

## Malborough Neighbourhood Plan

### Schedule of Responses to Regulation 16 Consultation


Malborough Neighbourhood Plan was submitted to South Hams District Council on 06/02/18. The Council consulted on the submitted plan for a six week period between 20/2/2018 – 03/04/18 in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations.

The tables below set out the representations on the Malborough Neighbourhood Plan made in response to consultation at Regulation 16.

**TABLE 1 Responses to Regulation 16 Consultation**

Date	Name/Organisation	Comments
18/2/18	<p><b>Marine Management Organisation</b></p> <p><b>Appendix 1</b></p>	<p><b><u>Response to your consultation</u></b></p> <p>The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.</p> <p><b><u>Marine Licensing</u></b></p> <p>Activities taking place below the mean high water mark may require a <a href="#">marine licence</a> in accordance with the <a href="#">Marine and Coastal Access Act (MCAA) 2009</a>. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in England and parts of Wales. The MMO is also the authority responsible for processing and determining harbour orders in England, and for some ports in Wales, and for granting consent under various local Acts and orders regarding harbours. A wildlife licence is also required for activities that that would affect a UK or European protected marine species.</p> <p><b><u>Marine Planning</u></b></p> <p>As the marine planning authority for England the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark. Marine plans will inform and guide decision makers on development in marine and coastal areas. On 2 April 2014 the <a href="#">East Inshore and Offshore marine plans</a> were published, becoming a material consideration for public authorities with decision making functions. The East Inshore and East Offshore Marine Plans cover the coast and seas from Flamborough Head to Felixstowe. For further information on how to apply the East Inshore and Offshore Plans please visit our <a href="#">Marine Information System</a>. The MMO is currently in the process of developing marine plans for the South Inshore and Offshore Plan Areas and has a requirement to develop plans for the remaining 7 marine plan areas by 2021.</p>

		<p>Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. For marine and coastal areas where a marine plan is not currently in place, we advise local authorities to refer to the <a href="#">Marine Policy Statement</a> for guidance on any planning activity that includes a section of coastline or tidal river. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the <a href="#">Marine and Coastal Access Act</a> and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our <a href="#">online guidance</a> and the <a href="#">Planning Advisory Service soundness self-assessment checklist</a>.</p> <p><b><u>Minerals and waste plans and local aggregate assessments</u></b></p> <p>If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below:</p> <p>The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.</p> <p>The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.</p> <p>The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.</p> <p>The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.</p> <p>The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.</p> <p>If you wish to contact the MMO regarding our response please email us at <a href="mailto:consultations@marinemanagement.org.uk">consultations@marinemanagement.org.uk</a> or telephone us on 0300 123 1032.</p>
27/2/18	<p><b>Martyn Dunn</b>  <b>South West Water</b></p> <p><b>APPENDIX 2</b></p>	<p>Sarah thanks for this the content of which is noted – the anticipated housing growth anticipated over the plan period is not going to cause any difficulty in our being able to support such.</p> <p>Regards</p> <p><b>Martyn Dunn</b> Development Coordinator</p>

		 <p><b>South West Water</b> D: 01392 443702</p>
8/3/18	<p><b>Gaynor Gallacher</b> <b>Highways England</b></p> <p><b>APPENDIX 3</b></p>	<p>Dear planning team</p> <p>Thank you for providing Highways England with the opportunity to comment on the submission version of the Malborough Neighbourhood Plan. As you are aware, we are responsible for operating, maintaining and improving the strategic road network which in this instance comprises the A38 some distance to the north of the plan area. We are therefore satisfied that the plan's proposed policies are unlikely to lead to development which will impact upon our network and we therefore have no comments to make.</p> <p>This does not however prejudice any future responses Highways England may make on site specific applications as they come forward through the planning process, which will be considered by us on their merits under the prevailing policy at the time.</p> <p>Regards Gaynor</p>
	<p><b>SARAH-Jayne Barr</b> <b>Devon &amp; Cornwall</b> <b>Police</b></p> <p><b>APPENDIX 4</b></p>	<p>Good afternoon,</p> <p>Thank you for requesting consultation on the plan proposal for the Malborough Parish Neighbourhood Development Plan Area but I would like to advise that the Police have no further comment to make. However I would like to take this opportunity to express sincere thanks at the level of support and specific policy in the Plan to designing out crime, the fear of crime and antisocial behaviour with regard to future development and also the inclusion of how the design of new development should consider adequate parking provision.</p> <p>All too often the ramifications of not factoring in sufficient or practical parking provision for new development are not being considered until full occupancy and at the most busiest times such</p>

		<p>as evenings and weekends when the majority of residents are at home, by which time it is generally too late to remedy.</p> <p>The police can spend a lot of time dealing with upset and angst amongst neighbours due to vehicle related complaints and issues, such as inconsiderate and obstructive parking or damage to property and/or vehicles, generally as a result of insufficient or poorly designed parking. It is considered that 2 parking spaces would suffice a 1 or 2 bed dwelling but perhaps not so for larger family homes which could easily attract in excess of 2 vehicles per dwelling.</p> <p>I look forward to reviewing relevant planning applications for future development in the Malborough area and providing advice and recommendations to the planning authority but in the meantime please do not hesitate to contact me if I can assist further.</p> <p>Many thanks</p> <p>Kind regards</p> <p>Sarah-Jane</p>
<p><b>28/3/18</b></p>	<p><b>Robert Hyde</b>  <b>Member of public</b></p> <p><b>Appendix 5</b></p>	<p>Planning approval is being given by SHDC to far more houses than the Malborough Neighbourhood Plan indicates are needed.</p> <p>Comments:</p> <ul style="list-style-type: none"> <li>• Page 21 of the Plan suggests 161 more residents in Malborough by 2034 than in 2011.</li> <li>• Assumption is made of 2 people per household.</li> <li>• Is this too low if the plan is to encourage working / families?</li> <li>• Based on 161 more residents @ 2 per unit, need additional 80 homes by 2034.</li> <li>• 17 already built at Alston Gate, leaves 63 more needed by 2034</li> </ul>

