

The Plymouth and South West Devon Joint Local Plan Examination

Statement from Rattery Parish Council and Rattery Parish Plan Steering Group

February 5th 2017

We were disappointed by the responses by the Joint Council to our submission to the public consultation as published in July 2017 in Appendix III: Schedule of representations by Consultee of the Regulation 22 Statement (Response Report) SUB 22 A. We therefore sought clarification by the Joint Councils concerning their responses to some of the points we raised. With assistance from Robert Young, we sought clarification from SHDC on a number of matters and received some additional information by email from Phil Baker, on behalf of the Joint Councils, on 7th November 2017. Since then, despite requests for clarification being sent to both officers and councillors, we have received no further information.

In particular we sought clarification about small communities without neighbourhood plans and how completions and commitments are to be taken into account. We also asked for a copy of the promised revised set of sustainable villages and settlement boundaries which we were told would be ready for the Examination.

Unfortunately we remain dissatisfied with the quality of the responses from the Joint Councils and we would like to bring to the Examination the details of that dissatisfaction. I have set out in the table below our submission and the appropriate response by the Joint Councils either in

Appendix III, or by Phil Baker on 7th November. All his responses are included. I have added notes where appropriate.

In simple terms, although we do not necessarily agree with the position of the Joint Councils, we regard their responses to parts 1, 4 and 5 of our submission to be full and to the point.

We are less than satisfied with their responses to parts 2 and 3 of our submission. The Joint Councils have failed to reply to many of the matters we raise and where responses are forthcoming they fail, in the main, to properly address the concerns we raise.

With regard to part 2 of our submission, the Joint Councils agree that the indicative levels of housing for villages published in the J.L.P. are the result of no more than a desktop exercise. This exercise took the list of villages ranked according to a sustainability score and having divided them into four groups assigned the round numbers of 30, 20, 10 and 0 to the groups; the grouping and choice of numbers were both arbitrary. Neither completions and commitments nor SHLAA data played any part. The result is rather crude, limited in validity and produces a total figure that bears little correlation to other relevant figures in the J.L.P. and fails to provide an evidence base for rational planning.

The Housing White Paper published on February 7th 2017 proposed that local planning authorities should provide neighbourhood planning groups with housing need figures where this is necessary for progress to be made. The table of indicative levels of housing in the J.L.P. falls far short of what would be needed to fulfil this requirement.

These concerns lessen if we are to take the indicative levels merely as a rough and ready starting point for Neighbourhood Planning. We are told that Neighbourhood Planning groups will take other factors into account and apply local detail as they produce a development strategy that commands local support.

Our concern is, however, for those small communities for which Neighbourhood Planning would be a disproportionate, challenging and expensive undertaking, as expressed in part 3 of our submission. In these small communities, who will undertake the careful process of taking into account “constraints, opportunities or historic delivery/supply of housing” and applying “that level of local detail, and use it in such a way that justifies a development strategy” ? In the absence of such a process

there is a real danger that the published indicative levels assume an unjustified significance and become rather more than a “desktop exercise”.

We fear that the local planning authority does not have the commitment or capacity without local input to produce for each small community a development strategy that commands public support thus leaving such communities vulnerable to unplanned development. Yet, small communities without a Neighbourhood Plan should enjoy the same quality of development planning as any other community.

We have not received any reassurance on this matter from the Joint Councils either in their response to part 3 of our submission or in any subsequent correspondence. No consideration appears to have been given to the possible use of Parish Plans or Village Design Statements as Supplementary Planning Documents, for example. The extent to which Parish Councils will be involved in producing a development strategy for the communities they represent remains unclear. We therefore remain concerned that this matter is not properly addressed in the J.L.P..

