

SHDC Consultation Responses to First Draft Brixton Parish Neighbourhood Plan - April 2018

Policy Ref	BNPP Policy	SHDC Comment	BNPP Group Response
1)		The NP is on the whole well considered and well drafted and, with some minor amendments, is likely to help meet the stated Vision and Objectives for the Neighbourhood Area.	Acknowledged
2)		Conformity with the Development Plan and meeting the Basic Conditions. As your Basic Conditions Statement makes clear, two of the 'basic conditions' neighbourhood plans must meet is to have regard to the National Planning Policy Framework (NPPF) and to be in conformity with the strategic policies of the Local Development Plan that is extant at the time of the examination of the NP. For South Hams, this is currently the 2006 Core Strategy except where this is out of date and the NPPF takes precedence. However, it is likely that emerging policy will be adopted by the time of the NP examination: The Plymouth and South West Devon Joint Local Plan (JLP) is currently being examined and is expected to be adopted in 2018. These comments therefore assume that the JLP is the relevant Local Development Plan for the Brixton NP. If this is the case, all references to the Core Strategy should be removed from the NP and from the Basic Conditions Statement. A list of strategic Development Plan policies is included as an appendix to this letter.	We acknowledge this comment, but at the time of submission the JLP has not been adopted and therefore the 2006 Core Strategy remains the current South Hams District Council local planning policy. The Neighbourhood Plan is a living document and therefore will be reviewed periodically and amended accordingly.
3)		Overall development strategy: It is recognised that the parish of Brixton has seen major recent and ongoing development, and also that there limitations on development within the neighbourhood area due to the location on the edge of the AONB. However, the NPPF does strongly encourage local planning policy to have a positive attitude towards development wherever possible. In addition, JLP policy TTV30 identifies Brixton as a 'sustainable village' where development for 10 dwellings might be delivered through a neighbourhood plan over the JLP plan period, notwithstanding any development that has already taken place or that has already been granted permission.	We recognise the relevance of development opportunities. Since Regulation 14, the BPN Plan has been updated to include land owned and put forward by SHDC for the provision of community housing. It is anticipated that it might deliver the required number of dwellings for Brixton as a 'sustainable village'.
4)		Affordable Housing. It is not made clear within the NP what the assessed level of affordable housing is within the Neighbourhood Area, nor how this need or likely further need arising within the NP period is likely to be met. As such, the NP has not demonstrated how it will assist in meeting local needs and the requirements of Section 6 of the NPPF: Delivering a wide choice of high quality homes	Canes Orchard phased development will deliver the numbers of affordable homes identified in the Housing Needs Survey 2016. See also comment 3) above re community housing.
5)		For the above reasons, the LPA is concerned that the NP as currently drafted does not adequately demonstrate how it has had regard to the NPPF and is in conformity with the strategic elements of the Development Plan. The LPA would prefer to see a) more positive wording within the policies and supporting text of the NP to demonstrate that it is not anti-development, b) the allocation of one or more development sites to deliver in the region of 10 dwellings that would meet local and affordable housing need. This may be appropriately delivered through a Community Land Trust or other community-led housing, which is an opportunity for the local community to control development coming forward and to ensure that local needs are met.	See comment 3) above to deliver community housing.
6)		The LPA has some other concerns about the NP's conformity with the strategic policies of the JLP and with the NPPF, particularly in regard to the Development policies. These concerns are picked up in the detailed comments below.	General Policies and evidence have been revised.
7)		The Evidence Base. The appendices to the NP provide clearly presented evidence, although a) evidence for the proposed Local Green Space designations could usefully be expanded to provide a clearer demonstration that each one meets the criteria set out in NPPF 77, and b) we were not able to access the Housing Needs Assessment from the link given in the appendices.	Local Green Spaces Appendix has been amended to reflect the criteria in the NPPF 77. The Housing Needs Survey is readily available on the Brixton Parish Council website: brixtonparishcouncil.org.uk/NeighbourhoodPlan
8)		SEA and HRA. Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA): When the NP is submitted to the LPA at Regulation 15, it will need to be accompanied by either a screening report saying that SEA is not considered necessary, or a full SEA report. HRA screening will also be necessary in order to demonstrate compliance with European laws. Please request an SEA/HRA screening report from us by emailing SW-Neighbourhood Planning NeighbourhoodPlan@swdevon.gov.uk . The target for completing screening reports is 10 weeks, including consultation with statutory consultees. Should SEA be considered necessary, this can be undertaken at no cost to the NP group via the DCLG support package available at https://mycommunity.org.uk/take-action/neighbourhood-planning/support-grants/	A draft Screening Opinion was provided by SHDC following their consultation with Historic England, Natural England and the Environment Agency (March 14th 2017). The Screening Opinion identified either A) no negative effect or B) no significant effect. There were no C) likely significant effect alone. It identified that an HRA is not required. Where comments on Policies were made, these have been taken into account and the relevant Policies amended.