		<ul style="list-style-type: none"> <li>• However, planning consents already granted for 50 at Portlemore Downs and 16 at Alston Gate phase 2 = 66</li> <li>• Assuming these are built out in next 2/3 years, the village will have exceeded the perceived need up to 2034 by 2021, 13 years early.</li> </ul> <p>Either there will then be no further building in the following 13 years (unlikely!) or the village will become over developed compared to the village plan and thus contradict its mantra.</p> <p>Where is the anticipated new employment for say 100 of these 161 people?</p> <p>Principal Residence Restriction - how is this to be enforced? We all know that people get round this by one partner apparently having their main residence in the Home Counties and the other being the owner of the South Hams property. At the recent Portlemore Downs exhibition one of the senior representatives of the developers didn't seem to recognise that their development has to be Principal Residence and assumed a certain proportion would be second homes!</p> <p>Urgent consideration to these matters is required if our village is not to become over developed. I await your response.</p> <p>Regards</p> <p>Rob Hyde</p> <p>Well House Malborough TQ7 3SG</p>
<b>30/3/18</b>	<b>Cllr J Pearce Salcombe and Thurlestone Ward South Hams District Council</b>	<p>This is a well considered and set out plan with generally clear explanations for residents of how and why policies have been formed. Malborough has always been willing to accept development, for which it should be congratulated as a community. Its plateau location in the AONB is, however, somewhat of a hindrance to this ambition, especially now that most of the 'easy' sites have already been developed. In this context, at policy 15, there will need to be careful consideration of the setting of the Grade 1 listed Church of all Saints if the site at</p>

	<p><b>Appendix 6</b></p>	<p>Withymore Farm comes forward. The land falls away, so it should be possible to develop the lower parts of this site.</p> <p>Under Objective HD1, whilst there is extreme pressure in surrounding parishes of Salcombe and South Huish (Hope Cove), it is not entirely clear from the evidence provided that second home rates have reached a high enough proportion of all dwellings yet to warrant a principal residency restriction in Malborough. There is, for instance, no evidence that the number of second homes is overtly sapping the vitality and capacity of the community as it is in Salcombe. If there is still evidenced unmet local need after the completion of the Portlemore Downs site, a community housing project may be a better response for the life-span of this neighbourhood plan.</p> <p>Under objective OE1 it is perhaps a pity that more opportunity has not been taken to make a list of non designated heritage assets the parish would wish to see preserved. The plan does state that this will be done, but any such assets will not then have the protection the plan itself could afford them as part of the LDF. Appendix F only appears to cover listed items which already have statutory protection.</p> <p>Under objective OE2, better mapping of the green spaces would be welcome so that they are clearly delimited.</p> <p>Thank you for this opportunity to comment.</p> <p>Cllr.Judy Pearce tel.01548 561370 Salcombe and Thurlestone Ward South Hams District Council</p>
<p><b>3/4/18</b></p>	<p><b>Natural England Corine Dyke</b></p> <p><b>Appendix 7</b></p>	<p>Thank you for your consultation on the above dated 18 February 2018.</p> <p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>We welcome the plan's ambitions and the progress made with the Malborough Neighbourhood Plan. We recognise the time and effort given to the plan by the Neighbourhood Plan Forum and the wider</p>

		<p>community. We note that substantial changes were made since the last version. We have a number of comments which are aimed at helping to improve the plan's robustness. Our comments are shown in <b>Appendix 1</b> below.</p> <p>We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any queries relating to the specific advice in this letter only please contact Corine Dyke on 02080 268177 or corine.dyke@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.</p>
5/4/18	<p><b>David Stuart</b> <b>Historic England</b></p> <p><b>Appendix 8</b></p>	<p><a href="#">FAO Sarah Packham</a></p> <p>Thank you for your Regulation 16 consultation on the Malborough Neighbourhood Plan.</p> <p>In previous advice provided in response to the Regulation 14 consultation we drew attention to the need for evidence to substantiate proposed site allocations. We were advised that your authority's conservation team had been involved in site assessments to determine their suitability from the point of view of potential for impact on designated heritage assets. The conclusion to these exchanges was a willingness on our part to defer to that expertise (see attached).</p> <p>Our response to the current consultation is therefore to reaffirm that willingness, and to ask your authority to confirm to itself that the Plan in this respect is informed by suitable evidence and demonstrates an appropriate level of conformity with national and local planning policy.</p> <p>Kind regards</p> <p>David Stuart</p>
13/4/18	<p><b>SHDC</b></p> <p><b>Appendix 9</b></p>	<p><b>Full response as per Appendix 9</b></p>