Richard Haigh

Chairman

Rattery Parish Council

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RATTERY SUBMISSION	RESPONSE FROM JOINT COUNCILS WITH NOTES
<p>1. The figures for housing supply in Sustainable Villages are, in at least one case, unsound. Inaccuracies in their calculation should be removed and the presentation of the figures in the JLP corrected.</p> <p>a. The calculation of the potential supply from Rattery in the Housing Topic Paper (Provision and Supply) March 2017 is inaccurate. The correct figure is 3 not 15. (For details see Appendix A, p.6.) This means that the total forecast supply is 731 not 743. Although this error does not necessarily affect the rounded down figure of 720, used in JLP Figure 3.3, as an estimate of the number of new homes which might be built in the period 2017 -2034 in Sustainable Villages, it needs to be updated to ensure future capacity assessment is sound.</p> <p>b. The total housing supply forecast for Sustainable Villages is 1214 rather than the 720 listed for Sustainable Villages in JLP Figure 5.1 “New Homes 2014-2034”.</p> <p>i. JLP Figure 3.3 shows a total of completions and commitments for the Thriving Towns and Villages Area of 4,802. Of this, 494 are in Sustainable Villages (see Thriving Towns and Villages Housing Trajectory).</p> <p>ii. This figure of 494 added to the estimate of potential supply of 720 gives a total expected housing supply of new homes in Sustainable Villages for the plan period (excluding windfalls) of 1214.</p> <p>iii. JLP Figure 5.1 is therefore either inaccurately titled or inaccurate in failing to include completions and commitments.</p>	<p>Not addressed either by Joint Councils' response in Appendix III: Schedule of representations by Consultee of the Regulation 22 Statement (Response Report) SUB 22 A of July 2017 or by subsequent correspondence.</p> <p>This is not in itself a major issue given the rounding down to 720.</p> <p>The Joint Councils' response suggests that the anomaly is explained by an inaccurate title and states that Figure 5.1 has been amended by adding the following footnote:</p> <p><i>This table refers only to sites allocated by the Joint Local Plan policies plus the allowance for potential supply at Sustainable Villages –see paragraph 5.12. Completions 2014 to 2016 and commitments (permissions) as at March 2016 are additional.</i></p>

2. The Indicative levels of housing for each Sustainable Village (JLP Figure 5.8) are not fit for purpose and do not provide a sound means either of providing guidance to neighbourhood planning or of monitoring the delivery of housing by the JLP. They should be replaced with a more robust system.

a. The system of indicative levels as presently set out in the JLP will fail to deliver the required minimum number of houses in the Sustainable Villages.

i. The indicative levels total 1040. This falls far short of the 1214 homes required to meet the predictions in the housing supply forecast (see 1.b above).

ii. The indicative levels of “about 10”, “about 20” or “about 30” are not a reliable means of monitoring delivery of the JLP in Sustainable Villages.

iii. The indicative levels are too vague to provide a useful guide to neighbourhood planning.

b. The JLP does not identify or explain the anomaly between the supply forecast of 1214 and the total of indicative levels of 1040. The anomaly has, however, been explained to us by SHDC planning staff as a decision on the part of the JLP not to include completions and commitments in the indicative levels for Sustainable Villages.

i. This strategy is not described, justified or explained anywhere in the JLP.

ii. This strategy is contrary to the title of JLP Figure 5.1 which labels the figure of 720 as “New Homes 2014-34”, which leads to the logical assumption that completions and commitments are included in indicative levels.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

The Joint Councils agree in Appendix III that clarification should be provided in supporting text for Fig 5.8 as to how the numbers should be understood. We are not aware if that clarification has been provided.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

Figure 5.1 has been amended:
This table refers only to sites allocated by the Joint Local Plan policies plus the allowance for potential supply at Sustainable Villages –see paragraph 5.12. Completions 2014 to 2016 and commitments (permissions) as at March 2016 are additional.

iii. Consultation with the Parish Council of the neighbouring parish of Staverton reveals that it has been told by SHDC that indicative levels do include completions and commitments. This is consistent with JLP Figure 5.1 but is the exact opposite of the advice we have been given.

iv. This level of contradiction and confusion about a key part of the delivery of the JLP in the Sustainable Villages means that those communities cannot properly comment on this aspect of the JLP. The validity of this Regulation 19 consultation is therefore seriously compromised.

c. Were it to be the case that completions and commitments have not been taken into account in setting indicative levels, this would be an inappropriate strategy for which better alternatives exist.

i. The indicative levels would be grossly disproportionate for the small proportion of Sustainable Villages with completions and commitments (16 out of 70). In several cases the resulting level of new housing within the plan period would more than double. (For details see Appendix B, p.7.)

ii. The indicative levels would be unsound, out of date and inaccurate guides for neighbourhood plans in those villages with completions and commitments. This would be in contrast to the expectation in other plan areas, such as Key Villages, that neighbourhood plans are expected to take completions and commitments into account.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence. The contradiction and confusion has not been resolved.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

Not addressed by Joint Councils' response to our submission in Appendix III but addressed in response to Caroline Keen, consultee 1095218, who made a similar submission concerning completions and commitments. In their response to her the Joint Councils state that recent completions go towards meeting housing need and that the purpose of the indicative levels (table 5.8) is to provide guidelines for neighbourhood plans about how future needs for the rest of the plan period are to be met.