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9)		Other. There is some repetition of JLP policy, which is understandable given that the NP has been progressed to a similar timescale as the JLP. However, this may cause confusion where NP policies differ in interpretation from JLP policy, and is unnecessary unless JLP policy does not adequately address local circumstances. In such cases, it will be appropriate for the NP policy to add emphasis or detail. Where this is the case it should be made clear in supporting text. Individual instances of where this occurs are picked up in the detailed comments below.	Local detail relevant to the Parish has been added to the BNPP Policies.
Comments on specific parts of the Neighbourhood Plan			
<i>Where a particular policy is not commented on, please assume that the LPA supports it</i>			
	Section, policy or text	Comment	
	Map, p.2	For clarity, we would prefer to see this map renamed 'Neighbourhood Plan Area', which should be shaded to clearly show the exclusion of the Sherford area.	The map is included to identify Parish Characteristics not solely the NP Area which is identified. The NP area is clearly identified in Appendix 1: Terms of Reference.
	Environment section	A map showing the location of the Neighbourhood Area in relation to the AONB would be useful in this section.	Identifying AONB text enlarged to clarify
Env2	Env2. The land identified on Environment Policy Env Map 2: Policy Area Env2 will be protected from development to maintain the important public open views across the South Devon AONB that define the setting and character of Brixton village and its eastern and western approaches.	Are there any circumstances in which some types of development in this area would be acceptable? A blanket ban on any development at all may not be realistic.	These policies are site specific unlike JLP policies DEV28 and DEV 30. It is considered that a development restriction is entirely appropriate in the identified locations.
Env3	Env3. (a) Priority Habitat throughout the parish, including deciduous woodland, wood pasture/parkland, ancient woodland and wildlife corridors as shown on Environment Habitat Policy Map, will be protected and enhanced. (b) Important woodlands are to be conserved and enhanced for their contribution to the character and bio-diversity of the parish. See Appendix 9: Env Map 4.	Does this add significantly to the environment policies in the JLP, especially DEV28 and DEV30?	Priority Habitat classification is often overlooked by the LPA and the identified Habitats are an important characteristic of Brixton Parish.
Env4	Env4. A green corridor will be maintained for visual and ecological significance to protect against the further urban expansion east of Plymouth along the A379, and to safeguard the individual identities of Chittleburn, Combe, and Brixton village, as defined on Env Map 2: Policy Area Env4.	What exactly is intended here? Is no development to be permitted in this area at all, or might certain types of development or design be considered appropriate?	The policy is to protect against ribbon development and losing the identities of separate settlements along the A379 and to encourage the biodiversity.
Env5	Env5. (a) Local Green Spaces will be protected and enhanced. Only development directly associated with and necessary to improve the green spaces will be permitted within them (Environment Policy Map Env Map 2 and Appendix 7). (b) Measures to improve the appearance of the A379 route through Brixton, particularly through measures such as tree planting and green landscaping, will be supported. See Env Map 2.	Suggest wording is included which clearly designates the LGS e.g. 'The following green spaces as identified on Env Map 2, are designated as Local Green Spaces.' Then list all proposed LGS by name and map ref.	Local Green Spaces have been updated to show compliance with National Planning criteria.
Env6	Env6. The area identified as the Brixton Strategic Green Space (Env Map 2) shall be safeguarded during the Plan period (2014-2034) except in the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community. In which case small numbers of well designed, sensitively located housing might be considered; in any event not before 2023 when the first review of this Plan is due. This review will also consider the development progress of Sherford and any impact on the Brixton Strategic Green Space. No development will be permitted that adds substantially to the cumulative impact of development in the village that will adversely impact on the social wellbeing and character of the village.	Suggest this policy is reworded in a more positive way, e.g. 'Within the area identified as the Brixton Strategic Green Space (Env Map 2), proposals for small scale housing development will be supported where a) they can be demonstrated to meet an essential local need b) they are sensitively located... etc Consideration should be given to how this policy relates to the policies in the development section below.	The area designation wording amended. Policy amended.
