

MODBURY NEIGHBOURHOOD PLANNING GROUP (MNPG)

Final and amended minutes of the meeting held on Thursday 11th April 2019 11.00 am -14.00 in the meeting room at the Memorial Hall.

Present: Ann Turner (AT) Chair, Charlotte Rathbone (CR), Andy Rathbone (AR), Burda Gage (BG), Mark Lawrence (ML), Alison Wood (AW) Minutes Secretary

Co-opted Members: Phil Smith (PS), Rosemary Parker (RP), Nicky Crawford (NC), Nicky Shepley (NS) Parish Councillor, Colin Whybrow (CW) Parish Councillor, Jeff Booth (JB),

Apologies: Phil Jolly (PJ) Treasurer, Barry Keel (BK) Parish Councillor, Dan Turner (DT)

Before meeting started AW asked if all present agreed for to her record the meeting, in the interest of providing accurate minutes. All agreed.

1. DECLARATION OF INTERESTS:

AT advised that development sites may be discussed during the meeting.

There were no declarations of interest

2. MINUTES OF LAST MEETING AND MATTERS ARISING

The minutes of the last main MNPG meeting (07.08.18) had been distributed by e-mail and copies were also given out at the meeting. The minutes were agreed by those present as an accurate account. AW to forward them to Sacha Hagar (Parish Clerk), for the information of the Parish Council.

3. REVIEW OF AMENDMENTS TO DRAFT PLAN

The main aim of this item was to agree modifications to the Draft Neighbourhood Plan March 2018 in light of the responses to the consultation last year both, from the community and Schedule 1 organisations. Schedule 1 organisations are those whose interests might be affected by the proposals in the plan as per Neighbourhood Planning (General regulation 14). South Hams District Council (SHDC) had finalised their response to the consultation in (February 2019) hence the delay in convening the meeting.

The Response Report from the consultation (with comments from Lee Bray (LB), independent planning consultant) had been circulated to the group via e-mail. The meeting then went through the Draft Neighbourhood Plan to agree amendments as follows. (*Amendments being noted by highlighted text*)

Introduction:

- I. 1.11 It was noted that all references to the Joint Local Plan (JLP) must be amended to reflect that the JLP has now been adopted in March 2019.
- II. 1.13 SHDC response had been to add the following: "The NP must be reviewed every 5 years to maintain its status as a planning policy tool." Response regarding the review of the plan. In view of LB advice it was agreed that the plan be modified to say "In order to maintain its status as a planning tool the plan may be reviewed when necessary."

Vision and Objectives

- III. 3f as per South West Devon Community Energy Partnership's (SWDCEP) response commenting that the community and private renewable energy objective had not been followed through in the rest of the plan, it was agreed for this objective be expanded in MNP11 (Community Services and Facilities) and to reference the Community Action Plan where it is one of the aims. N.B. it is also included in other policies on the 2018 Draft NP i.e. MNP2 Design and Construction.
- IV. As per SHDC response to rephrase 3 i) to read *create* a town square.
- V. As per the responses from SHDC, Devon County Council (DCC) Highways Department and many individual members of the community to the consultation, it was agreed that the objectives regarding traffic flow in Brownston Street and Relief Road to be reworded as follows and to also add words regarding the impact the traffic has on the fabric of buildings:

"j) Support a study being undertaken to explore the feasibility of a relief road for Modbury, respecting the sensitive landscape character of the AONB.

k) Support a study being undertaken to identify how traffic flow, road safety and traffic's impact on the **built fabric** might be improved throughout the town."

Development, Design and Construction (MNP1, MNP2, &MNP3):

VI. MNP1 Location, Scale and Character of Development

It was agreed as per SWDCEP and LB's advice to add photos **as** examples of the views that are characteristic of the Modbury townscape of roofs with hillsides and countryside beyond, which are important to protect by ensuring that development is sensitive to the views.

VII. MNP2: Design and Construction

Regarding the inclusion of the Village Design Statement (VDS) in policy, SHDC response had been that "Modbury Village Design Statement 2003 is not Supplementary Planning Guidance and therefore should not be included in the Policy" It was agreed to add the Village Design statement to justification but also leave it in policy as per LB's advice since the policy only requires that "due regard" be paid to VDS.

