

Harberton Parish Neighbourhood Plan (HNP)

7.00pm Thursday 25th July 2019 at Harberton Parish Hall

Minutes

Present: Ginny Davidson, Sally Lougher, Nuala McDonnell, Stanley Oldfield, Alex Williams

Apologies: Roger Hands, David Sprent

Public: 0

Minutes: Cat Radford

Agenda

Public Session No members of the public were present.

1. Apologies were received as above. 1.1 No member of the HNP steering group had missed two consecutive meetings.	
2. New members to the steering group – none.	
3. Declaration of Interests 3.1. Register of Interests: Steering group members were asked to complete 2019 register of interest forms. Those in attendance completed the papers. 3.2. No interests were declared on the agenda.	
4. Consider approval of minutes of the last meeting. After amendments to the minutes were made it was AGREED to sign as an accurate record.	
5. Actions from minutes not included elsewhere on the agenda 5.1. <u>Parish heritage evidence</u> Stanley noted church records from the 1800's that refer to 'undisclosed land around St Andrew's Well', He reported that he has spoken with members of the community who remember playing around St Andrew's well in the 1940's when pupils of Harberton School, however it is unclear as to whom the well belongs. It was AGREED that Stanley would look at the land registry to see if it is included in deeds. 5.2. <u>Overhead power cables</u> Ongoing. 5.3. <u>Flyways – update site assessments</u> Nuala reported that she had noted inclusion of bat flyways within site assessments 5.4. <u>Colour coding of Site 7: Greenfield site east of Meadow Close</u> Ongoing. 5.5. <u>HNP reference numbers</u> . It was reported that reference numbers have been updated following SHDC comments that 'Thriving Towns and Villages' policies in the Joint Local Plan are not considered strategic.	SO RH RH
6. Consider response to comments from website, letters or emails – if any 6.1. <i>Request for removal of Housing Site 8</i> It was reported that the owner of Housing Site 8: Dundridge Yard had informed the Clerk that he wished the site to be removed from the Neighbourhood Plan with immediate effect, dated 8 th July 2019. During the meeting the site and all references were removed as requested, it was noted that the map would need to be edited to remove the housing site. It was AGREED to write to the owner to confirm removal of the site from the plan and to update on the website. ACTION: CAT	CR
7. Parish Council – Receive update from Parish Council meeting, if any None	
8. Report and discussion on meeting with South Hams District Council (SHDC) officers Notes as drafted by Nuala had been circulated in advance of the meeting. It was AGREED to incorporate those full notes into the meeting minutes (see end of document). Members commented that: 8.1. It was a positive and constructive meeting. The Neighbourhood Planning officer gave good direction and had good ideas and commented that the HNP draft is close to completion. 8.2. It was commented that whilst SHDC has indicated objection to the inclusion of the Winsland House site, the HNP can retain the site in the plan during regulation 14 for SHDC to give formal directive for removal. It would therefore be explicit and on record that should the Winsland House site be removed, this is due to SHDC objection. 8.3. Neighbourhood plans must be in general agreement with strategic policies in the Local Plan. As 'Thriving Towns and Villages' policies are not strategic, the HNP is at liberty to differ.	

