

Independent Examiner's Report of the
Ringmore Parish Neighbourhood Plan

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SECTION 2

Summary

As the Independent Examiner appointed by South Hams District Council to examine the Ringmore Parish Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Ringmore Parish Neighbourhood Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Ringmore Parish Neighbourhood Plan go to Referendum.*
- 3. I have read the Ringmore Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Ringmore Parish Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. The Ringmore Parish Neighbourhood Plan Area is within the area covered by South Hams District Council. The development plan for the area is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Ringmore Parish Neighbourhood Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Ringmore Parish Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Ringmore Parish Neighbourhood Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Ringmore Parish Neighbourhood Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum

2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the

Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Ringmore Parish Neighbourhood Plan go to Referendum.

3.2 In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic

Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- Contributes to the achievement of sustainable development;*
and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.*

There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:

"In relation to the examination of Neighbourhood Plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act-

The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017."

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

South Hams District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

South Hams District Council appointed me as the Independent Examiner for the Ringmore Parish Neighbourhood Plan with the agreement of the Ringmore Parish Neighbourhood Plan Steering Group

2. Qualifying body

I am satisfied that Ringmore Parish Council is the Qualifying Body.

3. Neighbourhood Plan Area

The Ringmore Parish Neighbourhood Plan Area was designated on the 14th of May 2017 under the Neighbourhood Planning Regulations 2012 (part 2 S6). The area covers the administrative boundaries of the Parish of Ringmore. The Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The Plan identifies the period to which it relates as 2020 to 2034 a period chosen to tie in with the development plan for the area, the Plymouth and South West Devon Joint Local Plan (the JLP).

5. South Hams District Council Regulation 15 Assessment of the Plan.

Ringmore Parish Council submitted the plan to South Hams District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The Council has made an initial assessment of the submitted Ringmore Parish Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. The Consultation Process

The Ringmore Parish Neighbourhood Plan has been submitted for

examination with a Consultation Statement which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed Neighbourhood Plan;

(b) It explains how they were consulted;

(c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed Neighbourhood Plan.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was robust, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

7.Regulation 16 consultation by South Hams District Council and record of responses.

South Hams District Council placed the Ringmore Parish Neighbourhood Plan out for consultation under Regulation 16 for 6 weeks from Monday 14th of June 2021 to the 26th of July 2021.

A number of detailed representations were received during the consultation period and these were supplied by the Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and referred to them where appropriate.

8. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29th September 2021.

9. Compliance with the Basic Conditions

The Qualifying Body have produced a Basic Conditions Statement. The purpose of this statement is to set out in some detail how the Neighbourhood Plan as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Ringmore Parish Neighbourhood Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
- 5. There is now an additional Basic Condition to be considered. Since the 28th of December 2018, the Neighbourhood Planning (General) Regulations 2012 Such 2 para 1 has stated:*

"In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act—

The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017." (Prescribed Matters)

Documents brought to my attention by the Borough Council for my examination include:

- *Ringmore Parish Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.*
- *Basic Conditions Statement - sets out how the plan meets the Basic Conditions*
- *Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.*
- *Strategic Environmental Assessment (SEA) Screening Report*
- *Habitats Regulations Assessment (HRA) screening opinion*

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Ringmore Parish Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF)February 2021 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or

undermine those strategic policies.”

The Ringmore Parish Neighbourhood Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to minor modification does meet the Basic Conditions in this respect.

10.2 Local Planning Policy- The Development Plan

The Ringmore Parish Neighbourhood Plan Area is within the area covered by South Hams District Council. At the time of my examination, the Development Plan for the area was the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019.

To meet the Basic Conditions, the Ringmore Parish Neighbourhood Plan Neighbourhood Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2021 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

*c) community facilities (such as health, education and cultural infrastructure);
and*

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are

useful considerations:

- *whether the policy sets out an overarching direction or objective*
- *whether the policy seeks to shape the broad characteristics of development*
- *the scale at which the policy is intended to operate*
- *whether the policy sets a framework for decisions on how competing priorities should be balanced*
- *whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan*
- *in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan*
- *whether the Local Plan identifies the policy as being strategic”*

I have examined the Ringmore Parish Neighbourhood Plan and consider that, subject to modification, the plan is in general conformity with the Strategic Policies of the Development Plan and does meet the Basic Conditions in this respect.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

South Hams District Council carried out a Strategic Environmental Assessment (SEA) screening exercise (March 2020) in consultation with relevant statutory bodies Natural England, Environment Agency and Historic England. The conclusion of the screening was:

“Having taken all of the relevant policies of the draft Ringmore Neighbourhood

Plan (Regulation 14 Version submitted to the Council on 4th November 2020) into account and assessed the potential environmental impact on designated sites and landscapes, it is the Council's opinion that a full SEA is not required for the Neighbourhood Plan since no development proposals are included in the Plan."