Env7	Env7. Designated historic and heritage assets and their settings, both above and below ground, shall be conserved and enhanced. Development proposals are required not to harm but to conserve, restore and enhance designated and non-designated historic and heritage assets and their settings.	The identification of local non-designated heritage assets is welcomed and adds detail to JLP Policy DEV2. The first paragraph of this policy is not considered necessary as designated assets are already well protected in policy.	Noted
Env8	Env8. Private or community renewable energy generation schemes will be supported provided they are designed to minimize harm to local heritage, biodiversity, landscape, views and skylines, through noise or other nuisance and be in keeping with its setting and surroundings.	Is any type of renewable energy generation of any size acceptable? Some clarification is needed.	Any size of renewable energy generation will need to be assessed against national and local development policies.
Cof1	Cof1. The following local facilities are designated as Assets of Community Value*: The Post Office / village shop The Foxhound pub The Scout hut St Mary's School Assets of Community Value shall be protected and retained. Development that would result in the loss of or harm to any such asset will not be permitted unless there is equivalent or improved alternative provision in the parish.	Have these facilities been formally listed as Assets of Community Value? See https://www.southhams.gov.uk/article/3851/Assets-of-Community-Value Suggest adding to this policy words to the effect 'unless it can be demonstrated that the facility is no longer needed'. Permitted development rights should be referred to in respect of the shop.	Community Assets re-assessed and revised.
Cof2	Cof2. New development will be required to contribute towards the provision or improvement of community facilities in Brixton in accordance with adopted standards and local priorities which could include but is not restricted to: • a parish hall, • off-street car parking and/or car park, • a visitor car park in Brixton Village • play spaces, • allotments, • Network improvements to footpaths, bridleways and cycle paths, • measures to mitigate traffic flow and speed through the village, • improvements to and "greening" of the A379 corridor, • public river access	CIL regs should be referred to: planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. See http://www.legislation.gov.uk/ukdsi/2010/9780111492390/part/11	SHDC does not have a CIL regulations policy. Section 106 contributions will be required under statutory planning obligations but must also consider: Brixton Parish Sport and Recreation Plan and Brixton Parish Community Facilities Plan
Cof3	Cof3. Developments of more than 5 homes shall incorporate adequate public landscaped space and provision for safe children's play within the development.	What is considered 'adequate' in this context? It would be useful to refer to JLP evidence https://www.plymouth.gov.uk/jointlocalplan/evidencebase and Fields in Trust guidelines http://www.fieldsintrust.org/	Policy wording amended.

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Sar1	Sar1. Public open space, private outdoor sports grounds, school playing fields and allotments shall be protected and retained in that use. Only development directly associated with and necessary for their improvement will be permitted unless: (a). an alternative and improved provision is provided that retains its original functional requirements for existing and future users; and (b). the proposal would not result in the loss of an area important for its amenity or contribution to the character of the area in general.	<p>What does this policy add to JLP DEV3?</p> <p>As currently worded, the grammar of part b) of the policy is confusing: 'Only development...will be permitted unless (b) the proposal would not result in the loss of....'</p> <p>It is not entirely clear what is intended here.</p>	This policy adds further local detail.