Presumably the intention is that neighbourhood plans should take both recent completions and the relevant indicative level into account.

This response seems to contradict the one given in response to 1.b above which describes completions and commitments as "additional".

We have made several requests for the policy on completions and commitments to be clarified. The only response we have received is in email correspondence of 7 Nov 2017 from Phil Baker of Joint Councils. Unfortunately, his response fails meet our request for clarification.

The indicative levels for sustainable villages provide a starting point for neighbourhood plan groups to explain how change will be managed in their areas. The figure is designed to help inform the number and scale of allocated sites that a neighbourhood plan brings forward. The assessment is clearly identified as being a desktop exercise that does not take into account constraints, opportunities or historic delivery/supply of housing. It is up to

d. JLP paragraphs 5.13 and 5.156 state that the availability of sites in the SHLAA has been used in the calculation of the indicative levels but there is no evidence of this being the case. It would seem that the assertion that SHLAA data has been used is not justified.

i. There is no correlation between the indicative levels and the availability of sites in SHLAA data (Housing Topic Paper Provision and Supply March 2017). (For details see Appendix C, p.9.)

ii. Rattery is given an indicative level of 20 new houses despite the fact that the latest SHLAA report for Rattery indicates the potential yield as only 3 units (see 1.a above) and concludes:

neighbourhood plan groups to apply that level of local detail, and use it in such a way that justifies a development strategy that the neighbourhood plan will deliver.

It would appear that indicative levels are a starting point and only one of several factors to be taken into account by neighbourhood plan groups. It is up to neighbourhood plan groups to consider “historic delivery”. Presumably historic delivery includes recent completions.

Not addressed by Joint Councils' response in Appendix III.

We did receive a reply to this submission in email correspondence of 7 Nov 2017 from Phil Baker of Joint Councils (See below). The reply fails to clarify whether or not SHLAA data been used, as asserted in the JLP.

We must conclude that SHLAA data played no part in the calculation of indicative levels and that JLP paragraphs 5.13 and 5.156 are inaccurate and misleading.

The indicative levels identified for sustainable villages are proposed as a starting point for consideration by neighbourhood planning groups to consider appropriate levels of new development. The assessment is clearly identifying as being a desktop exercise, and that additional layers of interpretation should be applied by each NP group. A land availability assessment is a technical exercise undertaken simply to assess the potential quantity of land that could come forward within a prescribed time period. It is limited in scope, as it only assesses sites put forward at a given point in time, and is subject to change. The sustainability assessment for rural villages was not designed to identify capacity or availability, that is the job of the neighbourhood plan in each area.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

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Rattery is a small village located in the east of the district. It has a very limited provision of local services. Due to the lack of facilities in this location, any development will lead to an increase in use of the private car and is therefore considered to be an unsuitable area for development.

e. The indicative levels are taken straight from the South Hams and West Devon Sustainability Framework where they are listed as “recommended minimum requirement” but with no explanation as to how they have been arrived at.

i. No justification is given for using the figures 10, 20 and 30 and this seems to be a simple and ill-considered use of round numbers.

ii. This is not an adequate sustainability assessment as required of a Local Plan.

iii. This is an inappropriate strategy when better alternatives are available but apparently not considered.

f. The grouping of the Sustainable Villages into three bands is illogical and bears no relation to the distribution of the data. By having more bands, or calculating individual indicative levels for each village, the JLP would be better able to take into account differences in sustainability. (See Appendix D, p.10.)

g. Crude scoring of this nature means that small differences in the sustainability score lead to a significant and disproportionate increase in the indicative level. A difference in 0.5 in the sustainability score is the difference between an indicative level of 20 and one of 30. This is a highly significant difference in a small community and means that the way in which sustainability scores have been used is unjustified and unsound.

h. The calculations in the Sustainability Assessment Framework are unsound. In at least one case they are inaccurate and arbitrary. In particular, the accurate score for Rattery is 19 not 23.5 (see Appendix E, p.11). The unsound nature of these calculations could lead to expectations of unsustainable development in small settlements.

