

Salcombe Neighbourhood Development Plan 2018 - 2034

Further Initial Comments of the Independent Examiner

Prepared by

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4th March 2018

Introduction

1. As you will be aware I have been appointed to carry out the examination of the Salcombe Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I have also now carried out my site visit to the town.
2. My initial view, is that I should be able to deal with the examination of this Plan by the consideration of the written material but I reserve the right to call for a public hearing, if I consider that it will assist my examination, particularly having regard to the responses to this note. Based on my preliminary consideration of the plan, there are a number of matters that I would wish to receive further representations or comments, from either or both the Town Council and South Hams District Council as LPA.
3. I have attempted to access a number of the documents referred to in the Evidence Base at the rear of the plan, but I found that in most cases the linkage is broken. Rather than ask for a whole range of documents in hard copy, can I ask the Town Council to check that all the links are working. I am particularly interested in the LGS and the locally important views documents. I also need to access the Wildlife Resources map and the species records as well as the housing evidence and the University of Exeter study.

Reg 16 Comments

4. The Town Council will not have had an opportunity to comment on any of the representations received as part of the Regulation 16 Consultation. If the Town Council would wish to put forward suggestions, for amendments to the plan document, having considered the comments, then this is an opportunity to ask me to consider them. I would be happy to consider any revisions etc., albeit that my remit is restricted to matters of the basic conditions.

Local Green Space

5. The Planning Practice Guidance states that the landowners of sites that are proposed for designation as Local Green Space should be notified before designation Can the Town Council confirm to me that this notification has taken place? Are there copies of correspondence I could see?
6. I have received a representation at Regulation 16 from Age UK to the designation of LGS 18 and 19. I could not see them referred to in Policy SALC Env 4, in either the list of LGS or on the maps. I assume that they have been removed from the submission version of the plan, but I would be grateful if the Town Council could confirm that.

European Offshore Marine Site

7. Can the LPA confirm whether any of the coastline off Salcombe is a European Protected Marine Site (or is a candidate site) and if it is, please confirm whether the HRA screening report – December 2018 screens the neighbourhood plan in terms of the impact on any protected marine site as well as the other onshore European protected sites?

Affordable Employment Uses

8. I note that Policy SALC EM1 refers to *locally affordable employment uses*. Whilst I can understand the objectives behind the policy I would like to know from the Town Council what it considers to be “locally affordable” and how this would be articulated in, for example a Section 106 agreement, and how it would be maintained in perpetuity. Is there any information as to what a local marine repair, construction and manufacturing sector (I assume related to marine industries) is able to pay compared to market values and I would be interested in whether any viability assessment studies have been carried out to ensure the development is deliverable? I would also ask the LPA whether it has any experience of a similar requirement being used elsewhere and how it can be monitored and controlled by the planning system rather than through a letting policy. Can the Town Council point to other models for the type of arrangements it is promoting?

Works in the Harbour/ Estuary

9. I note that Policy SALC Env 5 deals with maintaining the character and the environmental quality of the estuary. It appears to me that the matters covered by criteria d) and e) fall outside the neighbourhood area as shown on Figure 1A, which seems to hug the coastline. Could the LPA confirm whether works in the harbour / estuary are actually covered by planning control below low tide or is it dealt with by other legislation?

Policy Requirements for planning applicants to submit documents

10. I would be grateful if the LPA could provide me a link to the Local Validation Checklist and also an indication as to when it is next due to be reviewed.

Viewpoints

11. I note that a number of views are from viewpoints located outside the plan area e.g. V13, and V14 and the policy ENV6 refers to developments taking place in the foregrounds and middle ground. A neighbourhood plan cannot include policies for land outside the plan area. I am minded to exclude them as their purpose of protecting the townscape of the town from across the water, is achieved by other policies such as Policy SALC Env1.

12. I assume that the policy wording should be referring to Figures 13A and 13B rather than Figures 13 and 14. I would also question the use of viewpoints from the sea, notably V21 and V18. I assume that these will be dynamic views approaching the town from the sea, rather than particular points (which appear to be outside the main shipping channel and I again wonder whether the protection of the character of the coastline is already adequately covered by other planning policies?
13. I have received Regulation 16 representations from the adjoining owner of land at V22. I would be grateful if the Town Council would let me how long there has been a bench at this location, who owns the land upon which the bench sits and does that ownership include the disputed hedging. Does the Town Council argue that there is a view from a person *sitting* on the bench? Could someone take a photograph from a seated position on the bench – the view in the document appears to be from an elevated position? I would also ask the LPA for the planning history of the land which adjoins the site

Joint Local Plan

14. I would be grateful if the LPA could update me on the best estimate for the date of the adoption of the Joint Local Plan which I understand is expected imminently. Also, can it advise me whether the joint plan is adopted once all 3 authorities have passed the resolution to adopt or it is adopted when the relevant LPA has adopted it in their area? I am proposing to wait the adoption before issuing my report, as it gives clarity in terms of dealing with the basic conditions test.

Final Matters

15. In order, not to unnecessarily delay progress on this examination, I would welcome responses to these questions, **by 5pm on 25th March 2019**, if possible.
16. Please can both parties place a copy of this document and their responses on both the District Council's and the Town Council's respective websites.

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Independent Examiner to the Salcombe Neighbourhood Development Plan.

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