The relevant statutory bodies agreed with this conclusion.

Habitats Regulations Assessment (HRA)

South Hams District Council as the competent authority also carried out screening for the need for HRA to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation.

The conclusion of the screening was:

"Ringmore lies adjacent to the Start Point to Plymouth Sound and Eddystone SAC which comprises a reef off the coast of Devon and Cornwall. The Plan does not allocate any development sites. In the light of this Council consider the Ringmore Neighbourhood Plan will not have a significant effect on a European Site and therefore further assessment under the Habitat Regulations is not required."

Natural England were consulted and agreed with this conclusion.

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the*

Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

The Basic Conditions Statement states that “there are no relevant prescribed matters that this Plan needs to take into account.”

I am satisfied with this conclusion.

11.2 Sustainable development

Paragraphs 7 to 14 of the NPPF 2021 (as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.

The Basic Conditions Statement sets out how the neighbourhood plan addresses the requirement to achieve sustainable development.

My conclusion is that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Ringmore Parish Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Ringmore Parish Neighbourhood Plan has done so.

I am therefore satisfied that the Ringmore Parish Neighbourhood Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Ringmore Parish Neighbourhood Plan does not cover County matters (mineral extraction and waste development), nationally

significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Ringmore Parish Neighbourhood Plan, subject to modification covers development and land use matters.

General Comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Ringmore Parish Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the

modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

12. The Neighbourhood Plan Vision, Strategic Aims and Policies

12.1 VISION Statement

That the Parish continues to meet the needs and aspirations of local people by protecting and conserving the culture, heritage, biodiversity, and aesthetic qualities that make our environment unique. At the same time the economic prosperity needs to be supported and sustained so that the wellbeing of the parish is maintained, and it remains a thriving community in which to live, work, visit and play.

COMMENT

I am satisfied that the Ringmore NDP vision and objectives were developed from the consultation process and that the policies within the plan reflect the vision and objectives.

12.2 RINGMORE PARISH NEIGHBOURHOOD PLAN POLICIES

Housing

Policy RNP1 - Development within the Settlement Area

New development will be supported within the Settlement Boundary, where justification of local need is proven, and proposals are in line with: -

1. The development is contained within the Settlement Boundary shown in Figure 10 and the priority requirement for development will be for affordable local housing needs and the need for such development is clearly demonstrated.
2. The development meets the requirements of other relevant policies of the NP.

COMMENT

This policy establishes a settlement boundary for the main settlement of Ringmore within the parish and then sets out the type of development which will be supported within that boundary.

Once a settlement boundary has been established there is a presumption in favour of sustainable development within the boundary, balanced against other policies within the development plan (including policies within a neighbourhood plan once Made). The policy as currently worded is overly onerous and would not reflect the NPPF or JLP policies in this regard. The delivery of affordable housing within the settlement boundary will be subject to Policy DEV8 of the JLP which states:

“2. Within rural areas with special designations, as defined in section 157 of the Housing Act 1985, all residential developments of 6 to 10 dwellings will provide an off-site commuted sum to deliver affordable housing to the equivalent of at least 30 per cent of the total number of dwellings in the scheme.

3. Within the whole policy area a minimum of at least 30 per cent on-site affordable housing will be sought for all schemes of 11 or more dwellings. Off-site provision or commuted payments in lieu of on-site provision will only be allowed where robustly justified.”

The implication of this policy is that residential developments of 5 or fewer dwellings are not required to deliver any affordable housing. This will have implications for the delivery of affordable housing within the settlement boundary and the affordable housing needs of the parish may need to be addressed through a Rural Exception site.

