible authority (South Hams District Council) that the plan is not likely to have “significant effects.”
- 2.43 A Strategic Environmental Assessment Environmental Report of the SFNP was published in September 2017. This considered the effect of the three options of the scale of housing growth and the five alternative sites. The environmental impact of the proposed car park site was not assessed. The Assessment concluded that:

*“The assessment has concluded that the current version of the SFNP is likely to lead to significant positive effects in relation to the ‘population and community’, ‘health and wellbeing’ and ‘transportation’ SEA themes. These benefits largely relate to the SFNP’s focus on enhancing the quality of life of residents and accessibility, including through the protection and enhancement*

*of open space and green infrastructure networks, and its focus on improving pedestrian linkages in the Neighbourhood Plan area. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing landscape and villagescape character and the setting of the historic environment, leading to significant positive effects in relation to the 'landscape and historic environment' theme.*

*"The current version of the SFNP will initiate a number of beneficial approaches regarding the 'biodiversity', 'land, soil and water resources' and 'climate change' sustainability themes. However these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan and the scale of proposals."*

- 2.44 A screening opinion for the purposes of Habitats Regulations Assessment was undertaken by South Hams District Council in March 2017. The Screening Report concluded that:

*"The Council considers that there are no European Sites in the vicinity of Stoke Fleming that could be subject to significant effects from developments proposed in the Stoke Fleming Neighbourhood Plan and that therefore further assessment under the Habitats Regulations is not required."* This confirms that it is considered that the draft plan does not require further assessment under Article 6 or 7 of the Habitats Directive (Art. 3.2(b)).

- 2.45 The statutory environmental bodies: Historic England, Natural England and the Environment Agency were consulted on the SEA and HRA screening report as part of the consultation on the Submission draft Plan.

- 2.46 Historic England has commented that *"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 ... suitability of the allocation [of the Rectory Field site] 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.*

*"On this basis we are not confident that sufficient evidence exists to demonstrate the suitability of the [Rectory Field] 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."*

- 2.47 I have asked the Local Planning Authority to respond to these comments and their Conservation Office has undertaken a heritage assessment of the proposed housing site. The assessment has concluded that *"subject to suitable design, scale and layout, there is little likelihood of harm to Stoke*

*Fleming Conservation Area*". Concern was expressed that "the scale of development proposed was optimistic based on the nature of development in the vicinity of the site. The greater the number of houses proposed, the greater the design challenge to avoid harm to the setting of the listed building". I have commented further on the scale, design and layout of the development of the site under Policy H3.

- 2.48 The heritage assessment also included consideration of the impact of the proposed car park in Policy RT3 on the setting of the Grade II\* Church of St Peter. It concluded that as the land is elevated above the road level closest to the church, the view of vehicles may impact on the setting. It proposes that visual issues could be overcome by providing a significant planted buffer at the eastern end of the site and by cutting the car park into the site. I have recommended that modifications to Policies H3 and RT3 be included to set out appropriate mitigation measures from the Heritage Assessment.
- 2.49 Natural England has commented on proposals to allocate a new car park for 34 cars in Policy RT3. 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. Natural England states that "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".
- 2.50 I have asked the LPA to undertake a Landscape Impact Assessment of the proposed car park site. This included proposals for design mitigation measures to reduce the potential impact of the proposed car park on the landscape of this area which lies within the AONB. I have made a recommendation under Policy RT3 that these mitigation measures should be included in the policy.
- 2.51 Subject to the inclusion of the additional assessments on heritage and landscape impact on the Rectory Lane housing site and the car park, I am satisfied that the SEA and HRA have been carried out in accordance with the legal requirements. It is recommended that the SEA Environmental Report should be revised to incorporate the additional assessments on heritage and landscape impact and their conclusions and recommendations.
- 2.52 The Basic Conditions statement includes a section on Human Rights and states in paragraph 6.1 that "The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act."

2.53 However no assessment has been provided of how the plan has had regard to Human Rights. I have asked the Qualifying Body to confirm the steps they have taken to ensure that the views of all sections of the community including the hard to reach groups have been canvassed and taken into account in preparing the Plan. From the evidence provided, I am satisfied that they have met the requirements of the Human Rights Act. It is, however, recommended that an assessment of how the plan making process has had regard to Human Rights should be included in the Basic Conditions Statement. The text set out in the recommendation has been proposed by the Local Planning Authority.

**Recommendation 1:**

**Incorporate the additional assessments on heritage and landscape impact and their conclusions and recommendations into the SEA Environmental Report.**

**Include an assessment of how the plan has had regard to the Human Rights Act in the Basic Conditions Statement as follows:**

**“It is considered that the Stoke Fleming Neighbourhood Plan has met the requirements of the following Articles of the Human Rights legislation: Article 1 – Protection of property: Article 8 – Right to respect for private and family life: Article 14 – Prohibition of discrimination: Protocol 12 – Article 1 – General prohibition of discrimination.**

**“The Plan seeks to improve the quality of life of people living and working in the parish at present and future generations from an environmental, social and economic perspective. There has been extensive input from the community and stakeholders, as detailed in the accompanying Consultation Statement, and the Plan has consulted those who live, work or run businesses in the Plan area as well as the statutory consultation bodies whose interest may be affected, as required by Regulation 14 of the Neighbourhood Planning Regulations.”**

**Add the following to the end of paragraph 5.19: “.....The Steering Group has endeavoured to meet the requirements of the Human Rights Act by seeking the views of all sections of the community and seeking to improve the quality of life of all people living and working in the Plan area.”**

2.54 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the SFNP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

## Consultation on the Neighbourhood Plan

- 2.55 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.56 The Consultation Statement sets out an overview of the various stages of consultation that have been carried out during the preparation of the Stoke Fleming Neighbourhood Plan. It highlights the aims of the consultation and summarises the consultation process undertaken during the preparation of the plan. Feedback from each stage of the consultation is recorded in the Appendices of the evidence report.
- 2.57 The preparation of the Neighbourhood Plan commenced in March 2014 with a presentation at the annual parish meeting followed by a public meeting in May 2014. This was followed by:
- June 2014 - Two Village Check days were undertaken to encourage the community to walk around the village and put forward suggestions.
  - November 2014 – The Steering Group was established and started work on drafting a document setting out options, based on consultation responses.
  - March 2015 - “Choices for Change”, a 12-page colour booklet setting out 55 options, was distributed to every household, with questionnaire and household survey. More than 260 responses were received out of approximately 550 households, a rate of just under 50%.
  - April 2015 – The responses from the consultation were published.
  - July 2015 - Rural survey, business survey and consultation with agricultural community were undertaken.
  - November 2015 - Public consultation on the first draft of the NP. 115 people attended, of whom 74% completed a response form and 34% a short supplementary questionnaire.
  - March – June 2016 – meetings with South Hams and Devon County Council officers. Work on NP suspended due to uncertainties arising from the announcement of the commencement of the new Joint Local Plan.
  - March 2017 - Pre-submission draft NP published on the parish website and a summary distributed to all households with the Stoke Fleming Magazine.
  - 10 April - 30 June 2017 - The draft plan was consulted on under Regulation 14 from 10 April - 30 June 2017. A village meeting was held on 10 April. Full copies of the plan were available for discussion. Forty-five responses were received to the consultation. Statutory consultees were informed of the consultation.
  - September 2017 – SEA Environmental report published on pre-submission draft of the NP.
  - October 2017 The Submission draft of the NP was forwarded to the LPA for informal assessment prior to final submission.
- 2.58 Publicity for the consultation events was undertaken through:

- A Neighbourhood Plan website, [www.stokefleming.org](http://www.stokefleming.org).
  - Through monthly articles in the Stoke Fleming Magazine and periodic ones in the weekly Dartmouth Chronicle.
  - By e-mail newsletters, using a database compiled from response forms
  - By publishing minutes of Steering Group meetings, which were open to the public, on the website and in the Stoke Fleming Magazine.
- 2.59 The Regulation 16 consultation on the Submission Draft Plan was undertaken by South Hams District Council between 20th February and 3rd April 2018. Six representations were received, some making several comments.
- 2.60 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.
- 2.61 This report is the outcome of my examination of the Submission Draft Version of the Stoke Fleming Neighbourhood Plan 2018 - 2034. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. If the plan receives the support of over 50% of those voting then the Plan will be made following approval by South Hams District Council.

