



**Teignbridge District Council: Formal
comments in response to Abbotskerswell Pre-
submission Neighbourhood Development Plan
(September 2016)**

November 2016

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Introduction

Teignbridge District Council would like to thank Abbotskerswell Neighbourhood Planning Group for consulting the authority on their Pre-submission (Regulation 14) Neighbourhood Development Plan dated September 2016.

This document forms the formal response to this consultation from Teignbridge District Council Planning Department. This document contains three central parts to consider when examining the consultation comments:

1. Teignbridge Detail Comments
2. Compliance Matrix, and
3. General Drafting Errors

These three central parts should be read collectively to ensure that the full scope of comments and advice from Teignbridge District Council is acknowledged and taken forward through a revised submission neighbourhood plan.

These comments have been formulated in collaboration with a number of professionals in the planning department including ecologists, planning policy officers and development management officers.

The advice and recommendations contained in this document is non-statutory advice. However these comments have been provided to enable a robust neighbourhood plan which meets the basic conditions and can be utilised in the determination of applications by officers at Teignbridge District Council.

Comments within the compliance matrix are coded in the following way:

- **Comments in red** indicate a compliance concern which should be addressed
- **Comments in orange** indicate concerns over compliance which could be addressed through additional evidence or policy amendment.
- **Comments in green** indicate no compliance concerns

Within the compliance matrix reference column titled 'source' refers to 'PPG' this is relating to Planning Practice Guidance and where a number appears this refers to the related paragraph of the National Planning Policy Framework.

Strategic Environmental Assessment (SEA) & Habitats Regulations Assessment

- 2.1 Teignbridge District Council undertook a screening assessment and determination for the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment dated September 2016.
- 2.2 The SEA Screening assessment concluded that there were unlikely to be any significant effects arising from the Abbotskerswell Neighbourhood Development Plan that were not covered in the SEA and HRA of the Teignbridge District Local Plan (2013-2033). It asserted that in the opinion of Teignbridge District Planning Authority that the Pre-submission Abbotskerswell Neighbourhood Development Plan does not require a full SEA to be undertaken.
- 2.3 The Habitats Regulations Assessment concluded the following:
- “Provided the required caveats (in the final column of the screening matrix) and explanatory paragraph (above) are added, this assessment can conclude that there will be no likely significant effect on a European wildlife site from the policies listed in the Pre-submission Abbotskerswell Neighbourhood Development Plan, when implemented in conjunction with the Teignbridge Local Plan 2013 -2033 and the latest edition of the South Hams SAC Planning Guidance. However, any future changes to the emerging Abbotskerswell NDP will require their own Habitat Regulations Assessment.”*
- 2.4 This screening determination and HRA conclusion has been forwarded to Historic England, Natural England and The Environment Agency to seek their opinion on this determination. These consultees were sent the documentation via email and hard copies sent in the post on 21st September 2016.
- 2.5 Comments were requested to be received by Friday 4th November 2016.

**Teignbridge District Council Advice Notes on the Pre-submission
Abbotskerswell Neighbourhood Plan (September 2016)**

Natural Environment

Aim 1 and Aim 2 present 'where feasible' in slightly different formats and these should be consistent.

NE2: Devon Banks/Hedgerows

Need to present the evidence with its full title in the boxes at the end of the pages and include publishing dates. Care should also be taken on ensuring the titles are accurate such as Highway Management in Devon's Protected Landscapes: The Protocol, Devon County Council (June 2011).

NE3: Local Green Space (biodiversity)

The identified local green spaces should include a reference which relates to the local green space map on page 21 i.e. LGS A: Grange Copse (SX86/174)

Criteria ii includes "which is also currently being surveyed for dormouse activity". This doesn't add anything to the policy and should instead appear within the supporting text of the policy.

The final paragraph of the policy doesn't read well and is confusing as to how it should be applied. Whilst not ideal the following wording would be considered an improvement on existing:

"Proposed development should consider and where relevant mitigate in-combination biodiversity effects, particularly referencing..."

The flooding maps on page 23 and 24 should include a key which illustrates the flood zones applicable.

NE4: Local Flooding

The title of the policy is presented in the plan as "Policy NE4- Local Flooding". This is the only example where the word 'policy' precedes the title. It is advised to remove the word 'policy' from the title to ensure consistency throughout the plan.

Built and Historic Environment

The second paragraph on page 28 makes reference to Wilton Way respected as starter homes for first time buyers. Care should be taken that statements such as these are accurate. According to the Rightmove website: (<http://www.rightmove.co.uk/house-prices/TQ12/Wilton-Way.html>) a property has not

sold on Wilton Way in the last 4 years for a price lower than £200,000 (average £240,000). An individual would be required to earn at least £50,000 pa to be eligible to for such for a mortgage on the lowest selling price (based upon lending of 4 times a person's annual salary).

The first paragraph on page 28 references 'figure 10 below' however figure 10 is presented on the preceding page.

Figure 12 on page 30 requires a key. Paragraph 63 refers to the solid yellow line but this is barely visible on the diagram. The diagram could be trimmed to exclude the area or the map could be reoriented and/or resized to make this area more visible.

Paragraph 72 includes 'local' within inverted commas which suggests the APC are not local? This paragraph also references a planning advice note and then provides a link to the emerging Design Guide. The Residential Development Design Planning Advice Note has been replaced by the Teignbridge Design Guide (partially complete and on the website). Whilst not fully completed it is likely to be fully adopted by the time the Neighbourhood Plan is Made. This design guide is a Supplementary Planning Document and not an advice note. This paragraph also refers to developers contacting APC for its local scoping opinion which is slightly confusing as to what is meant as a scoping opinion, in planning terms, usually refers to SEA's. It would probably be better phrased as "*Applicants for planning permission are encouraged to engage early with APC to discuss their proposals*".