- VIII. MNP2 agreed to split clause g) into two, dividing information on sustainable construction and the reduction of reliance on fossil fuel as per SWDCEP suggestion

- IX. MNP2 clause k) to be reworded to incorporate Bloor Housing's response providing information on DCC's parking guidelines as follows

"provide for its own car parking requirements, **with** residential development **providing** **must provide** at least two **off street spaces** ~~spaces per dwelling~~ and the number of car parking spaces per dwelling should be commensurate with Devon County Council (DCC) guidelines."

Development Sites MNP3

- X. AT updated on progress of discussions with Rob Ellis SHDC community housing fund officer re possible community housing opportunities in Modbury. AT expressed that it was important that the type of "model" of housing management should be one that benefitted the community of Modbury in the long term and hoped to convene a meeting with members of the group with housing expertise to discuss this issue in further depth, as well as ongoing liaison with Duncan Smith (SHDC Neighbourhood Planning Officer), Rob Ellis (SHDC Community Housing Fund Officer) and Lee Bray (independent planning consultant).

Development Sites MNP3 (CONTINUED)

XI. In a meeting with Duncan Smith, SHDC Neighbourhood Planning Officer in Feb of this year he had clarified that “Based on Government planning advice from Oct 2018, NPGs can challenge allocated small sites” and SHDC officers therefore confirmed that MNPG can substitute sites i.e. the JLP Penn Parks site for East of Ayleston Park as per Draft Neighbourhood Plan, and exclude the Pennpark site from the Settlement boundary.

XII. After discussion it was agreed that MNP3 justification be reworded to reflect this substitution as follows:

“4.6 The plan proposes several development sites, aimed at providing needed homes, particularly for those in housing need locally, and to help support the town’s continued vibrancy and prosperity. The need for affordable homes, particularly for young families, should be addressed in all development proposals and the latest national and local strategic targets for affordable housing provision fully met. Opportunities for community led developments such as Community Land Trust would be welcomed to protect a supply of affordable homes in the town for the long term future.

4.7 The JLP ~~proposes~~ identifies three development sites in Modbury, providing for a total of about 173 172 homes and 1,900 sq. m of employment space. Those sites are a) West of Palm Cross (93 92 homes and 1,900 sq. employment floor space), b) West of The Barracks / Long Park (40 homes), c) Pennpark (40)

At the time this plan was published the site west of Palm Cross is well under construction and work on the West of The Barracks / Long Park is underway. ~~was already under construction.~~

4.8 The Neighbourhood Plan Group consultations do not favour the site at Pennpark and it is proposed that it be substituted by the site East of Ayleston Park. The substitution of allocated sites being in conformity with National and Local Planning Guidance.

The basis for this substitution is that this site fulfils the community’s criteria for balanced spatial distribution of development, easy and safe pedestrian access to town centre facilities and the need to sustain social contact and healthy lifestyles. This will provide greater scope for development in scale with the town, as opposed to further extension to the west of Modbury. *Reference all site assessments.

4.9 Each development site should include affordable homes¹ in line with local policy, and should also provide appropriate support infrastructure. For those sites to the west of Modbury this must include improved safe pedestrian access to the town centre and recreation ground.”

Development Sites MNP3 (CONTINUED)

XIII. It was agreed that with the site substitution the Policy MNP3: Development Site Proposals be reworded as follows.

“The Neighbourhood Plan proposes development at the following locations:

1. West of Palm Cross (92 homes and 1,900 sq. m employment floor space)
2. West of The Barracks / Long Park (40 homes)
3. East of Ayleston Park (40 homes)

The development of each site should include affordable homes in line with adopted policy, the appropriate necessary support infrastructure and community woodland.

Sites on the west side of the town (sites 1 and 2) should also provide improved safe pedestrian access to the town centre and recreation ground.”