### 3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The Plan is well presented with policies and community projects relating to housing, transport, environment, business and employment. One site is proposed for allocation for housing development and one is allocated for a car park. The Community Projects are set out in section 9 and are distinguished from the planning policies by different coloured background shading. The introduction to section 9 explains that the community projects are not planning policies and do not form part of the development plan.
- 3.5 Although Map 4 is titled “Development Options” it shows sites referred to in the Plan. It is a legible map and shows the boundaries of the sites clearly and is cross referenced to the relevant policies. My recommendation to Policy H6 is that the development boundary shown on Figure 1 should be shown on a larger scale map so that it is legible. It is recommended that a Policies Map with Inset Maps (as necessary) be included in the SFNP as a single point of reference to show the boundaries of all sites referred to in the policies.
- 3.6 There are a number of places where the policies include unnecessary wording which explains how the policy has been developed or how it is to be used. It would be more appropriate for this to be included in the justification. I have made recommendations on each policy to delete the wording or to place it in the justification.
- 3.7 The Environment Report sets out three options that have been considered for the housing numbers to seek to deliver the housing requirement of the emerging Local Plan. Five site options have been assessed for their potential for housing development. The Report explains the reasoning for the selection of the housing numbers and the site option. I give further consideration to the housing requirement under Policy H1. Appendices B and E of the SFNP set out the reasons for not selecting sites and the site sustainability information. It

would be helpful to plan users to include a reference to the assessment of housing sites in Appendix E in paragraph 5.8. I have included this in Recommendation 1.

**Recommendation 2: Include a Policies Map with Inset Maps to show the boundaries of all sites referred to in the policies.**

**Include a reference to the assessment of housing sites in Appendix E in paragraph 5.8.**

## The Neighbourhood Plan - Policies

### Introduction

- 3.8 The Introductory sections of the Plan are well presented and give a clear and concise overview of the purpose of the Plan, the Plan area, a brief history and development of the villages and the community of the parish. Section 4 sets out the Planning Context of the adopted and emerging Local Plans. Section 5 summarises the process of preparing the plan including a summary of the consultation process and the site selection process. Figure 1 shows the Plan area, the extent of the AONB, the undeveloped coast and the Stoke Fleming development boundary.
- 3.9 On page 2 of the Plan there is a Mission Statement and The Vision. It is not clear what the purpose of the Mission Statement is, other than as an introduction to the Plan. Section 7 is headed The Vision and sets out the vision and objectives.
- 3.10 There are a number of inaccuracies in the introductory sections concerning the procedures for making the NP and its status when made. The following modifications are recommended to correct them.

**Recommendation 3:**

**Revise the first paragraph of the forward to read: “Once *made, following a referendum, our Neighbourhood Plan...*”**

**Revise paragraph one of the Mission Statement to read: “...and *partly lying within the Area of .....*”**

**Revise paragraph 1.1 to read: “....NDP to establish planning policies for the use of land and *to guide* the future development and growth of the Plan Area.”**

**Revise paragraph 1.3 to read: “The SFNP will be subject to *independent examination to check that it complies with .....*A referendum will then be held and if more than 50% of the electors vote in favour of the Plan it will be made by South Hams District Council. Once made the NP will form part of the Development Plan for the area together with the South West**

**Devon Joint Local Plan. *The SFNP will then be used in determining planning applications in the plan area.***

**Revise paragraph 5.8 to read: “....SHDC Site Allocation DPD 2011. *Appendix E sets out the assessment of housing sites and confirms that all were considered to be potentially suitable. At the same time ..... Environment and Community were agreed for consultation purposes.***

**Revise paragraph 5.16 to read: “...review by an *independent examiner...*”**

**Revise the second sentence of paragraph 5.18 to read: “*If a majority of electors vote for the NP it will be made by South Hams District Council and used in the determination of planning applications.*”**

### **Planning Context and Executive Summary**

- 3.11 Section 4 sets out the details of the adopted and emerging development plan for the plan area. The list omits the 2010 Development Management DPD and the 1996 Saved Local Plan policies which should be included for the sake of completeness. Paragraph 4.2 may need to be updated before the SFNP is made.
- 3.12 To explain the context of the SFNP it would be helpful if Section 4 included a brief factual summary of the status of Stoke Fleming village in the adopted and emerging Local Plans, the emerging JLP proposals for development at Cotton and the Local Plan evidence for the housing numbers for the SFNP. Information on the current commitments for the number of houses with planning permission should also be included. Some of this information is included in paragraphs 6.5 to 6.6 of the Executive Summary but it should be included in section 4 and be more fully and clearly explained.
- 3.13 Paragraphs 6.1 to 6.4 repeats text elsewhere in the introduction and it is recommended that it be deleted as it is unnecessary.

#### **Recommendation 4:**

**Delete section 6 Executive Summary. Include a brief summary in Section 4 of the status of Stoke Fleming village in the adopted and emerging Local Plans, the emerging JLP proposals for development at Cotton (noting that this is a Local Plan proposal to accommodate the growth of Dartmouth) and the Local Plan evidence for the housing numbers for the SFNP.**

### **Vision and Objectives**

- 3.14 The vision and objectives are set out in section 7. This is titled “The Vision” although paragraph 7.1 refers to “the core aim”. Paragraph 7.2 is titled “Objectives” but refers to “the intentions”. In the interests of clarity and consistency, it is recommended that the terms Vision and Objectives are used throughout.

- 3.15 The Vision and Objectives were developed through community workshops and consultation. The Vision seeks to strike a balance between maintaining and enhancing the character of the village and allowing for sustainable development to meet local needs and natural growth and respecting the environment.
- 3.16 There are seven objectives. Each is fairly lengthy and includes descriptive text about the village and some include an introduction to the policy approach to be used. To improve the clarity of the Plan, it is recommended that the objectives are revised to be focused on the key matter (eg maintain and enhance the landscape and natural setting of the area) with the remaining text included in supporting explanatory text.
- 3.17 The Plan's vision and objectives should provide the framework for the development of the policies of the Plan and there should be clear linkages between them. I have concerns that both the vision and objectives include reference to maintaining and improving community services and facilities, however, there are no policies in the Plan concerning these matters other than the designation of Local Green Space. Objective 6 is referred to in section 9 on community projects however none of the projects address the matter of protecting and enhancing community facilities. Objective 7 is not referenced from the policies of the plan. To improve the clarity and consistency of the Plan, it is recommended that a matrix is prepared to show the links between the vision and objectives and policies and those aspects of the vision and objectives that are not reflected in the policies should be deleted.

**Recommendation 5: Revise paragraph 7.1 to read: “The *Vision* of the NP....”**

**Revise paragraph 7.2 to read “The *Objectives* of the NP are .....**

**Revise the objectives so that they are focused on the key matter (eg maintain and enhance the landscape and natural setting of the area) with the remaining text included in supporting explanatory text.**

**Prepare a matrix to show the links between the vision, objectives and policies. Delete those aspects of the vision and objectives that are not reflected in the policies.**

### **Housing and Development Policies**

- 3.18 I have made a recommendation to include information in the planning context in section 4 on the status of the village and surrounding area from the adopted and emerging Local Plans. This would help to explain the appropriate level of growth in the plan area.
- 3.19 Stoke Fleming village is included in a list of villages in Policy CS1 in the adopted Core Strategy where development will be acceptable in principle within the development boundaries. The village is within the Area of

Outstanding Natural Beauty which the adopted strategic policies aim to safeguard.