I am satisfied that the reason the settlement boundary, as drawn, omits development which would normally be included within a settlement boundary is to reflect the boundary of the Undeveloped Coast designation.

Basic Conditions, Figure 10 accompanying this policy should show the settlement boundary as drawn for the proposed JLP policy and the Undeveloped Coast should be shown correctly, and the policy should be modified as follows:

Policy RNP1 - Development within the Settlement Boundary

Fig. 10 shows the settlement boundary for Ringmore village. New proposals for sustainable development within the settlement boundary, will be supported subject to other policies within the development plan. The priority is for affordable housing to meet demonstrable local need.

Policy RNP2 - General Design Principles for New Development

New housing development will only be supported where it can be demonstrated that: -

1. The design is of good quality and sympathetic with the character of the surrounding built and non-built environment.
2. The character of the parish is not negatively affected for example current “Dark Skies” status is not affected.
3. Listed buildings and heritage assets are not adversely affected.
4. “Off Road” only parking is provided in line with the standards required by South Hams District Council.
5. New roof heights are not to be higher than existing attached buildings and no higher than the general height of buildings in the local area. The development should not impinge upon the outlook or obstruct protected public views as demonstrated in the Proposal Maps 2 and 3 on pages 42/43 and in Section 15 Proposal Maps.
6. Any new development satisfies the latest septic tank regulations (Jan 1st, 2020) and/ or complies to the existing South West Water Notice of Modification

of Consent to Discharge ref NRA-SW-5244 & NRA-SW-5245.

7. The development meets the requirements of all other relevant policies of the Plan.

COMMENT

Point 6 of this policy deals with the treatment of wastewater which is dealt with by the Environment Agency. For clarity and to meet the Basic Conditions the point 6. should be modified as follows:

6. Proposals for new development must satisfy current requirements for the disposal of wastewater.

Policy RNP3 - Development on "Rural Exceptional Sites" through CLT or other Private Self Build initiatives

Proposals for small scale community led schemes or private self-build developments will be supported on rural exception sites (defined as land adjoining or very near to an existing settlement, which would not otherwise be released for residential purposes) where the developments can achieve affordable housing to meet proven local needs subject to the following: -

1. The design meets the requirements in Policy RPN 2.
2. It meets a proven need for affordable housing for local people as defined in the NPPF and the JLP SPD 2020 (paras 11.65 and 11.66) and management of any such scheme will ensure that the dwellings continue to be occupied by local people in perpetuity.

COMMENT

There is potential for confusion with the wording of this policy that rural exception sites will only be supported if for Community Land Trusts or for self-build which would not have regard for national policy or be in general conformity with JLP policy TTV27. For clarity the policy should

be modified as follows:

Policy RNP3 - Development on Rural Exceptional Sites

Proposals for small scale affordable housing sites to meet demonstrable local need in accordance with JLP policy TTV27 including community led schemes or private self-build developments will be supported on rural exception sites (defined as land adjoining or very near to an existing settlement, which would not otherwise be released for residential purposes) subject to the following: -

- 1. The design meets the requirements in Policy RNP 2.***
- 2. It meets a proven need for affordable housing for local people as defined in the NPPF and the JLP SPD 2020 (paras 11.65 and 11.66) and management of any such scheme will ensure that the dwellings continue to be occupied by local people in perpetuity.***

Policy RNP4 – Principal Residence Housing and Holiday Lets

Any proposals for new housing development within the settlement boundary, will be supported if the proposal satisfies the following criteria: -

1. It is only to meet identifiable local housing need and first and future occupation is restricted in perpetuity to ensure that each new dwelling is occupied only as a Principal Residence.
2. The restriction will be secured prior to the grant of planning permission through appropriate Planning Obligations created and enforceable under section 106 of the Town and Country Planning act 1990, or subsequent legislation.
3. The development is in keeping with all other requirements set within the housing policy section and meets all other relevant policies of the Plan.

COMMENT

Evidence to support this policy has been produced both in the Neighbourhood Development Plan itself and the supporting evidence base available to view in full on the South Hams District Council website.

I accept that it is not easy to provide the information and statistics relating to ownership/ occupation of houses within any parish area however the imposition of a Principal Residence policy has serious implications and it is necessary to ensure that there is strong evidence to support the imposition of such a restriction.