BHE1: High Quality Design in Abbotskerswell

The policy as written instructs proposals which require a planning statement or design and access statement to demonstrate the scheme would deliver high quality design.

Whilst this is a plausible approach, the policy as written is read as only requiring developments which fall within the requirement to provide one of these statements to achieve high quality design.

It may be more appropriate to state:

Development in the Parish should always seek to deliver high quality design.

Where a Design and Access Statement or Planning Statement is submitted this should demonstrate how the scheme will achieve high quality design, enhance visual amenity and minimise adverse impacts on the built environment.

Development should have regard to relevant planning guidance issued by Teignbridge District Council with particular attention paid to:

Criteria ii requires attention to be paid to using local stone where feasible however it is entirely possible it would be feasible to use local stone and but not appropriate. To ensure flexibility and to avoid adverse impacts from the inappropriate use of stone

the word appropriate should be included i.e. *“where feasible and appropriate”*. In addition it is not clear as to why local stone has been particularly singled out over and above other suitable materials such as slate. I would suggest that instead of referring to local stone it may be more appropriate to say *“have regard to local vernacular and materials used”*.

Local Plan Policy WE8: Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments should be included in the list of related national and district policies at the end of policy BHE1.

Under key supporting evidence two Abbotskerswell character appraisals are referenced but only the 2010 appraisal is extant. This adds an element of confusion as there is an inference that both documents should be referenced, even the one replaced.

Population and Housing

It is not clear what the purpose of the table on page 40 is? It should be noted that the fourth row, third column reference to scoping opinion will be dated shortly.

PH1: Local Needs Housing/ Affordable Housing in Abbotskerswell

The second bullet point of the local connection criteria refers to off-site affordable housing contributions being applied to adjoining parishes if there is no identified need. However if there is identified need but no available site under this policy the funds could be returned to the developer. Slightly amended policy text is proposed below:

“Secondly be applied to adjoining parishes, where there is no identified affordable housing need or available site in the parish of Abbotskerswell.”

The local connection criteria references the stages within the text i.e. firstly, secondly, thirdly, therefore the numbered bullet points are not necessary.

Consideration should be given to suitability and sustainability of the local connection criteria as presented. It currently favours the rural area over the urban in regards to the provision of off-site affordable housing contributions. Abbotskerswell stands adjacent the Newton Abbot urban area and the provision of Abbotskerswell's off-site contributions to the adjacent urban area may well be the more sustainable approach than a location in the rural area which is further to travel from the parish. Would it be considered more suitable and sustainable for a person who wishes to live in Abbotskerswell, but can't find a suitable affordable house to be resident in the adjacent urban area closer to the place of preference than a less sustainable rural location?

Paragraph 102 on page 42 references residents concern however the first quote refers to green belt. The District has no green belt. Whilst I appreciate that this is a direct quote, placing it within the plan reinforces this inaccuracy.

Paragraph 104 references the scoping area risking the narrow buffer between NA3 and Abbotskerswell. This is not accurate as the scoping area includes the green infrastructure in its assessment to ensure that development mitigation areas are considered and a holistic assessment of the developments impacts and mitigations are addressed.

The scoping opinion area as illustrated in Figure 15 does not indicate a narrowing of the green infrastructure.

PH2: Minimising the Impact of Local Plan Allocation NA3 Wolborough

The policy refers to a *'buffer to be put in place to protect wildlife and protected species'* however this is not accurate as the green area you are referring to which stands between the Abbotskerswell and the built form of NA3 is green infrastructure and not a buffer. A buffer is to be provided between NA3 and Decoy woods only.

PH3: Custom Build Dwellings

The title on page 44: Small Scale 'one-off' Self Build Housing Development does not relate well to the policy title of PH3: Custom Build Dwellings and would be more suitably titled *Custom Build Housing Development*. If it is to be retained, further explanation and definition of terms should be provided.

Paragraph 107 states the Neighbourhood plan policy PH1 will meet the parish's immediate affordable housing need. Policy PH1 doesn't allocate any development sites to meet the affordable housing need in the parish. As written this paragraph is inaccurate and amended policy wording should be considered along the lines of:

"Teignbridge District Council's Local Plan Policy WE1 establishes the Districts strategic need for affordable housing and Neighbourhood Plan policy PH1 seeks affordable housing provision tailored to the local need of Abbotskerswell Parish."

Whilst the NDP cannot require custom build dwellings in the settlement boundary over standard market housing it could provide additional encouragement within policy wording such as:

"Proposals for Custom Build Dwellings within or adjacent to the settlement boundary are strongly encouraged and will be considered favourably where:"

It is worth noting that the Custom Build SPD is largely tailored to the needs and requirements of multiple plot developments and not necessarily applicable to single plot developments.

There is currently a poor relationship between paragraphs 107 and 108 and policy PH3. The paragraphs relate to meeting affordable housing need and encouraging the development of small homes for the young, single people or downsizers. Custom Build dwellings would not appear to fit well with this aim because such developments are rarely affordable for the young and the single.

Transport and Accessibility

It should be noted that objectives 6.3 (parking restrictions), 6.4 and 6.5 are not related to land-use planning. A Neighbourhood plan must address the development and use of land or clearly highlight an aspirational requirement.

Paragraph 117 states that because over 50% of households have more than one car that there should be little doubt about the validity of the community's opinions expressed in the road and travel matters survey 2015. It is not clear how these two relate?