- 3.20 It is noted that there are proposals in the emerging Joint Local Plan for a development of about 450 homes and 10,800 sqm of employment land in the area around the village of Cotton to serve the housing and employment needs of Dartmouth. Appendix D of the SFNP indicates that since 2014, 111 new dwellings have been completed or granted planning permission in the plan area. The Local Planning Authority has provided me with updated figures that show that there were 40 completions between 2014 and 2018 and that there are 38 dwellings under constructions or committed and not yet started at 31 March 2018: a total of 78 dwellings. Appendix D should be revised to include the latest figures.

### **Policy H1 Housing and Development Provision**

- 3.21 Policy H1 includes two paragraphs: one seeking to safeguard the visual character of the village along the A379 and the second making “allowance for up to 10 dwellings” to meet local needs and allow for natural growth. A site for up to 10 dwellings is allocated in Policy H3. Policy H1 notes that a second allocation on the east side of School Road has been taken out of the Plan.
- 3.22 The policies of the emerging Local Plan allow for sustainable development to meet local needs in rural villages such as Stoke Fleming. No indication is given of the level of housing development that is required to meet local need during the forthcoming plan period in the JLP. Until the Plan has been adopted, any proposed housing numbers may be subject to change and should not be relied upon by the SFNP as the basis for setting a housing requirement for the Plan area.
- 3.23 Paragraph 8.3.1 incorrectly uses the draft JLP indicative housing monitoring number of 10 dwellings to justify the number of dwellings to be allocated in the SFNP. This figure is included as an indication of the numbers that may come forward for monitoring purposes only. It is not intended to provide a steer to allocations in neighbourhood plans.
- 3.24 The first part of Policy H1 seeks to preserve the visual character of the village along the main A379 trunk road. It states that development will not be supported outside of the development boundary and areas where development has already taken place.
- 3.25 It is considered that this part of the policy does not have regard to national planning policy as it is unclear and incapable of implementation consistently by decision makers. The A379 runs through Stoke Fleming village from the north east to the south west. It is not clear where the policy is to be applied as it is not shown on a map. The LPA has commented that it is unrealistic to seek to preserve the visual character of a corridor through the village; I agree with this comment.

- 3.26 Policy H4 sets out factors to be applied in promoting high quality design. It is considered that the use of Policy H4 will ensure that development throughout the plan area will be appropriately designed. The first paragraph of Policy H1 is therefore considered to be superfluous.
- 3.27 The policy also seeks to impose a blanket restriction on development to the east of the village. This area is within the AONB and development proposals will therefore be subject to more stringent considerations under the strategic policies. No evidence has been provided to justify this blanket restriction on development as required by national planning guidance.
- 3.28 The policy refers to the AONB Management Plan 2014 – 19. This is under review at present; the Management Plan sets out a programme for the management the AONB. Relevant planning policies for the area are set out in the development plan.
- 3.29 The final sentence of the first paragraph of Policy H1 states that development is to be confined to sites that do not impact on the appearance of the village along the A379. The centre of the village is designated a conservation area where particular attention will be given to the design of development proposals in any case. The LPA has commented that sites along the A379 are within the development boundary where development is acceptable in principle and the policy requirement is too onerous and realistically unimplementable. I concur with these comments.
- 3.30 It is considered that the first paragraph of the policy has not had regard to national planning guidance and I am therefore recommending that it be deleted.
- 3.31 The second part of the policy sets out the housing requirement for the SFNP of up to 10 dwellings within the main settlement. I am not satisfied that the Plan has included satisfactory robust evidence to justify this level of housing need. As noted in paragraph 3.22 above the emerging JLP does not set a housing requirement for the Plan area and cannot be relied upon to provide the justification for the level of housing need in the Plan area. The figure of 10 dwellings quoted in the justification is an incorrect interpretation of the monitoring figures from the JLP. No independent evidence has been provided that gives an indication of the level of local housing need in the Plan area.
- 3.32 Moreover, the policy is worded that it “makes allowance for up to 10 dwellings”. It is considered that this form of wording is unclear and sets a cap on the number of houses to be developed in the village in the Plan period. I recommend that the first part of the second paragraph of Policy H1 should be deleted as it is not based on robust evidence, sets a cap on development and has not had regard to national planning policy.
- 3.33 The last sentence of Policy H1 is not a policy statement and should be deleted from the policy and included in background evidence on housing supply and site assessment.

## **Recommendation 6: Delete Policy H1 and the justification.**

### **Policy H2 Affordable Housing**

- 3.34 The policy sets out a requirement for developments of 11 or more dwellings to contain a minimum of 30% affordable housing which are to be allocated in accordance with the Local Lettings Policy set out in Appendix A.
- 3.35 The policy is considered to be unnecessary as it repeats part of emerging JLP Policy DEV8 - Meeting local housing need in the Thriving Towns and Villages Policy Area. It adds no local requirements other than reference to the lettings policy. It is considered that as this is a housing management policy and not a planning policy, reference to it should be included in the Community Projects section along the lines of *“The Parish Council will work with SHDC and housing providers to ensure that affordable housing is allocated in accordance with the Stoke Fleming Local Lettings Policy set out in Appendix A.”*

## **Recommendation 7: Delete Policy H2. The justification to the policy and evidence on affordable housing set out under Policy H1 may be positioned with the new Community Project.**

**Include a new Community Project with the justification concerning the allocation of affordable housing in accordance with the Local Lettings Policy:**

***“The Parish Council will work with SHDC and housing providers to ensure that affordable housing is allocated in accordance with the Stoke Fleming Local Lettings Policy set out in Appendix A.”***

### **Policy H3 Rectory Field Site**

- 3.36 Policy H3 allocates land at Rectory Field for up to 10 dwellings and is linked to Policies RT2 and RT3 for the construction of a new pedestrian route to School Road and improvements to the existing pedestrian route at Bird Walk.
- 3.37 SHDC has expressed concerns about the deliverability of the new and improved pedestrian routes as part of the proposed housing development. They have also questioned the ability of the site to deliver the affordable housing requirements of the plan area for the plan period as it is below the threshold of 11 dwellings.
- 3.38 The new and improved pedestrian route to School Road (Policy RT2) will provide improved access to the school from the eastern part of the village. The background evidence includes a letter from the owners of site H3 who have confirmed that a footpath link could be provided as part of the housing development. The Qualifying Body has stated that Stage 2 of the School Road housing development has included a passageway for the proposed

footpath link with funding available to help provide the bridge across the Devon bank that separates the two sites.

- 3.39 Concerning the improvements to Bird Walk (Policy RT1), correspondence received from the owners of Farwell House has been included in the evidence that they *“are happy in principle for the Neighbourhood Plan to slightly widen areas of the Bird Walk in order to provide a consistent width along its length. We also agree in principle to work with the Parish Council to improve the fencing along the Bird Walk.”*
- 3.40 The Parish Council has confirmed that additional funding for the improvements will be from the Parish Council and the development of site H3. The Action Plan under paragraph 10.4.1 should therefore be revised to confirm the means of delivery of the School Road footpath link (Policy RT2).
- 3.41 The owners of the Stoke Lodge Hotel have retained access to Farwell House. They have confirmed that they are prepared to agree in principle to a public right of way being created across their land to Rectory Field as part of the residential development of the site.
- 3.42 In response to a representation from Historic England, a heritage assessment has been carried out by SHDC on the impact of potential development on the Rectory Field site. The assessment concluded that *“subject to suitable design, scale and layout, there is little likelihood of harm to Stoke Fleming Conservation Area”*. Concern was expressed that *“the scale of development proposed was optimistic based on the nature of development in the vicinity of the site. The greater the number of houses proposed, the greater the design challenge to avoid harm to the setting of the listed building”*.
- 3.43 It is recommended that these mitigation measures should be included in Policy H3 to reflect the conclusions of the heritage assessment. The Policy should be revised to state that the scale, design and layout of the development should be sensitive to the location of the site within the setting of the listed building and the conservation area. The scale of development proposed in the policy may not be feasible within the heritage context and it is recommended that no figure is specified. Reference to “up to 10 dwellings” should be deleted as no evidence has been provided to demonstrate the scale of development that may be acceptable on this site within the context of the setting of the listed building and conservation area.
- 3.44 Paragraph 8.3.4 states that the JLP housing requirement can be fully met through the SFNP housing allocation at Rectory Field (Policy H3) and the allocated site on School Road. SHDC has made a representation and does not agree with the statement. They state that *“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.”*

- 3.45 National planning guidance is clear that neighbourhood plans should set out the latest evidence on housing need. As stated under Policy H1 the SFNP has not included robust evidence on local housing need that would support the statements under paragraph 8.3.4. The appropriate level of housing need would then be left to be determined through the JLP. If it were demonstrated that there was a higher level of local housing need, a review of the SFNP would be necessary to allocate an additional site or sites.
- 3.46 I am recommending that the first paragraph of section 8.3.4 should be deleted as it has not had regard to national planning policy. The second paragraph should simply be a cross reference to the assessment of sites in Appendix B.
- 3.47 Reference numbers in Policy H3 to the subsequent policies on the footpath improvements are incorrect.