<p>8.4. It was advised to use the term 'Community Actions' in place of 'Non land-use policies'. Other groups have done this as a good compromise. It was noted that Central Government advice had changed; it previously referred to policies that are not land use however the word 'policies' has now been removed from advice.</p> <p>8.5. It was advised to keep non land use policies and narrative text within the main document so that planning policies and no-land use policies (Community Actions) can be read in context.</p> <p>8.6. The Neighbourhood Planning Officer had made handwritten notes and marks on an HNP draft. ACTION: GINNY to have this document scanned in order to circulate to the HNP Steering Group to read ahead of the next meeting.</p> <p>8.7. It has come to the attention of the Parish Councillors that the old settlement boundaries have been abolished. Unless a Neighbourhood Plan includes a settlement boundary, the Local Authority's Development Management Committee decides whether a proposed development is to be considered as within a settlement area or within the open countryside. It was agreed that without established settlement boundaries there is a risk of indefinite development creep. After discussion it was AGREED to request information on the old settlement boundaries to provide a starting point for review. ACTION: GINNY agreed to contact the Neighbourhood Highways Officer to request this information.</p> <p>8.8. Members agreed that it the HNP steering group should definitely speak with Totnes Town Council and Dartington Parish Council on the subject of Winsland House.</p>	<p>GD</p> <p>GD</p>
<p>9. Review of the economy section</p> <p>9.1. There was discussion around the wording of policies E1 and E5 and no changes were made.</p> <p>9.2. It was noted that there is some level of protection through the Joint Local Plan policy DEV14 'maintaining employment sites'.</p> <p>9.3. It was reiterated that the HNP should safeguard existing sites without identifying them.</p> <p>9.4. There was a discussion in which the terms 'micro-business' and 'small business' was considered. The HNP steering group wishes the plan to support small business but is concerned about the language in which this is expressed. Having identified the standard definition of 'small business' as being up to 49 employees and a workspace of under 1000 square metres it was generally agreed that this is not compatible with the rural nature of the Parish and its settlements.</p> <p>9.5. The group reviewed the proposal that had been circulated by Roger in March 2018 and agreed not to adopt the policy draft. However, the group agreed to the proposal to protect existing land sites which provide economical work. The following paragraph was thought to be interesting in principle but would need further refinement: <i>"Any proposals leading to the loss of existing land and sites which provide economical work places within the plan area will not be supported unless an over riding case can be made showing clear and over riding public benefit assessed against other provisions set out in this plan."</i></p> <p>9.6. It was noted that the Neighbourhood Planning Officer had commented that to protect existing employment sites there should be a condition that they should be marketed for a year, at a price realistic for commercial retail use, before the proposal to convert (e.g.) to housing can be considered.</p>	
<p>10. Review of the site assessments</p> <p>It was reiterated that site assessments have not been completed for site 9b and 9c. It was noted that SHDC had the same objections to site 9b and 9c as it does to site 9a (Winsland House), yet there is no public opinion on which to draw from the consultation questionnaires.</p> <p>Following discussion it was AGREED that sites not yet consulted on would be moved to the appendices for possible future consultation and consideration.</p>	
<p>11. Next steps</p> <p>After discussion it was AGREED when the HNP group move to regulation 14 it is called 'Have we got it right?' to combine the two processes and move the project forward to a conclusion. Hard copies would be available around the Parish for consideration.</p>	
<p>12. Any other business</p> <p>It was noted that Cottage Field (site 9c) is up for sale.</p>	

Present:

Duncan Smith	planning consultant to SHDC
Cllr John McKay	District councillor for ward including Harberton Parish
Cllr Ginny Davidson	Chair Harberton Parish Council [HPC]
Cllr Nuala McDonnell	Chair Harberton Neighbourhood Plan [HNP] Steering Group, Harberton Parish Councillor
Roger Hands	Member HNP Steering Group (declared interest at meeting also as Chair South Devon Rural Housing Association)
Stanley Oldfield	Member HNP Steering Group
David Sprent	Member HNP Steering Group

Those present introduced themselves.

Duncan explained that his job is to advise NP groups on what an examiner will want to see and what his concerns are likely to be. NP groups do not have to accept Duncan's advice but may well experience difficulties later in the process if they do not.

Duncan then referred to a hand-annotated paper copy of the draft HNP which he said he had posted to us several months previously. Members present did not recall having seen it. He will send a copy to the new HNP chair.

Housing allocations were then discussed. Duncan said that the site assessments had been done well but SHDC still has some concerns, in particular SHDC objects to the inclusion of Winsland House. Ginny explained that the Winsland site was the only site in the parish large enough to guarantee the supply of affordable housing. Duncan said that an examiner would take seriously an objection by SHDC and that, even if the examiner was happy to retain the site, SHDC would not take the plan forward to referendum and could refuse to 'make' the plan.

Nuala said that this threat had been made by SHDC before and appeared to be wrong in law under Section 38A subsections (4) and (6) of the Planning and Compulsory Purchase Act 2004. This related to the threat previously made by SHDC that they could refuse to 'make' the plan even after a successful examination and referendum.

Duncan said that he was referring instead to the period before the referendum when SHDC could decline to arrange the referendum. Nuala said that the steering group had received, unsolicited by them and without any prior contact on the subject, a Counsel's Opinion which said that this was also incorrect in law. The Counsel's Opinion had been supplied by a developer who had presumably become aware of the issue from reading the published minutes. Duncan said that his legal advice had come from SHDC's internal lawyer.

Roger asked if the NP groups were all wasting their time if they don't have any discretion on housing sites.

Duncan explained that the Joint Local Plan [JLP] allocation of houses for Harberton Parish was for 30 in Harbertonford village and 20 in Harberton village - not the wider parish. Although within Harberton parish, Winsland is more related to Totnes and the strategic allocation for Totnes was better left to the Local Plan. Later in the meeting the question of the two sites 9b and 9c adjacent to the Winsland site was raised. Duncan said that these sites fell into the same category as Winsland and SHDC objected to them for the same reasons.

Diverging slightly, as the term 'strategic' had been used, Nuala asked for clarification whether the TTV policies in the JLP were 'strategic' policies or whether the strategic policies consisted only of those in the first chapter of the JLP. Duncan said that the TTV policies were not 'strategic' within the formal meaning of the word.

Duncan said that he was generally happy with the work done on the other sites, and not as antipathetic to the Dundridge site as to Winsland.