The evidence I have been provided with states that currently 27.5% of the housing stock is in use as a second home out of a housing stock of 126. I accept that this is significant.

I have given very serious consideration as to whether or not I can find that this policy meets the Basic Conditions. My concerns relate to how the policy can meet the Basic Conditions particularly having regard to the NPPF – “delivering a wide choice of quality homes” and “delivering sustainable development” together with how the policy meets the requirements of the Human Rights Act 1988 and other European Legislation.

I have also considered in detail Mr. Justice (now Lord Justice) Hickinbottom’s judgment in R (RLT Environment Ltd) v Cornwall Council in relation to Policy H2 of the St. Ives Neighbourhood Development Plan. He concluded:

“that Policy H2 is in pursuit of legitimate public interests identified in article 8(2), namely the interests of the economic well-being of the country, and for the protection of the rights and freedoms of others.”

I have considered carefully the potential for unintended consequences on the local housing market and the future delivery of affordable housing.

My decision is one of planning balance and I conclude that in this instance I consider that I have been provided with adequate evidence to satisfy me that the imposition of a principal residency condition would meet the Basic Conditions.

Policy RNP4 – Principal* Residence Housing Restriction and Holiday Lets

Due to the impact upon the local housing market of the uncontrolled growth of dwellings used for holiday accommodation (as second or holiday homes) new open market housing, excluding replacement dwellings, will only be supported where there is a restriction to ensure its occupancy as a principal residence. Sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement under section 106 of the Town and Country Planning act 1990, or subsequent legislation. The condition or obligation on new open market homes will require that they are occupied only as the primary residence of those persons entitled to occupy them. Occupiers of homes with a principal residence condition will be required to keep proof that they are meeting the obligation or condition and be obliged to provide this proof if/when South Hams District Council requests this information. Proof of principal residence is via verifiable evidence which could include, for example (but not limited to) residents being registered on the local electoral register and being registered for and attending local services (such as healthcare, schools etc.).

****Principal residences are defined as those occupied as the resident's sole or main residence, where the residents spend the majority of their time when not working away from home.***

New unrestricted second homes will not be supported at any time.

Policy RNP5 - Other development, subdivision of existing plots for building or extension to existing buildings

Development such as extensions, replacement houses, building on subdivided plots will be supported if it is demonstrated that: -

1. There is no loss to the character or environmental quality of the surroundings.
2. The site is adequately serviced by suitable existing highways allowing safe access and egress to the property.
3. The development respects the amenity of adjoining properties.
4. The development is in keeping with all other requirements set within the housing policy section and meets all other relevant policies of the Plan.

COMMENT

I have no comment on this policy.

Tourism

Policy RNP6 - New Tourism Developments

Support will be given to new tourism developments which are primarily aimed at high turnover, short occupancy forms of holiday.

Development proposals related to tourism must demonstrate economic and social benefit to the local community, and this will be weighed against any potential loss of amenity for permanent residents of the parish. Where it is evident that economic and social gain for the local community will not significantly outstrip loss of amenity, the proposed development will not be supported.

Particular attention must be given to the siting, scale, and form of proposals for new tourism development, and it is vital that any such development does not compromise the distinctive landscape character and preservation of both the South Devon AONB and the Undeveloped Coast.

Proposals for new tourism development in Ringmore Parish are unlikely to be

supported unless it can be demonstrated that:

1. demand for the proposed development is measurable.
2. undue pressure will not be imposed upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.
3. the safety of the rural road network will not be compromised.
4. the development will not contribute to light pollution.
5. the natural environment will not be threatened and there will be no loss of habitats.
6. the development will be screened to reduce visual impact, by landform, trees, or hedgerows.
7. the requirements of all other relevant policies in this Plan have been met.

Only holiday development proposals that are accompanied with practical measures to ensure that they will remain as holiday accommodation in perpetuity will be supported.

COMMENT

Some of the criteria for this policy would be difficult to apply in the determination of a planning application. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy RNP6 - New Tourism Developments

Support will be given to new tourism developments which are primarily aimed at high turnover, short occupancy forms of holiday.