**Recommendation 8: revise the first paragraph of Policy H3 to read:**

***“Land is allocated at Rectory Field for housing development. The scale, design and layout of the development should be sensitive to its location within the setting of the listed building and the conservation area.***

***“In conjunction with the housing development, a new pedestrian access shall be provided from Rectory Lane to School Road (Policy RT2) and improvements made to the footpath along Bird Walk (Policy RT1) to provide safe access from School Road and Church Road to .....amenities”***

**Delete the first paragraph of section 8.3.4 and “and in Policy H1” in the second paragraph.**

**Revise paragraph 10.4.1 to read: “.....the footpath will be delivered as part of the housing development under Policy H3 *with a new link across the Devon bank to the safeguarded passage through the housing development on School Road.*”**

#### **Policy H4 Design Quality**

- 3.48 The policy sets out seven criteria to be used in promoting well designed development in the plan area. It builds on national planning policy on design quality, the adopted Policy DP1 and the emerging JLP Policy Dev 20. A recommendation is made to improve the clarity of the first paragraph of the policy.
- 3.49 The final sentence of the policy states that “Planning permission will not be granted for developments of poor design that fail to take the opportunities to improve local character and quality of an area and the way it functions”. This is a repetition of paragraph 64 of the NPPF and is considered unnecessary. The statement could be included in the justification to the policy and attributed to NPPF.

#### **Recommendation 9: Revise Policy H4 as follows:**

**Revise the first paragraph to read: “*Development proposals in Stoke Fleming Parish must demonstrate high quality design and must:*”**

**Delete “Planning permission will not be granted for developments of poor design that fail to take the opportunities to improve local character and quality of an area and the way it functions” from the final paragraph of the policy and place it in the justification noting that it quoted from paragraph 64 of the NPPF.**

#### **Policy H5 Heritage**

- 3.50 The policy requires development affecting heritage assets to pay special attention to the need to conserve and enhance the settings and special features of significance.
- 3.51 It is considered that the policy does not add any locally specific policy guidance to the adopted and emerging strategic policies. It is considered to be unnecessary and should therefore be deleted. Reference to the list of heritage assets in Appendix D could be retained in the justification which should explain that development proposals affecting heritage assets will be determined in accordance with the strategic policies.

#### **Recommendation 10: Delete Policy H5.**

**Revise the heading in section 8.3.6 to read “Heritage” and include reference to the heritage assets being listed in Appendix D.**

#### **Policy H6 Infill Development and Self Build**

- 3.52 The policy supports infill and self build housing development in existing settlements. It is not clear which settlements this policy applies to; the second part of the policy states “settlement” in the singular. SHDC has commented that they consider that only Stoke Fleming and the proposed enlarged Cotton would be considered acceptable as sustainable settlements.
- 3.53 The development boundary for Stoke Fleming from the Local Plan is shown on Figure 1 of the Plan and the Qualifying Body has agreed that this should be used to define the extent of the settlement where infill development would be appropriate. The development boundary should be shown on a larger scale map to be legible to plan users and decision makers. The proposal to enlarge Cotton is contained in the emerging Local Plan and the extent of the development boundary will be defined in that Plan.
- 3.54 Self build development is to be supported. However, this form of development may be located on any type of development site, including allocated sites, infill sites and rural building conversions. It is considered unnecessary to set

out additional criteria to determine the suitability of sites for self build development.

- 3.55 I have proposed modifications that would clarify the wording of the policy so that it can be interpreted consistently by decision makers in accordance with national policy guidance.

**Recommendation 11: Revise Policy H6 to read:**

**“Development of new dwellings *within the development boundary of Stoke Fleming shown on the Policies Map* will be supported where.....amenity.”**

**“Self build housing development will be supported on infill development sites and other housing sites that satisfy the policies of the development plan.**

**Revise paragraph 8.3.7 to read “Appropriate infill development *within the settlement of Stoke Fleming* will be supported. *Self build housing development will be supported on all housing sites, including allocated and infill sites as well as through the conversion of rural buildings where the location of the site and the design of the development satisfy the policies of the development plan.*”**

**Include the development boundary on the Policies Map at a scale to enable sites to be clearly distinguished.**

**Policy H7 Adapting to Climate Change**

- 3.56 This policy reflects the aspirations of section 10 of the NPPF, Core Strategy Policy CS11 and the emerging JLP Policies Dev 34 and 35. The first part of the policy requires all new developments to demonstrate how they sought to promote energy efficiency and sustainable drainage solutions in their designs. The second part of the policy requires that the developers of small scale renewable energy schemes demonstrate that they will not affect the integrity of the AONB and have no detrimental impacts within the parish.
- 3.57 I have concerns about the term “no detrimental impacts within the parish”. The assessment of impacts is subjective and it may be possible to mitigate impacts. The usual term is to demonstrate that there are “no unacceptable detrimental impacts”. There is no reason to limit the assessment of impacts to “within the parish” as a scheme close to the boundary may impact on the adjacent area. My recommendation sets out modifications to improve the clarity of the policy so that it can be used consistently by decision makers.

**Recommendation 12: revise the last sentence of Policy H7 to read:**

**“....AONB and will have no *unacceptable* detrimental impacts.”**

### Policy RT1 Improvements to Bird Walk

- 3.58 This policy sets out the details of the improvements that are to be sought to Bird Walk as part of the housing development under Policy H3. The route is an important link through the village. The route is shown on Figure 4 and it is recommended that this should be stated in the policy wording. I have considered the deliverability of the improvements under Policy H3 above.
- 3.59 The final paragraph of the policy sets out the responsibility for undertaking the improvements. As such it is not planning policy it should be placed in the justification to the policy.

**Recommendation 13: revise the first sentence of Policy RT1 to read: “The existing *pedestrian route Bird Walk as shown on the Policies Map.....*”**

**Place the final paragraph of Policy RT1 “The improvements should be ....SFPC” in the justification to the policy.**

### Policy RT2 New footpath from Rectory Lane to School Road

- 3.60 The policy proposes the creation of a new footpath link from Rectory Lane to School Road as part of the development of Rectory Field. I have considered the deliverability of the improvements under Policy H3 above.
- 3.61 The recommendation aims to improve the clarity of the policy wording by substituting the word “shown” on Figure 4, for “illustrated”.

**Recommendation 14: revise Policy RT2 to read “....*shown on the Policies Map ....*”**

### Policy RT3 Car Park between Old Road and Mill Lane

- 3.62 The policy proposes the development of a new car park on land forming part of a field to the south of the current roadside parking bays. The first paragraph of the policy should be clearly worded to state that this is an allocation on the site and is shown on Figure 4 (or the Policies Map).
- 3.63 Natural England has commented that *“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.”*

- 3.64 I have asked the LPA to undertake a Landscape Impact Assessment of the proposed car park site. This included proposals for design mitigation measures to reduce the potential impact of the proposed car park on the landscape of this area which lies within the AONB. I have recommended that these be included in the wording of the policy.
- 3.65 The LPA has also undertaken a heritage assessment of the proposed car park. This has raised concerns about the possible impact of the car park on the listed church and nearby trees. The assessment recommends that it should be located closer to School Road and should be well screened. The Qualifying Body has supplied me with a revised site plan taking account of these comments. The Council's Landscape and Heritage officers have commented on the desirability of incorporating a Devon bank and hedgerow along the periphery of the site and including a managed meadow or picnic area to the west of the site. The Highway Authority has confirmed that the access proposed is satisfactory.