TA1: Off-road Parking

The aim of the policy is to increase the provision of off-road parking to reduce the impact of on-street parking issues. However criteria i and ii are seeking to add unnecessary restrictions to this provision which seems to counter the aim of the policy. In relation to criteria i, this policy is being written because you've already identified a need (as expressed through preceding supporting text) why then does this need have to be again demonstrated by a developer? Criteria ii could result in unforeseen consequences in requiring off-street parking as close to the travel destination as possible. There may be circumstances when the closest option is not the most visually appropriate or suitable for highway safety. In addition the term travel destination is confusing, do you mean the origin instead?

Criteria v requires no adverse impacts but then in the same line states "*or adverse impacts can be satisfactorily mitigated*". A change in wording would add clarity to this criteria. A suggestion might be "*There are no unacceptable impacts on landscape character after mitigation measures are considered*".

The policy currently supports additional provision of off-road parking but doesn't make any provision for safeguarding existing off-road parking provision.

The final paragraph of the policy requires development proposals for new housing and employment to demonstrate sufficient off-road parking provision which omits any requirements for other types of potential development such as leisure and retail development.

Economy and Employment

EE1: Supporting Micro and Small Enterprises

The policy supports new or expanded employment provision in the rural area which presumably refers to the areas outside the settlement boundary. The reference to the rural area excludes policy support for such development within the settlement boundary. If the words 'rural area' were removed the policy would read as supporting new or expanded employment provision where they comply with the criteria.

Community Facilities and Assets

CF1: Community Facilities, Spaces and Assets

The table at the beginning of the policy lists three areas of land owned by the parish council. It is not clear what these spaces are (verge, car parks or areas of recreational land?) Just because they are owned by the parish council does not infer their community or recreational use. If these areas are to be safeguarded effectively they must be mapped otherwise the application of the policy is unlikely to be consistent.

The fourth paragraph to the policy mentions Assets of Community Value, this is a very specific designation covered under non-planning related legislation. Abbotskerswell currently has no Assets of Community Value on the successful Assets of Community Value nomination list.

The policy includes the following:

“Assets designated as Local Green Space (LGS) will be protected for their predominate existing use in perpetuity.”

The plan includes a local green space policy (NE3) which identifies local green spaces for their biodiversity value and safeguards them from inappropriate development and an additional reference is not necessary and makes the policy even more confusing.

The inclusion of the above has a poor relationship with the community facilities policy as none of the identified local green spaces relate to community use. Removal of this sentence would not detract from safeguarding local green spaces but would provide a clearer community facilities policy.

These facilities should be mapped alongside other designations onto a proposals map.

Criteria i of policy CF1 supports applications where they meet the requirements of local plan policy WE11. Local Plan policy WE11 relates to the promotion of green infrastructure as part of development and doesn't relate to the loss of community facilities. This reference should be removed from the policy as it lacks relevance to policy CF1.

Policy CF1 relates to community facilities but also to sports and recreational facilities. The policy cross-references local plan policy WE13: Protection of Recreational Land and Buildings however this conflicts with the requirements which follow. Policy WE13 enables the loss of recreation land and buildings where the loss would be replaced or the development is for alternative sports and recreational provision. Policy CF1 enables the loss of open space for an alternative community use. This alternative community use could cover a range of uses and built development which has no relationship to recreational land and buildings such as a retail unit or pub. This provision stands contrary to the requirements of local plan policy WE13.

Overall the policy is confused by the introduction of four different types of designations i.e. Community Facilities, recreational open space, Local Green Space and Assets of Community Value. A policy already exists for local green spaces and any reference should be contained within that policy. Recreational open space and community facilities would be better served and the policy would read more logically if these two designation types were separated.

Generic

Key supporting evidence boxes at the end of each policy should include the full and proper titles where possible (as in the previous version of the plan).

There is a lot of text and data within this document which is going to date very quickly and regard should be had for future flexibility of the plan.

Acronyms should be included with an explanation in the glossary

The response form which accompanies the pre-submission plan includes the following reference:

“Any forms that do not have the personal details section fully completed will be logged but not considered”

There is nothing within the regulations or legislation which stipulates under what circumstance a Neighbourhood Plan group can discount a consultee’s comments. All comments should be considered regardless of whether they have completed all their personal details on the response form or not.

Para 24 refers to Abbotskerswell as a ‘Strategic settlement’ however the village of Abbotskerswell is not identified as strategic by Teignbridge District Council.

There should be consistency in the general supporting text, aims and objective and policy in relation to the terms settlement boundary, settlement limit and village envelope. One should be chosen and repeated throughout.

Teignbridge District Council Formal Comment on the Abbotskerswell Pre-submission
Neighbourhood Development Plan (September 2016)

All maps included within the plan should be accompanied by the Parishes OS
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Abbotskerswell NDP Policies	Relevant sections of NPPF & PPG		
	A Neighbourhood Development Plan should have regard to the policies and provisions contained within National policy and guidance		
	Source	Text	TDC Comment
NE1: Development and the Natural Environment	109	The planning system should contribute to and enhance the natural and local environment by: <ul style="list-style-type: none"> • Protecting and enhancing valued landscapes.... • Minimising impacts on biodiversity • Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution. 	Policy NE1 requires proposals to seek to enhance the natural environment, with particular focus on minimising impacts on biodiversity such as the Greater Horseshoe Bat and their strategic flyways, thereby promoting the preservation of their priority habitat. Due regard has been given.
	117	To minimise impacts on biodiversity and geodiversity, planning policies should: <ul style="list-style-type: none"> • Promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. 	
	125	By encouraging good design, planning policies... should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.	Policy NE1 seeks to limit light pollution through design, siting and landscaping, particularly to mitigate against impacts on bat strategic flyways. Due regard has been given.
NE2: Devon Banks/Hedgerows			
NE3: Local Green Space (Biodiversity)	77	The local green space designation should only be used <i>“Where the green area is demonstrably special to a local community and holds particular local significance...”</i> Local Green spaces should also be <i>“in reasonably close proximity to the community it serves”</i> and <i>“be local in character and not an extensive tract of land.”</i>	The Neighbourhood Plan identifies four local green spaces for their biodiversity value which is supported by the Wildlife Site Resource Map and Species Information for Neighbourhood Planning by Devon Biodiversity Records Centre. Previous consultations have revealed that maintaining and enhancing the biodiversity of the parish was an important factor for the plan to consider. Due regard has been given Three of the four local green spaces are in the opinion of TDC in reasonable proximity to the community and local in character. Site A (SK86/046) however spans across the parish boundary and may not be considered local in character as a result. The term extensive tract of land is undefined and open to the examiners interpretation.
NE4: Local Flooding	99	<i>When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.</i>	The policy identifies particular local areas vulnerable to flood risk and seeks to ensure that where development is necessary it meets the requirements of Local Plan Policy EN4. It also seeks to secure satisfactory mitigation
	100	<i>Inappropriate development in areas at risk of flooding should</i>	