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The Joint Councils' response in Appendix III accepted that it is appropriate to reassess the villages.

We were told in email correspondence of 7 Nov 2017 from Phil Baker of Joint Councils:

The representations that were made in response to the draft JLP identified some inconsistencies in how the assessment framework was applied, and in

i. A blanket allocation of an indicative level of 10 to villages in the AONB is disproportionate and inappropriately simplistic. The strategy is not fully justified and alternatives do not appear to have been considered.

i. The villages in the AONB vary significantly in size and sustainability and the objectives described in JLP paragraph 5.158 would still be met if the larger, more sustainable, villages within the AONB were to have an indicative allocation higher than 10 and the smaller villages one lower than 10.

ii. Calculations of potential yield in these larger villages, based on SHLAA data and discounting sites which would not be suitable within the AONB, indicate that a higher indicative level is possible. (For details see Appendix F, P. 12.)

j. In setting the indicative levels for Sustainable Villages the JLP fails to take into account other landscape designations such as Sites of Special Scientific Interest (SSSI).

i. This contradicts JLP Policy DEV28 which gives an extensive list of habitats to be protected.

ii. This contradicts the final sentence in para. 5.154 which indicates that more than one landscape designation should be used.

iii. No explanation is given in the JLP for the sole use of the AONB as the determining factor in the consideration of environmental sensitivity.

iv. For example, Rattery, the least sustainable of the villages with an indicative level of 20 dwellings, has a SSSI of international importance, County Wildlife Sites, areas of ancient woodland, and traditional orchards. An allocation to such a village of 20 - double that given to larger and more sustainable villages within the AONB - is therefore disproportionate.

these instances the assessments for certain villages have been reviewed. This has led to a slightly amended list of sustainable villages across the TTV policy area.

Despite several requests to the Joint Councils we have not received the amended list or any indication as to where it can be accessed.

Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.

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k. The JLP should employ a more sophisticated method of calculating a means to guide neighbourhood planning and to monitor delivery in Sustainable Villages. This would allow the JLP to meet more properly the objectives set out in para. 5.154: Rather, an approach is taken which aims to enable development to come forward in these villages which reflects their sustainability, and which will respond to local need. In these locations, it is clearly important to strike a balance so that development maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people.

i. A recommended minimum target rather than a vague “about 10” etc. would provide a more robust means of monitoring plan delivery and a stronger basis for neighbourhood planning.

Not addressed by Joint Councils' response in Appendix III.

We did receive a reply in email correspondence on Nov 7 2017 from Phil Baker of Joint Councils:

I acknowledge that you are not entirely happy with the assessment methodology used to inform the list of sustainable villages. However, the assessment framework and outcomes were the subject of two rounds of public consultation in November and December in 2016, and the framework used was widely accepted by the majority of respondents at that time. The representations that were made in response to the draft JLP identified some inconsistencies in how the assessment framework was applied, and in these instances the assessments for certain villages have been reviewed. This has led to a slightly amended list of sustainable villages across the TTV policy area.

The public consultation in question concerned the factors to be used in South Hams and West Devon Sustainability Framework and their weighting, rather than the method by which the results would be used to establish indicative levels of housing in the forthcoming JLP. There was no consultation, for example, about the use of particular round figures, nor about the grouping of villages into bands.

The responses from the Joint Councils do not change our conclusion that the calculation of indicative levels of housing was crude and not fit for purpose.

In email correspondence on Nov 7 2017 from Phil Baker of Joint Council clarified that that the indicative levels are minimum figures but open to local interpretation and not prescribed but only for guidance. This is not entirely clear.