**Recommendation 15: revise Policy RT3 as follows:**

***“Land to the east of Mill Lane shown on the Policies Map is allocated for a car park for approximately 34 parking spaces. The design of the car park must have due regard to its location within the South Devon AONB incorporating:***

- 1. The introduction of appropriate boundary treatments where these are absent using native banked hedgerow with trees to provide screening of long distance views of parked cars and to provide shade/shelter for users of the car park;***
- 2. The introduction of trees and planting within the parking areas with a naturalistic layout (not long or regular banked rows) to provide screening of long distance views of parked cars and to provide shade/shelter for users of the car park;***
- 3. The use of sensitive surfacing material such as self-binding gravel (of an appropriate muted colour), with tarmac limited to only key, heavily trafficked routes at entrance/exit points and main pedestrian paths;***
- 4. Limiting the use of standard engineered highways treatments such as kerbs in favour of more sensitive rural edge treatments;***
- 5. The use of sensitive demarcation of bays such as inset stone or timber to encourage efficient use of parking spaces;***
- 6. Taking the opportunity to reinforce locally distinctive features such as rounded quoins, stone faced banks and walls, and Devon gates;***
- 7. No use of lighting on this exposed outer edge of the settlement; and***
- 8. Access shall be taken from Mill Lane.”***

**Show the revised boundary of the allocated site to the south of Church Road and along the south eastern side of Mill Lane on the Policies Map.**

### Traffic Calming, Venn Lane

- 3.66 Sections 8.4.5 to 8.4.6 set out the aspiration for traffic calming measures to be introduced along Venn Lane within the village. As this is not a planning policy it would be more appropriate to include this aspiration within Section 9 on Community Projects.

**Recommendation 16: Move the text of paragraph 8.4.5 to 8.4.6 to Section 9 on Community Projects.**

### Policy RT4 Verge footpath to Swannaton

- 3.67 The policy seeks to safeguard the land required for the proposed verge footpath from Deer Park to the junction of Swannaton Road and Jawbones. The Qualifying Body has confirmed that the design of the route is well advanced.
- 3.68 The route is not shown on a map in the Plan. To enable decision makers to use the policy with confidence, the route should be shown on an OS map base and referenced from the policy.
- 3.69 The second paragraph of the policy states that the project is to be subject to agreement with the community and approved by the Parish Council. I have proposed a modification to clarify that consultation is to be carried out with the community.

**Recommendation 17: revise Policy RT4 as follows:**

**“The area of land *shown on the Policies Map* shall be safeguarded for the construction of a footpath from ....”**

**Include the route of the footpath on the Policies Map.**

**Revise the final paragraph to read: “The design of the footpath route shall be subject to consultation with the community and approval by the Parish Council.”**

### Policy E1 Locally Important Views

- 3.70 The policy identifies 12 viewpoints around the parish which are shown on Figure 6. It would be helpful to decision makers to include the list of views in the policy and to show the viewpoints on the Policies Map. The policy itself includes a mix of policy and description. The latter should be placed in the justification to the policy.
- 3.71 The final sentence refers to the South Devon AONB Management Plan. With reference to this statement, SHDC has noted that “a policy cannot require adherence to guidance in other documents which is not adopted policy in its

*own right*". I concur with this opinion. Reference to the AONB policies should be deleted from the Policy and the description of the views.

3.72 Policy E1 states that "*development in the foreground or middle ground should not harm ...the existing composition of natural or built elements*". The assessment of harm is a subjective matter and it may be difficult for a development to avoid any harm. As the policy goes on to say that the impact "*should not be overly intrusive, unsightly or prominent to the detriment of the view as a whole*" it would be appropriate to refer to "unacceptable harm". I have considered whether this policy would result in blanket restrictions on development in the plan area and consider that on balance there is sufficient flexibility in the policy and it would support the strategic policies to safeguard the AONB, Heritage Coast, its setting and nearby countryside.

3.73 Paragraph 8.5.2 is written in a form of policy wording stating that development that detracts from the area will not be permitted. It is recommended that this paragraph be revised to describe the national guidance and strategic policy approach to development in the AONB as justification for the policy. A modification is recommended to better reflect the national guidance.

#### **Recommendation 18: Revise Policy E1 as follows:**

**Delete the first two sentences from the policy and place them in a new paragraph in the justification. Revise the second sentence to read "*These views are described below and shown on the Policies Map*".**

**Revise the fourth sentence to read: "...or middle ground of these views should not cause *unacceptable* harm and should, where possible, contribute positively....."**

**Delete the final sentence referring to the AONB Management Plan. Delete references to the AONB Management Plan from the descriptions of the views.**

**Include the following wording at the end of the policy: "*The locally important views are shown on the Policies Map. List title of each view – VP1 The village and Start Point from the A379 north of the village to VP12 From Coombe Cross looking towards West Coombe and Thorn.*" Keep the descriptive text and photographs in the justification.**

**Revise paragraph 8.5.2 to read: "*National and strategic planning policy place great weight on conserving the landscape and scenic beauty of the AONB and Heritage Coast.*"**

#### **Policy E2 Local Green Spaces**

3.74 The policy proposes the designation of 4 sites as Local Green Space. Sites 1, 2 and 3 cover the recreation ground and playing field, the bowling green and the school playing field and are publicly used open spaces that are

appropriate for designation as Local Green Space. However the maps for sites 1 and 3 on Figure 4 include buildings and the car park on the recreation ground and the school car park and other land that does not form part of the school playing field. The site numbering on Figure 4 also needs correcting to read E2.1, E2.2 etc.

- 3.75 The Local Green Spaces Assessment provides a brief description of the sites and others that have been considered. The Qualifying Body has supplied me with the background evidence that assesses the sites against the criteria set out in NPPF paragraph 77. Site 4 is a Devon bank and hedgerow provided as screening as part of the School Road housing development. There is no public access and no evidence of why this area is special to the community. It is considered that the area does not satisfy the criteria of NPPF paragraph 77 and I therefore recommend that it be deleted. If the community wishes to protect the trees in the area there are alternative mechanisms through a Tree Preservation Order.
- 3.76 The policy includes a description of each site which should be set out in the justification. Paragraphs 8.5.7 and 8.5.8 refer to the Landscape Character Assessment and the AONB Management Plan; and do not provide any justification or guidance on implementing Policy E2. It is therefore recommended that they be deleted.
- 3.77 The policy does not include a policy approach to considering development proposals on these sites. I have sought the Qualifying Body's views that the wording of the NPPF paragraph 78 should be included in the policy.