Development proposals related to tourism should be accompanied by adequate information to enable the impact and potential benefits of the

proposal on the local community to be properly assessed. Support will be given where there is a positive economic and social benefit to the local community and any potential loss of amenity for permanent residents of the parish is mitigated.

Particular attention must be given to the siting, scale, and form of proposals for new tourism development, and it is vital that any such development conserves and enhances the distinctive landscape character of the South Devon AONB and the Undeveloped Coast.

Proposals for new tourism development in Ringmore Parish will be supported where it can be demonstrated that:

- 1. There is demand for the proposed development.*
- 2. Undue pressure will not be imposed upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.*
- 3. The safety of the rural road network will not be compromised.*
- 4. The development will not contribute to light pollution.*
- 5. The natural environment will not be threatened and there will be no loss of habitats.*
- 6. The development will be sited to reduce visual impact, by landform, trees, or hedgerows appropriate to its location.*
- 7. The requirements of all other relevant policies in this Plan have been met.*

Only holiday development proposals that are accompanied with practical measures to ensure that they will remain as holiday accommodation in perpetuity will be supported.

Policy RNP7 - Expansion and Intensification of Static Holiday Caravan

Provision

Proposals for expanding or intensifying static caravan park provision in Ringmore Parish are unlikely to be supported unless it can be demonstrated that:

1. demand for the proposed expansion or intensification is measurable and cannot possibly be met in any other way.
2. no alternative location exists for the proposed development.
3. the development will not exert adverse visual impact upon the local landscape.
4. undue additional pressure will not be imposed upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.
5. the safety of the rural road network will not be compromised.
6. the development will not contribute to light pollution.
7. the natural environment will not be threatened and there will be no loss of habitats.
8. the development will be screened on a permanent basis by landform, trees, and hedgerows.
9. the development will contribute to the local economy through creation of employment for local people and generation of income for local businesses.
10. all other policies in this Plan have been addressed.

For clarity, expansion and intensification are deemed to include the re-purposing of existing holiday park facilities such as car parks, boat parks, dog-run areas, and waste storage areas to accommodate more static caravans or “lodges”.

COMMENT

It is not possible to ensure that any new development will provide employment for local people through the imposition of planning policy. In addition, other elements of the policy are overly onerous. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy RNP7 - Expansion and Intensification of Static Holiday Caravan Provision

Proposals for expanding or intensifying static caravan park provision in Ringmore Parish will only be supported where it can be demonstrated that:

- 1. There is demand for the proposed expansion or intensification is measurable and cannot possibly be met in any other way.***
- 2. It can be demonstrated that there is no alternative location for the proposed development.***
- 3. The development conserves and enhances the distinctive landscape character of the South Devon AONB and the Undeveloped Coast.***
- 4. It can be demonstrated that undue additional pressure will not be imposed upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.***
- 5. The safety of the rural road network will not be compromised.***
- 6. The development will not contribute to light pollution.***
- 7. The natural environment will not be threatened and there will be no loss of habitats.***
- 8. The development will be appropriately screened on a permanent basis by landform, trees, and hedgerows.***

9. The development will support the local economy through the promotion of local employment and the generation of income for local businesses.

10. All other policies in this Plan have been addressed.

For clarity, expansion and intensification are deemed to include the re-purposing of existing holiday park facilities such as car parks, boat parks, dog-run areas, and waste storage areas to accommodate more static caravans or “lodges”.

Policy RNP8 - Enhancement and Updating of Existing Tourism Facilities

Proposals for enhancement and updating of existing tourism facilities, including holiday caravan parks, will be supported, provided that the development will:

1. avoid adverse visual impact upon the local landscape and employ screening by landform, trees and hedgerows as may be necessary to achieve this.
2. offer measurable reductions in levels of light pollution and noise.

Any proposal to return all or any part of existing holiday provision, including the seafront and car parks, to a natural state will be supported.

Proposals for enhancement and updating of tourism facilities must meet the requirements of all other relevant policies in this Plan.

COMMENT

I have no comment on this policy.