The CLT (a substantially affordable self-build project) site was then discussed. Roger said that he understood that if we allocated land for development, we cannot specify what part is housing and what part parking. Do we keep sites as exception sites? The concern with the CLT site, where a decision has been made to grant planning permission, that, were the self-build project not to proceed then either the land would fall back to a general housing building site or fall back to agriculture. Ginny explained the reasons why the parish council had supported the application, even though it had serious concerns about the sensitivity of the site.

Duncan said that a common problem for NP groups was how to protect sites from speculative exploitation. Tying down the acceptable form of land use is very difficult. Some NPs allocate sites as exception sites and although counterintuitive, this is possible. The NPs would look to get "heads of terms" before the exception site was agreed. This might, for example, ensure that the site had to be developed as 50:50 affordable. This meant that the position was backed by law as well as by a policy in the plan. This is never cast iron but Duncan's view was that there are means available.

He said that SHDC have won 3 appeals against developers wishing to use DEV8, in order to limit house sizes.

Duncan advised that it helps enormously if there is an agreement with the landowner. The Strete plan got thrown out because the landowner objected to his land being used as a car park and he had not been consulted in advance.

Roger asked about specifying areas for public parking sites and Duncan advised that this was not a problem if the landowner agrees to part public parking. Roger asked if this was enforceable if the landowner changes. Duncan said that we would need to review the NP after it came into force to keep it up to date.

Duncan clarified that an 'exception site' is purely for housing and can't be e.g. parking. SHDC could assist in negotiating with the landowner on striking the right balance between, say, parking v affordable housing while maintaining the financial viability of the site.

Duncan offered to help us get the wording right.

Roger asked whether, if the developer then seeks to change the development, these requirements would apply all down the line.

Duncan explained that there were two aspects:

1. "Heads of Terms" agreement between SHDC and the landowner before the NP goes into print; and
2. these terms can be translated into NP policies if the landowner has agreed. As the landowner can be assumed to have ensured financial viability before entering into the agreement, if he sells, another landowner wanting to alter the agreement would be presumed also be already financially viable and both the NP and SHDC would oppose any variation.

The Dundry site was then discussed. Duncan advised that we should not include the site unless it was completely tied up in planning terms and that this applied generally. The HNP should only include those sites which the HNP supports.

A question was asked as to how we could obtain advice on the use of maps in the HNP and how to get the copyright issues right. Duncan said that Jason Elson could advise us with this and that he would send us contact details for Jason.

The inclusion of non-land issues in the HNP was discussed. Nuala explained that we had labelled non-land use policies as such, as required by central government advice, and proposed to set them out in a different colour or format from land use policies, but that she was reluctant to have them removed from the body of the text and put in, say, an appendix, as they would be likely to get lost and also suffer from not being read in context by parish residents. Duncan said that their inclusion in the body of the text was acceptable but suggested that some other NPs had used the term 'Community Actions' to describe non-land use policies.

Ginny asked about the rest of the draft HNP. Duncan said that we are not far off being able to carry out the Regulation 14 statutory consultation. If we went ahead now, he would object to Winsland but would just advise on other issues.

So the stumbling block is Winsland. Duncan offered what he stressed was his personal opinion, that if, Totnes Town Council (not Totnes NP group) , Dartington PC and Harberton PC all decided that Winsland was a good site and tied in with their own evidence bases then SHDC would find it difficult to say no.

Nuala raised the question of settlement boundaries and the extent to which it was open to the HNP to define them. She noted that in a recent NP locally, the examiner had endorsed a NP's drawing of new settlement boundaries around hamlets rather than towns or villages. Duncan said that SHDC would not object to infill within hamlets but that, in the case of Winsland, there was no existing settlement.

Roger asked about allocating land for employment sites. Duncan said that it was up to us to propose sites but that SHDC would also have a view. Exception sites can only be used for housing, not commercial/industrial purposes. In terms of protecting existing employment sites, SHDC require that a commercial or retail site has to be marketed for a year at a price which is realistic for that commercial or retail use before the proposal to convert to, e.g. housing would be considered. So he advised us to include that 1 year requirement in our NP.

Conditions for housing sites were then discussed. Roger asked whether it was a good idea to specify conditions for specific sites. Duncan said that it was best to be site specific - the more you can include, the more an inspector will take note.

Summing up, Duncan said that we should select sites rather than name all sites, and omit the garage in Harbertonford but put in the reasons for the omission of specific sites.

He advised that it is a fair enough argument to say that, because of topography, or other identified issues, the level of housing indicated in the JLP cannot be reached, as long as the reasons are properly evidenced. Nuala said that the parish council had made it clear in the past that modest expansion of the villages was considered desirable, otherwise villages can die.

Duncan advised us to look at the other 'made' NPs in the South Hams.

We thanked Duncan for his advice and for a constructive meeting.