**Recommendation 19: Revise Policy E2 to read:**

**“The following sites are designated as Local Green Spaces:**

- 1. Recreation Ground / Playing Field**
- 2. Bowling Green**
- 3. School Playing Field**

***“Development on the Local Green Spaces will not be approved other than in very special circumstances.”***

**Place the descriptions of the sites in the justification.**

**Delete paragraphs 8.5.7 and 8.5.8.**

**Revise the boundaries of sites 1 and 3 to exclude buildings and car park at the recreation ground and land which does not form part of the school playing field and include on the Policies Map. Correct the numbering the sites to read E2.1, E2.2 and E2.3.**

**Delete site E2.4 from the map.**

### Policy E3 Trees and Woodland: Biodiversity

- 3.78 The policy is in two parts. The first part states that development proposals should have regard to the Stoke Fleming Wildlife and Biodiversity Survey 2017 and Joint Local Plan Policy Dev 30. This document has been prepared by the Devon Biodiversity Records Centre and is entitled “Wildlife site resource map and species information for neighbourhood planning – Stoke Fleming.” It includes a map of County Wildlife Sites and Ancient Woodland and potential sites. Joint Local Plan Policy Dev 30 concerns the safeguarding of Trees, Woodland and Hedgerows. It is Joint Local Plan Policy Dev 28 that focuses on Protecting and Enhancing Biodiversity.
- 3.79 It is considered that the first part of Policy E3 does not add a local policy approach to biodiversity. It seeks to refer to the emerging strategic policy and simply highlights the existence of the biodiversity record for the parish. It is recommended that it be deleted from the policy and placed in the justification to explain how development proposals affecting biodiversity sites are to be considered.
- 3.80 The second part of the policy states that development that damages or results in the loss of ancient trees or trees of good arboricultural or amenity value will not normally be permitted.
- 3.81 The Neighbourhood Plan policies cannot indicate whether planning permission should be permitted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission.
- 3.82 The emerging Joint Local Plan Policy Dev 30 makes provision for exceptional circumstances to be demonstrated and states that “*Development that would result in the loss or deterioration of the quality of...[various types of woodland] ..will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated.*”
- 3.83 It is considered that the first sentence of the second paragraph of Policy E3 does not accord with national guidance and does not explain the circumstances where such development may be permissible. Furthermore it adds no locally specific policy approach to the strategic policy. It is recommended that it be deleted from the policy. A statement could be included in the justification to explain that development proposals affecting ancient woodland, aged or veteran trees, other woodlands or high amenity trees will be considered using Emerging Joint Local Plan Policy Dev 30.
- 3.84 The remainder of paragraph 2 of Policy E3 calls for development proposals to be designed to retain or where necessary to replace ancient trees or trees of arboricultural and amenity value and for proposals to include a tree survey. It

is considered that this adds no locally specific policy details to the strategic policy approach.

- 3.85 The third paragraph of the Policy states that the broadleaved woodlands and copses identified on Figure 6 should be protected. I have asked the Qualifying Body for their source of this map as it is not the same as that shown in the Wildlife and Biodiversity Inventory. They have responded to say that it is based on OS maps and local knowledge. It is acknowledged that one area of woodland has been felled since the map was prepared. As worded the policy is more restrictive than that for ancient woodlands and does not provide for any exceptional circumstances or enhancement measures.
- 3.86 It is considered that there is insufficient evidence to justify a blanket protection on the areas identified and the woodland would be more effectively protected through the alternative measures of Tree Preservation Orders. It is therefore recommended that the third paragraph of Policy E3 should be deleted.

#### **Recommendation 20: Delete Policy E3.**

**Revise the heading in paragraph 8.5.9 to read “Trees and Woodlands”.  
Add the following after 8.5.13:**

***“The Devon Biodiversity Records Centre has prepared an inventory of biodiversity sites and potential sites in the parish ‘Wildlife site resource map and species information for neighbourhood planning – Stoke Fleming 2017’. Development proposals that may impact on any of these sites will be considered against the adopted and emerging Local Plan policies including Joint Local Plan Policy DEV 28.”***

***“Any development proposals that may impact on ancient woodland, aged or veteran trees or their immediate surroundings, other woodlands or high amenity trees including protected trees shall be considered against the adopted and emerging Local Plan policies including Joint Local Plan Policy DEV 30.”***

#### **Policy E4 Energy Production and Renewable Energy**

- 3.87 This policy states that the development for small scale renewable energy generation of up to 50kw will be encouraged where they are supported by the community and where there are no unacceptable impacts as judged against the policies in the Development Plan.
- 3.88 Four types of renewable energy are listed in the policy. The policy is worded that it “includes” these types of energy generation; these are examples to illustrate the types of development that may be covered by the policy and as such the list should be included in the justification.
- 3.89 In effect this policy adds the requirement that there should be community support for a project; otherwise it is to be assessed against the other policies

of the Development Plan. These will include the adopted policies on the AONB and the emerging Joint Local Plan Policy DEV35 on Renewable and Low Carbon Energy. The policy states that there should be “no unacceptable impacts”; to improve the clarity of this wording it is recommended that it be revised to read “no unacceptable *adverse* impacts”.

- 3.90 The justification does not explain how community support is to be demonstrated. The approach taken in the Written Ministerial Statement on Renewable Energy on 18 June 2015 in considering wind turbines is that “*following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing*”. It is recommended that this form of wording be included in the policy to clarify how it is to be applied so that it can be interpreted consistently by decision makers.
- 3.91 The LPA has confirmed that it has not identified any areas in the adopted or emerging Local Plans as suitable for the generation of renewable and low carbon energy.
- 3.92 The three paragraphs under Policy E4 set out further policy statements. The first paragraph states that there should be no new commercial solar or wind turbine farms in the AONB and the Undeveloped Coast, stating that this is current Government Policy. The NPPF paragraph 115 states that great weight should be given to conserving the landscape and scenic beauty of the AONBs which have the highest status of protection. The 2015 Government guidance on Renewable Energy states that “*proposals in National Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration*”. Government guidance does not explicitly prevent commercial solar or wind turbine farms. It is recommended therefore that the wording of this paragraph be revised to better reflect government guidance.
- 3.93 The next two paragraphs state that small scale renewable energy generation should demonstrate that it will have no detrimental impacts on the AONB and that proposals should be supported by protected species surveys and any necessary mitigation measures. It is considered that these are policy requirements and should therefore be included in the wording of the policy itself.
- 3.94 In order to better reflect government guidance and the wide range of renewable and low carbon energy generation that is available and addressed in the policy, it is recommended that the policy be titled as “renewable and low carbon energy generation” and this term is used in the first paragraph of the policy.

**Recommendation 21: revise Policy E4 as follows:**

**Revise the title to “Renewable and Low Carbon Energy Generation”**

Revise the first paragraph to read “The development of small scale renewable *and low carbon* energy generation projects of up to 50 kW will be supported where *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed* and where there are no unacceptable adverse impacts.

Delete “This includes:” and the four bullet points and place this text in the justification.

Include the following in the policy itself: “Development *proposals* of small-scale renewable *and low carbon* energy generation must demonstrate that they will have no unacceptable *adverse* impacts on the South Devon AONB. All such proposals must be supported by protected species surveys and the identification of any necessary mitigation measures.”

Revise the justification in paragraph 8.5.14 to read “The development of small scale proposals for the generation of renewable and low carbon energy is supported. This includes the following technologies: list of four bullet points.

Replace the paragraph under the policy with the following: “In accordance with *Government guidance on Renewable Energy proposals in the Area of Outstanding Natural Beauty, and in areas close to it, where there could be an adverse impact on the protected area, will need careful consideration. Great weight should be given to conserving the landscape and scenic beauty and wildlife of the AONB and its setting which have the highest status of protection*”.

### Policy B1 Local Rural Employment

- 3.95 The policy supports the conversion of redundant agricultural buildings for small scale employment use subject to three criteria on the scale being appropriate taking account of accessibility, the proposals respecting the character and qualities of the landscape and not affecting the integrity of the South Hams SAC.
- 3.96 A further requirement is added at the end of the policy that the proposals should not affect the integrity of the South Devon AONB. To improve the clarity of the policy it is recommended that this requirement should be included in the list of bullet points and should be revised to read “an unacceptable adverse impact on”. The criteria should be numbered.