Abbotskerswell Pre-submission Neighbourhood Development Plan (Sept 2016) Compliance Matrix

		<i>be avoided by directing development away from areas at high risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</i>	measures to ensure “risk can be managed through suitable adaptation measures.” The neighbourhood plan is not proposing any development within areas of flood risk. <i>Due regard has been given.</i>
BHE1: High Quality Design in Abbotskerswell	17	<i>Planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.</i>	This policy seeks high quality design and a good standard of amenity but as currently worded the policy applies only to those schemes requiring a design and access statement or planning statement rather than all developments.
	56	<i>Good design is a key aspect of sustainable development....</i>	<i>Due regard would had with additional policy wording which makes clear that all developments should seek to achieve high quality design.</i>
	57	<i>It is important to plan positively for the achievement of high quality and inclusive design for all development....</i>	
	58	<i>....neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning policies should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.</i>	
	66	<i>Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this developing the design of the new development should be looked on more favourably.</i>	Please TDC Advice Notes
	17	<i>Planning should: Conserve heritage assets in a manner appropriate to their significance.</i>	The final paragraph of this policy <i>is considered to have due regard</i> to this paragraph but consideration should be given to referring to more favourable consideration of proposals in which the design has taken account of community views.
	126	<i>Local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment. ... Local Planning authorities should take into account the desirability of new development making a positive contribution to local character and distinctiveness.</i>	Criteria v of the policy <i>is considered to have due regard to this element of the NPPF.</i>
PH1: Local Needs Housing	50	Local planning authorities should where ...affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified....	Neighbourhood plan policy PH1 supplements local plan policy WE2 in requiring applicable schemes to meet local affordable housing need as established through the most recent up-to-date housing needs survey. It also establishes its own local connection criteria. <i>Due regard has been given.</i>
PH2: Minimising the impact of Local Plan Allocation NA3 Wolborough	17	<i>Planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings</i>	This policy seeks to mitigate adverse impact on amenity when considering green infrastructure provision in NA3. <i>Due regard has been given</i>
	58	<i>Planning policies should ensure the developments are visually attractive as a result of good architecture and appropriate landscaping.</i>	This policy focuses on appropriate landscaping which will add to visual attractiveness of the NA3 development. <i>Due regard has been given</i>
	125	<i>By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on</i>	Criteria i of this policy seeks to minimise the impact of light pollution when considering green infrastructure provision in

		<i>local amenity.</i>	NA3. Due regard has been given.
	PPG	<i>Well-designed green infrastructure helps create a sense of place by responding to, and enhancing, local landscape character.</i> <i>The components of green infrastructure exist within the wider landscape context and should enhance local landscape character and contribute to place-making. High quality networks of multifunctional green infrastructure provide a range of ecosystem services and can make a significant contribution to halting the decline in biodiversity.</i>	This policy seeks to guide the composition of green infrastructure within the parish surrounding strategic allocation NA3 to ensure, in part, the landscape setting of Abbotskerswell and wildlife habitats are not adversely affected. Due regard has been given.
	PPG	<i>Planning proposals should incorporate green infrastructure in line with local and neighbourhood plan policies and site specific considerations.</i>	
PH3: Custom Build Dwellings	50	<i>To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities local planning authorities should:</i> <i>Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as but not limited topeople wishing to build their own home).</i>	Policy PH3 supports the provision of custom build dwellings in the settlement boundary. Due regard has been given but more favourable wording in the policy could provide greater assistance in encouraging this type of development.
	17	<i>Planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.</i>	Policy PH3 supports custom build dwellings where they are of high quality design which reflects local character and mitigates adverse impacts to ensure a high level of residential amenity and environmental quality.
	56	<i>Good design is a key aspect of sustainable development....</i>	Due regard has been given.
	57	<i>It is important to plan positively for the achievement of high quality and inclusive design for all development....</i>	
TA1: Off-road Parking	32	<i>All developments that generate significant amounts of movement should be supported by a transport statement or transport assessment. Plans and decisions should take account of whether:</i> <i>Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</i>	This policy seeks the provision of additional off-road parking, subject to a number of criteria and requires new housing and employment development to provide adequate off-road parking and access. The policy is considered to support local transport networks and seeks to limit the significant impacts of housing and employment development. It should be noted however that the NPPF introduces a requirement that development will only be prevented on transport grounds when the impacts are <u>severe</u> .
	58	<i>Planning policies and decisions should aim to ensure that developments.... support local facilities and transport networks</i>	Due regard has been given
	99	<i>When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures.</i>	Criteria iv requires measures to ensure no increase in surface water flooding on or off site.
	100	<i>Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high</i>	Due regard has been given