XIV. Regarding assessments for sites;

- Natural England pointed out that the JLP allocated site at Penn Parks is in the Catchment Risk Zone for the Erme Estuary SSSI, Penn Parks is not the preferred site of MNPG, ~~so this fact may add support to the MNP proposal to substitute the Penn Park site for the site East of Ayleston Park.~~ (* **N.B. See subsequent factual error correction in addendum below**)
- Natural England also point out that the East of Ayleston Park Site is in the setting of the AONB. MNP to review assessments already carried and ensure robust set of assessments are available.
- Historic England queried whether Strategic Environmental Assessments (SEA) had been carried out. MNPG have sought the opinion of SHDC on several occasions regarding the need for both SEA and Habitat Regulation Assessments (HRA)

XV. It was agreed that the Settlement Boundary would be re drawn excluding the JLP Penn Parks sites in the NP.

History and Heritage (MNP4)

XVI. It was agreed as per responses from DCC Historic Environment Officer to:

- Add text on photos regarding listed status of some buildings to give local flavour.
- Also to add wording regarding heritage landscape as follows:
 - 4.11 “It protects local historic assets, including listed buildings, the conservation area, ancient monuments and landscapes **where remnants of medieval and post medieval field systems, woodlands and orchards may survive**
- Also to add references 1.Historic Environment Impact Assessment (2016) for the Modbury Flood Relief Scheme by AC archaeology Ltd which provides comprehensive maps and index of the historic assets of Modbury. 2. Modbury heritage trail site 3. Interactive Maps on DCC historic environment website

Housing and Development (MNP5)

- XVII. As per SHDC and Bloor Housing responses it was agreed to clarify and add references that provide the local evidence regarding the need for “75% 1, 2 and 3 bed properties for all new housing developments” including questionnaire data and the document produced by PS on the local housing market and affordability.

Principal Residency Requirement (MNP6)

- XVIII. Discussion regarding the responses to the consultation from SHDC and Bloor homes regarding lack of evidence for number of second homes and their impact on Modbury. It was agreed to keep the policy as it stands because that although the statistics for second homes are currently low, looking to the future the effects of second homes are likely to spread from coastal towns and to reword the justification as follows

4.17 “The Neighbourhood Plan must consider long term development and sustainability of a balanced community. In coastal towns near Modbury there are disproportionate numbers of second homes leading to a rise in house prices and an impact on community life. The demand for second homes is likely to spread to towns such as Modbury in the future.”

Road Safety and Transport. (MNP7)

- XIX. As noted in item (V) re. road safety and transport objectives, the policy is to be changed to reflect need for studies being undertaken regarding improving road safety and consideration of a relief road. There were a large proportion of individual comments from the community reflecting concern about getting about safely in Modbury particularly around the school. The Western Clinical Commissioning Group had also suggested an impact on emergency vehicle response time from an increase in the number of homes in the area and associated traffic particularly in peak holiday times, it was agreed to reflect these concerns by rewording as follows:

“4.18 The A379 passes through the heart of Modbury, bringing trade to the town centre alongside congestion, hazard, noise and emissions. Any measures to improve traffic safety, alleviate congestion and improve car parking will be welcomed. Congestion at peak times, especially during summer tourist season, may lead to a delay in response times of the emergency services. There is a balance of opinion in the parish that a relief road would also be an advantage. This has been considered over many years and a route was safeguarded in some earlier plans. This plan supports the undertaking of a study to explore the feasibility of a relief road.

4.19 Parts of the town are poorly provided with pavements and footpaths. In particular, good, safe pedestrian links particularly around the school and to recreational and green spaces are lacking. Improvements to pedestrian safety and convenience will be required as a part of new developments, as will enhancements in cycle and public transport provision.”

Employment and Business. (MNP8 & MNP9)

- XX. Considering SHDC response about the need for more specificity regarding work hub, it was agreed to reference the Community Action Plan (CAP) where this is an objective also the SHDC Town Centres’ Strategy Working Group and more general references regarding sustainability of businesses in rural areas

Broadband and Communications Infrastructure (MNP10)

- XXI. In the policy it was agreed to add the Conservation Area into policy as follows;
- “1c.apparatus will be sited to minimise impacts on the AONB and Conservation Area.”
 - Also to add following wording to cover future improvements in broadband speeds as per advice from LB
“ 2. Proposals for housing must include a Connectivity Statement and provide for suitable ducting to enable service providers to install appropriate connections and fibre to the premises (FTTP) with open access be provided wherever feasible and broadband capable of speeds meeting at least minimum national targets.”