As stated previously, the indicative figures are designed to inform and guide neighbourhood plans when identifying appropriate levels of growth. They are minimum figures, but also open to local interpretation. Local Planning Authorities have a statutory duty to support the preparation of neighbourhood plans, but not to prescribe what a neighbourhood plan should say. We work closely with over 60 neighbourhood plans being prepared across the TTV policy area, and in our experience, which is endorsed by the

<p>ii. A minimum target should be calculated rather than an undefined “about” figure.</p> <p>iii. A figure should be calculated for each village rather than for groups of villages.</p> <p>iv. The calculation should be a function of an accurate sustainability score, which can be adjusted to take into account environmental factors such as location within the AONB.</p> <p>v. An example of such an approach is described in Appendix G, p.13. This produces a proportionate minimum requirement for each village which accurately reflects each village’s sustainability as well as affording protection for villages within the AONB.</p>	<p><i>vast majority of the JLP representations, neighbourhood plan groups do not want or need a prescribed or exact figure to plan for, but a guidance figure that they can interpret locally.</i></p> <p>Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.</p> <p>Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence</p> <p>Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.</p>
<p>3. The JLP should clarify what is meant by “separate planning studies” in para. 5.12 And “informal planning studies” in para. 5.157.</p> <p>a. The JLP should clarify the extent to which Parish Councils would be involved and consulted as part of those activities.</p> <p>b. The JLP should clarify how the Local Planning Authority will collaborate with Parish Councils in those parishes without a Neighbourhood Plan.</p>	<p>Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.</p> <p>Not addressed by Joint Councils' response in Appendix III or by subsequent correspondence.</p>

4. The JLP should clarify whether or not any development under JLP Policy TTV31 .1 (see below) counts towards the indicative level of housing for a particular settlement.

Housing and employment development adjoining or very near to an existing settlement will only be supported where it meets the essential, small scale local development needs of the community and provides a sustainable solution.

Not addressed by Joint Councils' response in Appendix III.

Addressed in Email correspondence 7 Nov 2017 from Phil Baker of the Joint Councils:
As paragraph 5.156 states, the indicative figures identified for sustainable villages are designed to inform neighbourhood plan allocations. Following the introduction of the Localism Act, neighbourhood plans were always seen as a mechanism to provide some certainty for communities about how change would be managed at local level. Allocated sites for specific land uses are the best way of providing certainty through the planning system, but this does not, and should not, preclude windfall sites from coming forward. Given the ad hoc nature of windfall development however, they cannot be considered a reliable or robust mechanism for bringing forward new homes, which is why they are not considered an appropriate mechanism for meeting the indicative levels of new homes within sustainable villages.

5. The objectives identified in para. 5.158 should apply to all Sustainable Villages not only to those in the AONB. Any single development in any of the Sustainable Villages should be on a small scale.

a. The JLP in para. 5.159 establishes the special nature of the rural part of the plan area:

The countryside of South West Devon is some of the finest in the county,...

b. Given the special nature of the landscape, the protection identified in para. 5.158 should, and could, be afforded to the entire area and not solely to the AONB.

c. There is no impediment to this proposal as the indicative number of new dwellings could easily be achieved in all Sustainable Villages even if housing developments were limited to those at a small scale of below 10.

d. Paragraph 5.158 should read:

Development in or adjoining Sustainable Villages should not be of such a scale that will result in significant landscape impact or pose a threat to the integrity of the special qualities of the area. Neighbourhood plans for sustainable villages are encouraged to identify small scale sites of below 10 dwellings if available, to limit the potential impact on sensitive landscapes.

Addressed by Joint Councils' response in Appendix III and by subsequent correspondence.

Email correspondence 7 Nov 2017 from Phil Baker of Joint Councils:

Figure 5.158 identifies the approach that will be taken in villages within designated landscapes, such as the AONB. As per NPPF paragraph 115, landscapes such as those found in the AONB or National Parks have the highest level of policy protection. The landscape sensitivity of such designated landscapes has been robustly assessed, and serves as justification for the more conservative policy approach outlined in 5.158. Villages outside designated landscapes are not covered by the same degree of policy weight, and as such it is not considered appropriate to apply the same policy approach across the entire Thriving Towns and Villages Policy area. This does not remove the requirement of all applications in the TTV policy area to minimise landscape impact or show that their proposals make a positive contribution to the built and natural environment, but allows for a more pragmatic approach reflecting the different levels of landscape sensitivity throughout the TTV policy area.