Abbotskerswell Pre-submission Neighbourhood Development Plan (Sept 2016) Compliance Matrix

		<i>risk, but where development is necessary, making it safe without increasing flood risk elsewhere.</i>	
TA2: Traffic Management	35	...developments should be located and designed where practical to <u>create safe and secure layouts</u> which minimise conflicts between traffic and cyclist or pedestrians...	This policy supports proposals which result in improved traffic management. Due regard has been given
TA3: Improving Safe Pedestrian and Cycle Accessibility	17	Planning should: <i>Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling...</i>	This policy's primary purpose is to safeguard existing public rights of way and support improvements. Due regard has been given
	75	<i>Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users...</i>	Due regard has been given
	PPG	Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with landowners, whose legal rights must be respected.	No evidence has been presented which demonstrates that this scheme is deliverable such as through discussions with County Highways or landowners.
	PPG	If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable.	Due regard has not been given to engaging with the individuals and bodies which are able to deliver the proposed schemes.
TA4: Safe Access to and from New Development at Abbotskerswell Village	35	<i>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods and people. Therefore developments should be located and designed where practical to: Give priority to pedestrian and cycle movements....</i>	The intent of the policy is to ensure safe linkages between new developments within or adjacent Abbotskerswell settlement boundary and the village for cyclists and pedestrians. Due regard has been given
	69	<i>Planning policies and decision, in turn, should aim to achieve places which promote: Safe and accessible developments, containing clear and legible pedestrian routes....</i>	Due regard has been given
EE1: Supporting Micro and Small Enterprises	19	<i>Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.</i>	Policy EE1 supports economic growth in the rural area where unacceptable impacts in criteria a to f are adequately mitigated. Due regard has been given
	28	To promote a strong rural economy, local and neighbourhood plans should: <i>Support the sustainable growth and expansion of all types of business and enterprises in rural areas, both through the conversion of existing buildings and well designed new buildings.</i>	Policy EE1 supports new or expanded employment premises in the rural area. Due regard has been given
CF1: Community Facilities, Spaces and Assets	28	To promote a strong rural economy, local and neighbourhood plans should: <i>Promote the retention and development of local services and community facilities in village such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</i>	Policy CF1 is considered to have due regard with this paragraph as its primary intention is to promote the retention and development of the parish's community facilities. These are required to be identified on a map.
	74	Existing open space, sports and recreational buildings and land... should not be built on unless: <ul style="list-style-type: none"> An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or 	Policy CF1 criteria ii requires demonstration that the use of the recreational facility has no prospect of viable continued use benefiting the community. The NPPF does not require viability considerations when examining the loss of recreation land or buildings. Such a requirement is likely to

		<ul style="list-style-type: none"> The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or The development is for alternative sports or recreational provision, the needs for which clearly outweigh the loss. 	<p>prevent any potential development of such spaces but the NPPF already provides a designation (local green spaces) to enable this level of protection of particularly special areas of green space.</p> <p>The policy would be considered to have due regard to paragraph 74 of the NPPF if criteria ii were removed, reworded or preferably policy provisions for recreational facilities are separated from those relating to community facilities.</p>
	PPG	<p>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.</p>	<p>It is not clear where the listed community facilities and open spaces are situated, particularly "land owned by the Parish Council". These facilities should be mapped to ensure the boundaries are clearly established and the policy can be applied consistently.</p> <p>The policy is also considered confusing in its wording. It includes Community facilities, community activities, Assets of Community Value, Local Green Spaces and sports and recreational facilities. These very different types of designations have different policy provisions and considerations and it is not clear as to how the policy criteria are to be applied to each designation.</p> <p>Due regard would be given through amendments to policy wording to make it clearer as to where these facilities are located and what policy and criteria apply to what designation.</p> <p>A separation of the designation types would significantly aid in the application and interpretation of the policy.</p>
Overall Comment			
<p>Suggestions have been presented which seek further consideration of one Local Green Space site which may be considered an extensive tract of land, policy wording amendments to BHE1 to ensure that all development delivers high quality design and amendment to policy CF1 to ensure the policy can be applied consistently. It is advised that Policy CF1 should separate community facility policy provisions from those of recreational facilities. It is also suggested that any landowner of proposed footpaths be consulted on the plans proposal in addition to the relevant County Highways Department.</p> <p>Overall the pre-submission Abbotskerswell Neighbourhood Plan, with amendments to policy CF1, would be considered to have had due regard to the provisions of national policy and guidance and taken in its entirety, is considered to result in sustainable development.</p>			

Abbotskerswell NDP Policies	Relevant sections of Teignbridge District Council Local Plan (2013-2033)			
	A Neighbourhood Development Plan should be in general conformity with the strategic policies of the Local Plan			
	Policy No.	Title	Text	TDC Comment
NE1:Development and the Natural Environment	S1	Sustainable Development Criteria	Proposals will be required to perform well against the following criteria: d) Health, safety and environmental effects of noise, smell, dust, light, vibration, fumes.... g) Maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scene, buildings, open spaces, trees and other environmental assets h) impact on biodiversity and geodiversity	Policy NE1 seeks to lessen the impacts of all forms of pollution but has specific regard to light pollution and its effects on bat strategic flyways and biodiversity sites. Considered in general conformity
	S2	Quality Development	New development designs will take account of a) integrating with and, where possible, enhancing the character of the adjoining built and natural environment... k) respect the distinctive character of the local landscape, seascape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines	Policy NE1 seeks to enhance the natural environment and essential qualities of Abbotskerswell. Considered in general conformity
	S11	Pollution	The impact of pollution will be reduced where possible through planning, other legislation and by joint working to: b) prepare strategies and take action to reduce pollution levels in areas of concern which fail relevant legal standards c) guide development and infrastructure provision to seek improvements in pollution levels.	Policy NE1 seeks to lessen the impacts of all forms of pollution Considered in general conformity
	EN2 A	Landscape Protection and Enhancement	Development proposals should: a) Conserve and enhance qualities, character and distinctiveness of the locality b) Where appropriate restore positive landscape and seascape character and quality c) Protect specific landscape and seascape, wildlife and historic features which contribute to local character and quality d) Maintain landscape and seascape quality and minimise adverse visual impacts through high quality building, landscape and seascape design.	Policy NE1 seeks development proposals to enhance the natural environment and essential qualities of Abbotskerswell. The policy is also seeking to protect specific wildlife features such as bat strategic flyways and non-statutory biodiversity sites. Considered in general conformity
	EN8	Biodiversity Protection and Enhancement	Protect, enhance and restore the biodiversity of the area as follows; b) Seek net increases in biodiversity c) Investment in habitat management and creation d) Minimise fragmentation and maximise opportunities to provide bigger and better connected	Policy NE1 (criteria a and c) like LP policy EN8 seeks to safeguard biodiversity, and in particular identifies bat strategic flyways. Considered in general conformity