	Dev Map 1	This is a useful map to help set the context for the NP	Noted
Tpt2	Policy Tpt2	This is not really a policy and should be moved to supporting text.	Noted and moved to supporting text
	Employment policies	<p>The employment policies are welcomed as adding appropriate local detail to JLP policy. However, clearer identification of the relevant sites on one single map is recommended.</p> <p>Have site assessments been carried out to assess the impact of development on these sites – particularly the 'site of approximately 2.5 Ha in the vicinity of Dodovens Farm/Chittleburn Business Park'? No such assessments have been seen by the LPA, and are recommended in order to demonstrate deliverability of the NP.</p>	<p>New Map produced.</p> <p>See general comment 8 above.</p>
Dev1	Policy Dev1 Development shall not harm but maintain and enhance the South Devon AONB and its setting, paying full regard to national and local strategic policies for the AONB and to the South Devon AONB Planning Guidance.	This policy repeats the requirements of Policy Env1 and as such is not considered necessary.	Policy wording amended
Dev2	Policy Dev2 Location, scale and character of development. (a) Within the settlement boundary the scale, density and character of development shall be in keeping with its site and surroundings and shall cause no adverse impacts on natural or historic assets, important views, outlooks or skylines, local amenity, traffic, parking or safety	The provisions of this part of the policy are already well provided for in existing planning policy. As such, this part of the policy is not considered necessary.	Noted
Dev2	Policy Dev2 (b) Elsewhere in the parish development will be strictly controlled and only permitted where it is small scale (1 - 2 dwellings) and can be delivered sustainably and not in conflict with any other policy.	This part of the policy is contrary to JLP TTV31, which supports housing and employment development for local needs only adjacent or very close to existing settlements. Isolated development elsewhere is only supported in very specific circumstances, such as to meet the needs of a rural worker. As currently worded, the NP policy is more permissive than JLP TTV31. Unless this is the intention, we suggest removing this part of the policy.	This section of the policy removed
Dev2	Policy Dev2 (c) In the event that a future Housing Needs Survey identifies the need for essential, affordable local housing for Brixton community, small numbers of sensitively located, well designed housing, might be considered within the Parish outside the AONB.	As above. This is already provided for by JLP TTV31 where the proposed development is adjacent or very close to existing settlements. As currently worded, the NP policy is more permissive than JLP TTV31. Unless this is the intention, we suggest removing this part of the policy.	Policy wording amended
Dev2	Policy Dev2 (d) Small scale development that secures a viable long- term future for a valued local asset which would otherwise be lost, or will meet an essential local need which could not otherwise be met may be permitted	As above. In addition the wording 'essential local need' potentially creates confusion. What is intended here? This could be interpreted as need for several affordable houses, or in several other ways. Again we suggest removing this part of the policy which is already covered by TTV31.	Reference to local need removed.
Dev3	Dev3. All new development should be of high quality and appropriately designed for the context in which it is proposed with respect to its neighbours and the rural character of Brixton village and Parish. Development shall take into account topography, layout, building orientation, massing, landscaping, public green space and associated public realm, to minimise visual, ecological and social impact. Housing will comply with the Department of Communities & Local Government "Technical housing standards – nationally described space standard."	<p>What does this policy add to JLP DEV10 and Dev20? NPs should avoid repeating existing/emerging policy wherever possible.</p>	Policy retained to emphasise the requirement for good design which has been lacking in recent developments.
Dev4	Dev4. Design shall maximise, where possible, the orientation of new development to capitalise on solar energy and other natural sustainable resources to reduce energy consumption. Development comprising the use of renewable energy and low carbon materials will be encouraged where it does not harm the character and appearance of the Parish and the landscape.	As above – does this policy add significantly to JLP DEV34?	Policy retained and updated to emphasise the requirement for good design which has been lacking in recent developments.
Dev5	Dev5. All new developments shall include adequate off street parking and cycle storage for residents, users and visitors. Residential developments shall also provide at least one parking space per bedroom.	This policy is supported, although some clarification of 'adequate' is recommended. See NPPF 39, updated in 2015 with the following text: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network." (written statement: Planning Update March 2015)	Representations to the Parish Council have drawn attention to the inadequacy of parking provision in new developments. This inadequacy has resulted in significant safety concerns (parking on the pavement and insufficient space for deliveries), social tension through lack of parking spaces, and negative visual impact for the residents of, and visitors to, these new housing schemes.
Dev6	Dev6. Existing Recreation and Tourism facilities shall be retained for that use. Only development directly associated with and necessary for their improvement will be permitted unless: (a) alternative and improved provision will be made in a location well related to the functional requirements of the use and its existing and future users; and (b) the proposal would not result in the loss of an area important for its contribution to the character of the area in	<p>This policy is supported, but suggest adding wording to the effect 'Unless it can be demonstrated to be no longer financially viable'.</p> <p>There appears to be text missing at the end of part (b)?</p>	Policy wording amended
Dev8	Dev8. Future development of former Steer Point Brickworks hard standing (refer to Dev Map 2 and Dev Map 3). This large area of previously developed land lies within a highly sensitive area of the AONB. Only development proposals to enhance this site and provide significant overall community benefit in this special location will be considered.	More detail would be welcomed here as to what might be considered acceptable development for this site and what sort of community benefits are aspired to and might be realised from the site.	Policy wording amended. What will be acceptable in relation to any forthcoming planning application will be judged on its individual merits and assessment of significant community benefit.