**Recommendation 22: revise Policy B1 as follows:**

**Add a further criterion: “*Proposals do not have an unacceptable adverse impact on the South Devon AONB*” and delete the final sentence of the policy.**

## Number the criteria.

### Section 9 Community Projects

- 3.97 Community Projects should be projects that the parish council wish to pursue during the life of the neighbourhood plan that are not planning policies. A number of the projects are worded as statements and do not include mechanisms for their delivery.
- 3.98 I have asked the Qualifying Body to review the wording of CP1, CP2, CP4, CP5, CP6 and CP9. They have agreed that the wording of CP1, CP2, CP5, CP6, CP7 and CP9 should be revised to better explain the actions that the Parish Council will undertake to deliver the proposed Community Actions. CP4 is to be revised to state that the Parish Council will support Natural England's proposals for the South West Coast Path.
- 3.99 CP3 refers to locations where flood prevention improvements are to be sought. These are shown on Figure 6 along with sites referred to in Policies of the SFNP. To ensure clarity, it is recommended that they are shown on a separate map.
- 3.100 CP7 on Tourism is addressed through policies of the Local Plan. The Qualifying Body has commented that they will support the development of tourism through the development of their website and the business forum (projects CP6 and CP9).
- 3.101 I have recommended under Policy H2 that a new Community Project should be added with reference to the Local Lettings Plan.
- 3.102 I have recommended that the proposal for traffic calming in the Roads, Paths and Transport Section of the Plan should become a Community Project.

**Recommendation 23: Revise the wording of CP1, CP2, CP4, CP5, CP6, CP7 and CP9 to better explain the role of the Parish Council in the Community Actions.**

### Action Plan

#### Policy RT2 – Footpath, Rectory Lane to School Road.

- 3.103 I have made a recommendation on revisions to the wording of paragraph 10.4.1 under Policy H3.

#### Policy RT3 Car Park between Old Road and Mill Lane

- 3.104 Paragraph 10.4.2 includes a statement: "*The required agreement may include some provision for infill housing on a suitable part of the site*". I have asked

the Qualifying Body to explain the purpose of this statement and the Plan's intentions for the site. They have commented that this was a suggestion made by the landowner. The site has not been considered as an option for housing in the Plan. To improve the clarity of the Plan it is recommended that the statement is deleted.

**Recommendation 24: Delete the sentence “*The required agreement may include some provision for infill housing on a suitable part of the site*”.  
From paragraph 10.4.2**

## 4.0 Referendum

- 4.1 The Stoke Fleming Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contributes to the achievement of sustainable development;
  - is in general conformity with the strategic policies contained in the Development Plan for the area;
  - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to South Hams District Council that the Stoke Fleming Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by the South Hams District Council on 5 June 2014.

## 5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Stoke Fleming Neighbourhood Plan Submission Draft Version 2018 – 2034;
- Stoke Fleming Neighbourhood Plan Basic Conditions Statement;
- Stoke Fleming Neighbourhood Plan SEA Environmental Report September 2017;
- Stoke Fleming Neighbourhood Plan HRA Screening Report July 2017;
- Stoke Fleming Neighbourhood Plan Consultation Statement;
- National Planning Policy Framework March 2012 and July 2018;
- Planning Practice Guidance March 2014 (as amended);
- The Town and Country Planning Act 1990 (as amended);
- The Localism Act 2011;
- The Neighbourhood Planning (General) Regulations 2012;
- South Hams Local Development Framework Core Strategy 2006;
- South Hams Development Policies DPD 2010;
- South Hams Site Allocations (Rural Areas) DPD 2011;
- South Hams Local Plan Saved Policies 1996;
- Plymouth and South West Devon Joint Local Plan 2014 – 2034 (Submission Draft);
- Stoke Fleming Conservation Area Appraisal July 2009;
- South Devon AONB Management Plan 2014-19;
- Landscape Impact Assessment of Stoke Fleming Neighbourhood Plan Policy RT3: Car Park;
- Heritage Assessment of Land at Rectory Field (Policy H3);
- Wildlife site resource map and species information for neighbourhood planning – Stoke Fleming; Devon Biodiversity Records Centre March 2017;
- Renewable and low carbon energy: Guidance to help local councils in developing policies for renewable and low carbon energy and identifies the planning considerations. Ministry of Housing, Communities & Local Government June 2015.

## 6.0 Summary of Recommendations

### Recommendation 1:

**Incorporate the additional assessments on heritage and landscape impact and their conclusions and recommendations into the SEA Environmental Report.**

**Include an assessment of how the plan has had regard to the Human Rights Act in the Basic Conditions Statement as follows:**

**“It is considered that the Stoke Fleming Neighbourhood Plan has met the requirements of the following Articles of the Human Rights legislation: Article 1 – Protection of property: Article 8 – Right to respect for private and family life: Article 14 – Prohibition of discrimination: Protocol 12 – Article 1 – General prohibition of discrimination.**

**“The Plan seeks to improve the quality of life of people living and working in the parish at present and future generations from an environmental, social and economic perspective. There has been extensive input from the community and stakeholders, as detailed in the accompanying Consultation Statement, and the Plan has consulted those who live, work or run businesses in the Plan area as well as the statutory consultation bodies whose interest may be affected, as required by Regulation 14 of the Neighbourhood Planning Regulations.”**

**Add the following to the end of paragraph 5.19: “.....The Steering Group has endeavoured to meet the requirements of the Human Rights Act by seeking the views of all sections of the community and seeking to improve the quality of life of all people living and working in the Plan area.”**

**Recommendation 2: Include a Policies Map with Inset Maps to show the boundaries of all sites referred to in the policies.**

**Include a reference to the assessment of housing sites in Appendix E in paragraph 5.8.**

### Recommendation 3:

**Revise the first paragraph of the forward to read: “Once *made, following* a referendum, our Neighbourhood Plan....”**

**Revise paragraph one of the Mission Statement to read: “...and *partly* lying within the Area of .....**

**Revise paragraph 1.1 to read: “....NDP to establish planning policies for the use of land and *to guide* the future development and growth of the Plan Area.”**

**Revise paragraph 1.3 to read: “The SFNP will be subject to *independent* examination to check that it complies with .....***A referendum will then be*

***held and if more than 50% of the electors vote in favour of the Plan it will be made by South Hams District Council. Once made the NP will form part of the Development Plan for the area together with the South West Devon Joint Local Plan. The SFNP will then be used in determining planning applications in the plan area.”***

**Revise paragraph 5.8 to read: “...SHDC Site Allocation DPD 2011. Appendix E sets out the assessment of housing sites and confirms that all were considered to be potentially suitable. At the same time ..... Environment and Community were agreed for consultation purposes.”**

**Revise paragraph 5.16 to read: “...review by an independent examiner...”**

**Revise the second sentence of paragraph 5.18 to read: “If a majority of electors vote for the NP it will be made by South Hams District Council and used in the determination of planning applications.”**

**Recommendation 4:**

**Delete section 6 Executive Summary. Include a brief summary in Section 4 of the status of Stoke Fleming village in the adopted and emerging Local Plans, the emerging JLP proposals for development at Cotton (noting that this is a Local Plan proposal to accommodate the growth of Dartmouth) and the Local Plan evidence for the housing numbers for the SFNP.**

**Recommendation 5: Revise paragraph 7.1 to read: “The Vision of the NP....”**

**Revise paragraph 7.2 to read “The Objectives of the NP are .....”**

**Revise the objectives so that they are focused on the key matter (eg maintain and enhance the landscape and natural setting of the area) with the remaining text included in supporting explanatory text.**

**Prepare a matrix to show the links between the vision, objectives and policies. Delete those aspects of the vision and objectives that are not reflected in the policies.**

**Recommendation 6: Delete Policy H1 and the justification.**

**Recommendation 7: Delete Policy H2. The justification to the policy and evidence on affordable housing set out under Policy H1 may be positioned with the new Community Project.**

**Include a new Community Project with the justification concerning the allocation of affordable housing in accordance with the Local Lettings Policy:**

***“The Parish Council will work with SHDC and housing providers to ensure that affordable housing is allocated in accordance with the Stoke Fleming Local Lettings Policy set out in Appendix A.”***

**Recommendation 8: revise the first paragraph of Policy H3 to read:**

***“Land is allocated at Rectory Field for housing development. The scale, design and layout of the development should be sensitive to its location within the setting of the listed building and the conservation area.***