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			habitats g) Development proposals where the principle objective is to conserve or enhance biodiversity	
	EN9	Important Habitats and Features	To protect and enhance existing areas of biodiversity... development proposals will take account of the importance of any affected features taking account of the following hierarchy of sites: a) Internationally important sites b) Nationally important sites c) Locally important sites d) The network of liner and other lining features important for wildlife movement.... e) Other areas of land or features of value to biodiversity	Policy NE1 takes account of the importance of the features of special interest of the South Hams SAC relevant to the parish which is an internationally important site, namely Greater Horseshoe Bat strategic flyways, roosts and foraging areas. The policy also recognises locally important sites. Both the local and international sites are identified within illustrations in the plan. Considered in general conformity
	EN10	European Wildlife Sites	Roosts, strategic flyways and sustenance zones for Greater Horseshoe Bats, which constitute the special interest of the South Hams Special Area for Conservation, will be protected.	
NE2: Devon Banks/Hedgerows	EN12	Woodlands, Trees and Hedgerows (previously Trees and Hedgerows)	The loss of woodland, healthy trees and hedgerows with visual, historic or wildlife importance will be resisted.	Policy NE2 seeks to safeguard hedgerows and Devon Banks, mitigate against damage and highlights their importance within the preceding supporting text.
	S1	Sustainable Design Criteria	Proposals will be required to perform well against the following criteria: g) Maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scene, buildings, open spaces, trees and other environmental assets	Considered in general conformity
NE3: Local Green Space (Biodiversity)	EN8	Biodiversity Protection and Enhancement	...Protect, enhance and restore the biodiversity of the area as follows; b) Seek net increases in biodiversity c) Investment in habitat management and creation d) Minimise fragmentation and maximise opportunities to provide bigger and better connected habitats g) Development proposals where the principle objective is to conserve or enhance biodiversity	Policy NE3 identifies and safeguards four local green spaces for their biodiversity value which is evidenced through the Biodiversity Report and safeguards these from inappropriate development. Considered in general conformity
	EN9	Important Habitats and Features	To protect and enhance existing areas of biodiversity... development proposals will take account of the importance of any affected features taking account of the following hierarchy of sites: f) Internationally important sites g) Nationally important sites h) Locally important sites i) The network of liner and other lining features important for wildlife movement....	Policy NE3 requires proposed developments to mitigate biodiversity effects, particularly referencing priority habitats and Greater Horseshoe Bat strategic flyways. Considered in general conformity

			j) Other areas of land or features of value to biodiversity	
	EN10	European Wildlife Sites Roosts, strategic flyways and sustenance zones for greater horseshoe bats which constitute the special interest of the South Hams Special Area for Conservation will be protected... ... It is a requirement under the Habitat Regulations that any development proposals which may have an impact on a European Site are subject to further assessment in order to avoid harm to those sites.	Policy NE3 requires development to mitigate any biodiversity effects referencing the Greater Horseshoe Bat strategic flyways and the CPRE Light pollution map. Considered in general conformity
	EN11	Legally Protected and Priority Species	Development which would likely harm a legally protected species and S41 List priority species will not be permitted unless: a) Sufficient up to date information is available on which to base a decision b) The public benefits of the development outweigh the harm c) These benefits cannot be provided through an alternative, less harmful location, design or form of development. d) Appropriate mitigation and compensation is provided to offset any harm to the species and their habitats, and For legally protected species favourable conservation status is maintained.	
	EN12	Woodlands, Trees and Hedgerows (previously Trees and Hedgerows)	The loss of woodland, healthy trees and hedgerows with visual, historic or wildlife importance will be resisted.	Policy NE3 identifies local green spaces as areas of rich biodiversity and safeguards these from future adverse development. These local green spaces include areas of woodland. Considered in general conformity
NE4: Local Flooding	EN4	Flood Risk	Development in flood zones 2 and 3 which meets the sequential approach will permitted only where it: c) does not increase flood risk elsewhere... In considering development proposals regard will be had to: f) The need for surface water drainage systems, separate from all foul drainage systems, and g) the use of sustainable drainage systems where ground conditions are appropriate.	NDP Policy NE4 largely repeats the provisions of LP Policy EN4 with the addition of regard to specific listed sites with known surface water flooding. Considered in general conformity
BHE1: High Quality Design in Abbotskerswell	S1	Sustainable Design Criteria	Proposals will be required to perform well against the following criteria: e) Impact on the residential amenity of existing and committed dwellings f) Maintenance or enhancement of the character, appearance and historic interest of affected landscapes, seascapes, settlements, street scene, buildings, open spaces, trees and other	NDP policy BHE1 like LP policy S1 seeks to minimise adverse impacts on the built environment and safeguard residential amenity. Both policies also seek to minimise development impacts on the landscape. Considered in general conformity