Services and Facilities (MNP11)

XXII. SHDC had commented on the fact that, given the number of aspirations for improvement of community facilities and infrastructure, whether there was a way to prioritise these. It was agreed to add wording to emphasise that getting about safely to all community facilities was an underpinning priority of the community in their responses to the consultation.

“4.24 The need to improve safe pedestrian and cycle access to all facilities has been an overwhelming priority of the community expressed in both formal and informal consultations, to enable community life, social cohesion and healthy life styles to be sustained.”

**reference questionnaire, OSSR, Response Report +JLP reference and Community Action Plan (CAP) ??? Also (<https://www.sportengland.org/activedesign>)

XXIII. In the text of the Policy it was also agreed to reorder the objectives for community facilities as follows:

- a. providing safe pedestrian access from the town to the Recreation Grounds,
- b. improving road safety around the school,
- c. facilities for the young and for the elderly, including for children’s play,
- d. public space and sports provision,
- e. footpaths and cycle routes, (previously cycle provision)
- f. residential car parking.
- g. creating a civic space in the area behind The White Hart,
- h. community woodland for recreation and habitat biodiversity, (previously and biofuel)
- i. community allotments and community orchards, (removing the words food security)
- j. community renewable energy schemes (this objective added as per SWCEP response)
- k. new play areas distributed around the town,
- l. electric vehicle recharging points in the car parks,
- m. Conserving and restoring historic natural habitats and built features. (previously had referred to specific Swanbridge Mill Pond)

Objectives regarding public transport, covered bike sheds and shared space design were deleted as there was insufficient evidence to support their inclusion.

Environment and Sustainability (MNP12, MNP13 and MNP14)

XXIII. It was agreed to include the word, as per Environment Agency’s response, that protecting green infrastructure has a role in protecting water quality and flood risk management, the group also felt that the impact on mitigating against the consequences of climate change should also be added as follows.

“4.26 The plan aims to protect and enhance the natural environment and environmental assets, in particular the Area of Outstanding Natural Beauty (AONB) and locally important green spaces, both for their beauty and public enjoyment and for their ecological value. This also is important for flood risk management and protection of water quality and mitigation of the impact of climate change. The AONB and Site of Special Scientific Interest (SSSI) are protected by national policy and the plan shows their boundaries. Other protected areas and green spaces are also shown on Map 8. A flood management scheme for Modbury was completed in 2018.

** Climate change reference

Environment and Sustainability (MNP12, MNP13 and MNP14) – Continued

XXIV. It was also agreed to add a paragraph re statutory and non-statutory biodiversity sites and also to give local examples to address SHDC response that the policy lacked local flavour. After discussion regarding biodiversity maps within the draft plan, it was considered that they were not very informative, whereas the Devon Biodiversity Records Centre documents for Modbury are comprehensive and it was decided that these records should be referenced and included as an appendix,

4.28 The Parish of Modbury contains a number of statutory and non-statutory sites which are important to conserve and protect the biodiversity of wildlife in the area.”

** Give named examples?

**Ref. needed for Key aim to conserve and enhance green infrastructure for the range of issues mentioned. Sustainable planting, climate change etc.

**Ref: Devon Biodiversity Records Centre: Wildlife site Resource map and species information for Neighbourhood Planning – Modbury

XXV. MNP 12 Protecting the landscape

Minor change of wording as per SHDC response was agreed i.e.