***“In conjunction with the housing development, a new pedestrian access shall be provided from Rectory Lane to School Road (Policy RT2) and improvements made to the footpath along Bird Walk (Policy RT1) to provide safe access from School Road and Church Road to .....amenities”***

**Delete the first paragraph of section 8.3.4 and “and in Policy H1” in the second paragraph.**

**Revise paragraph 10.4.1 to read: “.....the footpath will be delivered as part of the housing development under Policy H3 *with a new link across the Devon bank to the safeguarded passage through the housing development on School Road.*”**

**Recommendation 9: Revise Policy H4 as follows:**

**Revise the first paragraph to read: “*Development proposals in Stoke Fleming Parish must demonstrate high quality design and must:*”**

**Delete “Planning permission will not be granted for developments of poor design that fail to take the opportunities to improve local character and quality of an area and the way it functions” from the final paragraph of the policy and place it in the justification noting that it quoted from paragraph 64 of the NPPF.**

**Recommendation 10: Delete Policy H5.**

**Revise the heading in section 8.3.6 to read “Heritage” and include reference to the heritage assets being listed in Appendix D.**

**Recommendation 11: Revise Policy H6 to read:**

***“Development of new dwellings within the development boundary of Stoke Fleming shown on the Policies Map will be supported where.....amenity.”***

**“Self build housing development will be supported on infill development sites and other housing sites that satisfy the policies of the development plan.**

**Revise paragraph 8.3.7 to read “Appropriate infill development *within the settlement of Stoke Fleming* will be supported. *Self build housing development will be supported on all housing sites, including allocated and infill sites as well as through the conversion of rural buildings where the location of the site and the design of the development satisfy the policies of the development plan.*”**

Include the development boundary on the Policies Map at a scale to enable sites to be clearly distinguished.

**Recommendation 12:** revise the last sentence of Policy H7 to read:

**“....AONB and will have no *unacceptable* detrimental impacts.”**

**Recommendation 13:** revise the first sentence of Policy RT1 to read: **“The existing *pedestrian route* Bird Walk as shown on the Policies Map.....”**

Place the final paragraph of Policy RT1 “The improvements should be ....SFPC” in the justification to the policy.

**Recommendation 14:** revise Policy RT2 to read **“....shown on the Policies Map ....”**

**Recommendation 15:** revise Policy RT3 as follows:

**“Land to the east of Mill Lane shown on the Policies Map is allocated for a car park for approximately 34 parking spaces. The design of the car park must have due regard to its location within the South Devon AONB incorporating:**

- 9. *The introduction of appropriate boundary treatments where these are absent using native banked hedgerow with trees to provide screening of long distance views of parked cars and to provide shade/shelter for users of the car park;***
- 10. *The introduction of trees and planting within the parking areas with a naturalistic layout (not long or regular banked rows) to provide screening of long distance views of parked cars and to provide shade/shelter for users of the car park;***
- 11. *The use of sensitive surfacing material such as self-binding gravel (of an appropriate muted colour), with tarmac limited to only key, heavily trafficked routes at entrance/exit points and main pedestrian paths;***
- 12. *Limiting the use of standard engineered highways treatments such as kerbs in favour of more sensitive rural edge treatments;***
- 13. *The use of sensitive demarcation of bays such as inset stone or timber to encourage efficient use of parking spaces;***
- 14. *Taking the opportunity to reinforce locally distinctive features such as rounded quoins, stone faced banks and walls, and Devon gates;***
- 15. *No use of lighting on this exposed outer edge of the settlement; and***
- 16. *Access shall be taken from Mill Lane.”***

Show the revised boundary of the allocated site to the south of Church Road and along the south eastern side of Mill Lane on the Policies Map.

**Recommendation 16:** Move the text of paragraph 8.4.5 to 8.4.6 to Section 9 on Community Projects.

**Recommendation 17:** revise Policy RT4 as follows:

**“The area of land *shown on the Policies Map* shall be safeguarded for the construction of a footpath from ....”**

**Include the route of the footpath on the Policies Map.**

**Revise the final paragraph to read: “The design of the footpath route shall be subject to consultation with the community and approval by the Parish Council.”**

**Recommendation 18: Revise Policy E1 as follows:**

**Delete the first two sentences from the policy and place them in a new paragraph in the justification. Revise the second sentence to read “*These views are described below and shown on the Policies Map*”.**

**Revise the fourth sentence to read: “....or middle ground of these views should not cause *unacceptable* harm and should, where possible, contribute positively.....”**

**Delete the final sentence referring to the AONB Management Plan. Delete references to the AONB Management Plan from the descriptions of the views.**

**Include the following wording at the end of the policy: “*The locally important views are shown on the Policies Map. List title of each view – VP1 The village and Start Point from the A379 north of the village to VP12 From Coombe Cross looking towards West Coombe and Thorn.*” Keep the descriptive text and photographs in the justification.**

**Revise paragraph 8.5.2 to read: “*National and strategic planning policy place great weight on conserving the landscape and scenic beauty of the AONB and Heritage Coast.*”**

**Recommendation 19: Revise Policy E2 to read:**

**“The following sites are designated as Local Green Spaces:**

- 4. Recreation Ground / Playing Field**
- 5. Bowling Green**
- 6. School Playing Field**

**“*Development on the Local Green Spaces will not be approved other than in very special circumstances.*”**

**Place the descriptions of the sites in the justification.**

**Delete paragraphs 8.5.7 and 8.5.8.**

**Revise the boundaries of sites 1 and 3 to exclude buildings and car park at the recreation ground and land which does not form part of the school playing field and include on the Policies Map. Correct the numbering the sites to read E2.1, E2.2 and E2.3.**

Delete site E2.4 from the map.

**Recommendation 20: Delete Policy E3.**

Revise the heading in paragraph 8.5.9 to read “Trees and Woodlands”.  
Add the following after 8.5.13:

***“The Devon Biodiversity Records Centre has prepared an inventory of biodiversity sites and potential sites in the parish ‘Wildlife site resource map and species information for neighbourhood planning – Stoke Fleming 2017’. Development proposals that may impact on any of these sites will be considered against the adopted and emerging Local Plan policies including Joint Local Plan Policy DEV 28.”***

***“Any development proposals that may impact on ancient woodland, aged or veteran trees or their immediate surroundings, other woodlands or high amenity trees including protected trees shall be considered against the adopted and emerging Local Plan policies including Joint Local Plan Policy DEV 30.”***

**Recommendation 21: revise Policy E4 as follows:**

Revise the title to “Renewable and Low Carbon Energy Generation”

Revise the first paragraph to read “The development of small scale renewable *and low carbon* energy generation projects of up to 50 kW will be supported where *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed* and where there are no unacceptable adverse impacts.

Delete “This includes:” and the four bullet points and place this text in the justification.

Include the following in the policy itself: “Development *proposals* of small-scale renewable *and low carbon* energy generation must demonstrate that they will have no unacceptable *adverse* impacts on the South Devon AONB. All such proposals must be supported by protected species surveys and the identification of any necessary mitigation measures.”

Revise the justification in paragraph 8.5.14 to read “The development of small scale proposals for the generation of renewable and low carbon energy is supported. This includes the following technologies: list of four bullet points.

Replace the paragraph under the policy with the following: “In accordance with *Government guidance on Renewable Energy proposals in the Area of Outstanding Natural Beauty, and in areas close to it, where there could be an adverse impact on the protected area, will need careful consideration. Great weight should be given to conserving the*

***landscape and scenic beauty and wildlife of the AONB and its setting which have the highest status of protection”.***

**Recommendation 22: revise Policy B1 as follows:**

**Add a further criterion: “*Proposals do not have an unacceptable adverse impact on the South Devon AONB*” and delete the final sentence of the policy.**

**Number the criteria.**

**Recommendation 23: Revise the wording of CP1, CP2, CP4, CP5, CP6, CP7 and CP9 to better explain the role of the Parish Council in the Community Actions.**

**Recommendation 24: Delete the sentence “*The required agreement may include some provision for infill housing on a suitable part of the site*”.  
From paragraph 10.4.2**