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	S2	Quality Development	environmental assets g) The buildings exhibit design quality using materials appropriate to the area, locally sourced if feasible,	Policy BHE1 requires particular attention to be paid to ensuring materials and design are sympathetic and complementary to its setting and character of the area and seeks the use of local stone where feasible. <i>Considered in general conformity</i>
	EN5	Heritage Assets	Development should respect and draw inspiration from the local historic environment responding positively to the character and distinctiveness of the area....	Criteria v of policy BHE1 stands in conformity with LP policy EN5. <i>Considered in general conformity</i>
	WE8	Domestic Extensions, Ancillary Domestic Curtilage Buildings and Boundary Treatments	Minor developments within residential curtilages will be permitted if: <ul style="list-style-type: none"> • Design and materials are complementary to existing buildings and conservation areas • Scale is appropriate to the existing building and would not result in loss of light, reduce privacy or have a dominant overbearing impact on neighbouring properties 	The criteria in policy BHE1 is considered to address the same matters as local plan policy WE8. <i>Considered in general conformity</i>
PH1: Local Needs Housing	WE2	Affordable Housing Site Targets	To ensure that housing sites provide for the range of housing needs: <ul style="list-style-type: none"> a) All open market housing sites including change of use and conversion to dwellings within the district with a capacity of more than 4 dwellings will provide affordable housing in accordance with the following targets...: <ul style="list-style-type: none"> l. 30% in any other location (other than Newton Abbot, Kingsteignton, Dawlish, Teignmouth and South West Exeter). d) on sites which meet criterion a) of this policy, but on which provision of affordable housing would not be an efficient use of resources or would be otherwise inappropriate, a contribution towards affordable housing provision elsewhere in Teignbridge will be required.... 	Policy PH1 links in with and specifically refers to local plan policy WE2 and requires affordable housing to reflect local housing need. The policy also includes a local connection criteria which establishes the order of application to which off-site affordable housing contributions relating to Abbotskerswell parish should be applied in Teignbridge. <i>Considered in general conformity</i>
PH2: Minimising the impact of Local Plan Allocation NA3 Wolborough	NA3	Wolborough	...120 hectares is allocated at Wolborough to deliver a sustainable, high quality mixed-use development which shall: <ul style="list-style-type: none"> a) Include a comprehensive landscape and design led masterplan for the strategic site allocation.... f) Create a network of green infrastructure that contributes to the overall strategic network. h) Provide a green buffer between development and Decoy Woods j) Enhance or mitigate any impact on county wildlife sites, Cirl bunting territories and barn owl sites 	The first part policy PH2 seeks to safeguard amenity, the village landscape setting and important wildlife habitats through minimising light pollution and through planting regimes. The safeguarding of amenity, village landscape setting and important wildlife habitats is achieved through current strategic local plan policies. Policy PH2, through criteria ii and iii, provide some additional detail regarding planting which is considered in conformity with the policies of the Local Plan.

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			n) A bespoke Greater Horseshoe Bat mitigation plan for Wolborough must be submitted to and approved before planning permission will be granted.	Considered in general conformity
	S1	Sustainable Design Criteria	Proposals will be required to perform well against the following criteria: a) Impact on the residential amenity of existing and committed dwellings	Both criteria a of LP policy S1 and NDP policy PH2 both seek to safeguard residential amenity. Considered in general conformity
	S2	Quality Development	New development designs will take account of: k) respect the distinctive character of the local landscape, seascape, protecting and incorporating key environmental assets of the area, including topography, landmarks, views, trees, hedgerows, wildlife habitats, heritage assets and skylines.	Policy PH2 seeks to mitigate any adverse impact on amenity, landscape setting and important wildlife habitats through green infrastructure of allocation NA3. These elements are also considered through the design of new development but only requires the decision-taker to take account of. Considered in general conformity.
PH3: Custom Build Dwellings	S2	Quality Development	New development will be of high quality design, which will support the creation of attractive, vibrant places...	Policy PH3 requires custom building dwellings to be of high quality design which reflects local character. Considered in general conformity
	S21A	Settlement Limits	Within the settlement limit development will be permitted where it is consistent with the provisions and policies of the local plan.	Policy PH3 supports custom build dwellings within the settlement boundary. Considered in general conformity.
TA1: Off-road Parking	S1	Sustainable Development Criteria	Proposals will be required to perform well against the following criteria; b) Road safety and congestion	This policy supports off-road parking provision but there is a potential conflict with LP policy S2 which seeks to ensure highway requirements do not dominate the sites appearance and function. This is considered to be largely overcome by criteria vi which seeks to avoid impacts on the built environment. Considered in general conformity.
	S2	Quality Development	The design of new development should take account of the following objectives <ul style="list-style-type: none"> Allow for permeability and ease of movement within the site and with adjacent areas, placing the needs of pedestrians, cyclists and public transport above those of the motorist, depending on the nature and function of the uses proposed. The building layout takes priority over parking and roads, so highway requirements do not dominate the sites appearance and function. 	
TA2: Traffic Management	S1	Sustainable Development Criteria	Proposals will be required to perform well against the following criteria; b) Road safety and congestion	This policy supports proposals which result in improved traffic management which is considered akin to road safety but the policy may benefit from clarification. Considered in general conformity.
	S9	Sustainable Transport	Development will be located and designed to: c) Promote connected, safe, resilient street	This policy supports development proposals or measures which result in improved traffic