“Development shall not harm but ~~maintain~~ conserve and enhance the landscape by:

- a. complying with national and local strategic policies for the AONB, including the South Devon AONB Planning ~~Guidance~~ Management Plan”

XXVI. MNP 12 Protecting the landscape

Discussed South West Devon Community Energy Partnership (SWDCEP) response to clause b; their response being that protecting skyline development may restrict renewable energy schemes such as wind turbines. In discussion it was considered that protecting skylines was important and should be left in, with qualifying wording around “sensitive development”

- b. “protecting important views, ~~avoiding skyline development which would adversely affect the countryside, ensuring sensitive development that would not adversely affect the countryside; and~~ whilst safeguarding and enhancing local features that make a positive contribution to the landscape, particularly areas of green space and woods, and
- c. incorporating high quality ~~landscape design~~ which retains existing features, reinforces local landscape character, restores degraded landscapes, ~~retains significant local heritage trees and groups of trees~~ and provides mitigation from harm.”

Also Nicky C agreed to check with local Tree Warden Robin Chambers regarding status of the trees on Bloor site and will update CR with this information for the maps

XXVII. MNP14. Local Green Spaces and Public Open Spaces.

SHDC responses regarding slight change in wording of clause a) was agreed as follows.

- a) “New areas of public open space, play space, allotments or local green space², including a community woodland and community orchards, will be ~~welcomed~~ encouraged and required where necessary in association with development or otherwise”

AT noted thanks to AW for her work in helping amend the NP in light of the consultation thus far.

LUNCH BREAK

4. REVIEW COMMUNITY ACTION PLAN

- I. AT explained where the Community Action Plan (CAP) sits within the Neighbourhood Plan Process. Community actions have been identified by the residents of Modbury during the consultations of the draft Neighbourhood Plan. The Neighbourhood Plan, itself, is concerned with shaping a community's views about land use. The community action plan concerns the other areas that sustain a community. The environmental, economic and social factors that are fundamental to maintaining Modbury as a "balanced vibrant and healthy place to live" and are equally part of any planning process and decisions.

The Community Actions are linked to policies in MNP, (Ann to forward document showing how these are linked see Appendix A)

The Community Action Plan has been adopted by Parish Council, it is a standing item on Parish Council Agenda and is updated at each month with report to the Parish Council. Currently AT provides these updates at the Parish Council, however once the Neighbourhood Plan has been adopted Parish Councillors would be taking the CAP forward.

AT: expressed that whilst the NP is being completed, the CAP is a positive outcome for the community, to see progress being made on other issues.

AT: ran through the most recent Community Action Plan update (April 2019) with contributions from other members of the group: CW re meetings with traders, CR and CW re. play parks green spaces (see Appendix A)

- II. AT: Outlined a recent government initiative "Town Futures Strategy" which, under auspices of SHDC, is focusing on 6 towns (Kingsbridge, Salcombe, Ivybridge, Totnes, and Modbury & Dartmouth). The Town Futures Strategy is about exchanging ideas with other towns and the consideration of issues that are joined up and district wide e.g. Transport routes, cycle routes and electric car charging points. The first meeting was held in Modbury last week. Funding is scarce and Ivybridge the first focus for govt. funding. However it is good step to be opening up a network of discussion and to have SHDC officers available for support.

5. TIMESCALE (See Appendix B)

Appendix B was shown to the meeting indicating where MNP is in the process.

The next step is the submission of the plan with the amendments agreed at this meeting to SHDC. However the submission needs to await the outcome of imminent discussions about Community Housing options. The Development Site Proposals and MNP3 will then be sent to SHDC Neighbourhood Planning Officer, Duncan Smith for him to review and screen as to the need for Strategic Environmental Assessments (SEA) and Habitat Regulation Assessments (HRA) and the submission of the completed Neighbourhood Plan will follow.

6. TREASURER'S REPORT (See Appendix C)

Copies of Treasurer's report had been circulated via e-mail prior to the meeting with thanks to Phil Jolly.

AT informed that apart from incidental expenses the main future outgoings would be 1) payment to LB (independent planning consultant) to review final plan and 2) money to publicise referendum.

7. ANY OTHER BUSINESS

There was no other business raised.

8. DATE AND TIME OF NEXT MEETING

AT confirmed there were no plans for further large meeting, prior to submission of the NP to SHDC. Small group meetings may need to be convened on specific topics. She thanked everyone for attending what had been a long but productive meeting. CW offered thanks to AT, endorsed by the rest of the group, for the huge amount of work she has done in leading the MNP process.

The meeting was closed at 14.30 pm

(AW April 2019)

***ADDENDUM : FACTUAL ERROR CORRECTION**

Page 4 Development sites MNP3

XIV

- “Natural England pointed out that the JLP allocated site at Penn Parks is in the Catchment Risk Zone for the Erme Estuary SSSI, Penn Parks is not the preferred site of MNP3, so this fact may add support to the MNP proposal to substitute the Penn Park site for the site East of Ayleston Park.”

An error has been made in consideration of Natural England’s response to the consultation in March 2018. It is not the Penn Parks site that is in the Catchment Risk Zone for the Erme Estuary SSSI, it is in fact the East of Ayleston Park Site. Natural England’s wording is as follows:

“The East of Aylstone Park site is a newly proposed allocation site. This site is within the Catchment Risk Zone for the Erme Estuary SSSI (for more information please see <http://www.natureonthemap.naturalengland.org.uk/>). This means that there is a risk of deterioration of water quality of the SSSI from new development. We recommend that the policy identifies water quality issues.”

ACTION:

1. The responses report and background evidence will be corrected accordingly.
2. The concern for the possible deterioration in water quality of the Erme Estuary SSSI in East Ayleston Park site needs be addressed in the assessments and evidence for the proposed development site East of Ayleston Park. Recent advice sought from Devon County Council Flood and Coastal Risk Manager, Martin Hutchings, suggests that if a sustainable drainage system (SuDS) is to be provided for the management of surface water from the development that will mimic greenfield runoff, ensuring the quantity and quality of water leaving the site will be no greater than pre-development conditions. Opportunities for betterment, including biodiversity and amenity benefits, would be provided where possible.

(AW August 2019)

Community Action Plan

The Community Action Plan needs to be based on issues arising from the community consultations and subsequent draft NP. Some of these are self-evident and uncontroversial but there are others which need to be considered in terms of priorities. One comment from the SHDC NP adviser was that we had a long list of priorities and that we should consider focussing down. The other argument is that we should keep the long list as it is not always possible to predict when opportunities may arise.

Essentially the CAP has to provide a framework for workable, manageable actions linked to community priorities which are not necessarily primary land use and planning issues covered by the NP. It also has to provide a clear indication of responsibility for said actions.

Key issues emerging include:

Safe pedestrian access MNP7

Highway safety and flow MNP7

Parking provision & signage MNP7

Employment & Business MNP8 & MNP9

- Work hub

- Identity/ focus

- Tourism

Community Facilities & Infrastructure MNP11

- Play/sport facilities

- Civic space (town square)

- Electric charging points

- Green spaces

Biodiversity MNP13

- Community woodland

AT. AUG 18.

APPENDIX B

NEXT STEPS FOR MODBURY NEIGHBOURHOOD PLAN: *(as outlined by Duncan Smith, SHDC, Neighbourhood Planning Officer at meeting on 12.02.19, with additional notes from Planning Guidance documents)*

- **SUBMISSION OF PLAN** *(Reg 15 i.e. handing finalised Neighbourhood Plan to SHDC)*
- **SHDC CONSULTATION** *For 6 weeks (Reg 16 :The local planning authority will also notify anyone referred to in the consultation statement that the plan has been received. Any representations received will be passed to the independent examiner for consideration.)*
- **INDEPENDENT EXAMINATION** *takes about a month and a half (Normally, the independent examination will be conducted by written representations. However, if necessary, the examiner may invite interested parties to a public hearing to present their comments. This might be necessary to examine an issue in more depth or to ensure fairness.)*
- **REFERENDUM** *(The local authority is required to publish information about the neighbourhood plan 28 working days before the date of the referendum. Then 25 working days before the date of the referendum, they are required to give notice that a referendum is taking place and the date of the poll.)*

FURTHER INFORMATION:

- **The Neighbourhood Road Maps**

https://neighbourhoodplanning.org/wp-content/uploads/NP_Roadmap_online_full.pdf

- **How to Structure Your Plan**

https://www.rtpi.org.uk/media/1282942/how_to_structure_your_neighbourhood_plan.pdf