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			<p>networks, providing new roads or road improvements where these mainly bring economic, environmental, safety or community benefits;</p> <p>d) minimise the negative impacts of transport including ... road safety...</p>	<p>management such as reducing speed and traffic volume.</p> <p>Considered in general conformity.</p>
TA3: Improving Safe Pedestrian and Cycle Accessibility	S10	Transport Networks	The function of the existing transport network and facilities will be protected ...	<p>This policy seeks to safeguard public rights of way in line with strategic local plan policy S10 and support improvements to pedestrian and cycle accessibility in line with strategic local plan policy S9.</p> <p>Considered in general conformity</p>
	S9	Sustainable Transport	<p>Development will be located and designed to:</p> <p>a) Promote public transport, cycling and walking ...</p> <p>b) Provide and link to strengthened, improved and extended public transport, cycling and walking networks...</p>	
TA4: Safe Access to and from New Development at Abbotskerswell Village	S9	Sustainable Transport	<p>Development will be located and designed to:</p> <p>c) Promote public transport, cycling and walking ...</p> <p>d) Provide and link to strengthened, improved and extended public transport, cycling and walking networks...</p>	<p>This policy is considered to stand in general conformity with Strategic local plan policy S9.</p> <p>Considered in general conformity</p>
EE1: Supporting Micro and Small Enterprises	EC3	Rural Employment	<p>To support the rural economy the following developments for business, general industrial and storage and distribution uses in open countryside will be acceptable in principle.</p> <p>a) Extension and expansion of existing businesses</p> <p>b) Diversification of a farm</p> <p>c) Change of use or conversion of a permanent... building</p> <p>d) Sites adjoin a defined settlement</p> <p>e) Uses with a strong functional link torural activity.</p>	<p>Neighbourhood Plan policy EE1 supports new or expanded employment premises in the rural area and links the requirements with local plan policy EC3.</p> <p>Considered in general conformity</p>
CF1: Community Facilities, Spaces and Assets	EC10	Local Shops	New shops with no more than 280 square metres sales floor area will be acceptable in principle within or adjoining defined settlements.	<p>Neighbourhood Plan policy CF1 supports new community facilities where a need and demand is demonstrated and where it doesn't compromise an existing community use. It is not clear whether shops are considered community facilities by the NDP. If they are then Local Plan Policy EC10 would restrict any such development to no more than 280 square metres.</p> <p>Considered in general conformity</p>
	WE12	Loss of Local Facilities	<p>... the redevelopment or loss of retail, leisure, community and other key community and commercial facilities for another use will not be permitted unless one of the following apply:</p> <p>a) There will continue to be sufficient choice of that type of provision within the local area</p> <p>b) The existing use is causing a significant</p>	<p>Policy CF1 links in with and specifically references local plan policy WE12. It also includes additional criteria to be met.</p> <p>Criteria ii is considered to relate to and provide some additional detail on criteria d of local plan policy WE12.</p>

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			<p>problem which can only be resolved through relocation and which outweighs the loss...</p> <p>c) The proposed replacement use has significant benefits which outweigh the loss</p> <p>d) It can be demonstrated the use is no longer necessary or viable in the long term.</p>	<p>Criteria iii is considered to relate to and provide some additional detail on criteria a of local plan policy WE12.</p> <p>Considered in general conformity</p>
	WE13	Protection of Recreational Land and Buildings	<p>Development involving the loss of open space, sports and recreational buildings and land... to an alternative use will not permitted unless:</p> <p>a) The loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location</p> <p>b) The development is for alternative provision, the needs for which clearly outweigh the loss</p> <p>c) It can be demonstrated it would not affect the integrity of the South Hams SAC.</p>	<p>Policy CF1 links in with and specifically references local plan policy WE13 however it also includes additional criteria. Criteria ii requires demonstration that the use of the recreational facility has no prospect of viable continued use benefiting the community. This viability consideration is not a requirement of local plan policy WE13. Whilst a Neighbourhood plan is able to diverge from the provisions of the local plan evidence must be presented to justify the departure. No such justification has been provided.</p> <p>The policy would be considered in general conformity with local plan policy WE13 if criteria ii were removed, reworded or preferably policy provisions for recreational facilities are separated from those relating to community facilities.</p>
Overall Comment				
<p>The Abbotskerswell Pre submission Neighbourhood Plan is overall considered to be in general conformity with the strategic policies of the adopted Teignbridge Local Plan (2013-2033). However amendments to policy CF1 are strongly recommended to separate recreational and community facility policy provisions.</p>				

General Drafting Errors in main body of plan text		
Page number	Paragraph/Figure Number	Comment
8	24	Whilst preparing this Neighbourhood Plan, two applications for developments outside of the strategic settlement of Abbotskerswell...
17	45through to Totnes Road to avoid Travelling through Newton Abbot.
18	Policy title	Policy NE1- Development and the Natural Environment
25	Policy title	Policy NE4- Local Flooding
29	60	In 2001, TDC produced an Abbotskerswell Conservation Area Character Appraisal....
31	68	Finally, this plan commends the splendid work carried out by TDC officers to define settlement envelopes limits and Conservation Areas through TDC Conservation Area Character Appraisals...
32	71	The word principles has been spelt incorrectly in the document.
32	69	Three quarters of the respondents think more should be done to enhance the character of the conservation areas
38	87	TDC's Local Plan policy S4 Land for New homes has met....
38	88	In the Heart of England's Teignbridge NA3 Wolborough allocation of...
40	4 th Row of table	A masterplan-LDF Development Framework Plan SPD and scoping opinion is pending
42	104	A parallel planning initiative for creation an NA3 Local Development Framework-Development Framework Plan SPD...
General		
A proposals map should be included which illustrates all the proposals/allocations and designations to provide an understanding of the spatial relationship.		