EMPLOYMENT AND BUSINESS

Policy RNP9 - Employment and Business: providing employment opportunities

This Plan supports proposals for expansion of employment opportunities in

Ringmore Parish, in particular opportunities for home-working, where: -

1. The privacy and amenity of residents in the parish are not adversely affected due to noise, inappropriate or excessive vehicle parking and any other type of disturbance.
2. The privacy and amenity of immediate neighbours are not compromised.
3. The peaceful and tranquil atmosphere of the parish is not unduly compromised.
4. Appropriate proposals for screening and landscaping are included where necessary to preserve the parish aesthetic.
5. Any proposed new buildings are sensitive to their surroundings and comply with other policies in this plan.

COMMENT

I have no comment on this policy.

RNP 10 - Employment & Business: agricultural development and farm diversification

Proposals for repurposing agricultural land and buildings will be supported where:

1. the development will not exert adverse visual impact upon the local landscape.
2. the development will not impose additional pressure upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.
3. the safety of the rural road network will not be compromised.
4. the development will not contribute to light pollution.

5. the natural environment will not be threatened and there will be no loss of habitats.

6. the development will be appropriately screened by landform, trees, or hedgerows.

7. the requirements of all other relevant policies in this Plan are met.

COMMENT

I am unclear as to what is meant by “repurposing agricultural land and buildings”, I presume that this relates to a change of use. The inclusion of agricultural land in this policy has the potential to open up the application of this policy which could be in conflict with a number of different policies not only within the neighbourhood plan but also the development plan.

For clarity and to meet the Basic Conditions, the introduction and point 1. Of this policy should be modified as follows:

RNP 10 - Employment & Business: agricultural development and farm diversification

Proposals for the change of use of agricultural buildings and farm diversification will be supported where:

1. The development conserves and enhances the distinctive landscape character of the South Devon AONB and the Undeveloped Coast.

2. The development will not impose additional pressure upon the local road network and other aspects of infrastructure, including water supply, sewerage, and communications systems.

3. The safety of the rural road network will not be compromised.

4. The development will not contribute to light pollution.

5. The natural environment will not be threatened and there will be no loss of habitats.

6. The development will be appropriately screened by landform, trees, or hedgerows.

7. the requirements of all other relevant policies in this Plan are met.

COMMUNITY ASSETS

Policy RNP11 - Maintain or develop community assets

Proposals which seek to maintain or improve the community assets as viable business and important community hubs will be supported so long as they meet the following criteria: -

1. “The Journeys End Inn” as a parish asset is maintained such that if a change of use is required for any reason it is still maintained as some form of community space which adds to the social life of the parish and does not diminish its sustainability.
2. All Hallows Church is maintained to continue to provide pastoral care and act as a community hub and thereby continues to support the sustainability of the parish.
3. The facilities of the Parish Room are maintained and/or improved as a social space for the benefit of all to promote the sustainability of the parish.
4. The Women’s Institute Hall and grounds are maintained and/or improved as a social space for the benefit of all and continues to play an important part in the sustainability of the parish.
5. If any change of use, for any of the above mentioned Community assets is required, it should be supported by a four year marketing plan and consultation with all Stakeholders including residents of the parish.

COMMENT

Policy DEV18 of the JLP Protecting local shops and services states:

“6. The change of use to other uses of facilities of local community importance, such as local convenience shops, post offices, public houses, cafes, restaurants and community facilities, will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing.”

There is no reference in this policy to a timescale for proof that the facility is no longer needed or viable and I have not been provided with evidence to support the inclusion of a requirement to provide a 4 year marketing plan which I consider overly onerous. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy RNP11 - Maintain or develop community assets

The following are identified as important community assets:

- i. “The Journeys End Inn”***
- ii. All Hallows Church***
- iii. The Parish Room***
- iv. The Women’s Institute Hall***

These assets are essential to the sustainability of the community and proposals which seek to maintain or improve these community assets as viable business and important community hubs will be supported.

Any proposals for the change of use for any of the above mentioned community assets will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing, evidence that a new business owner or community use cannot be found should be provided through appropriate marketing for a period of 9 months. Applicants are encouraged to consult with all Stakeholders including residents of the parish prior to bringing forward any proposals.

HEALTH AND WELLBEING

Policy RNP12 – Improvement to health and wellbeing facilities

Support will be given to any proposal, which contributes towards the health and wellbeing of residents, provided it does not contravene other policies in the Plan.

COMMENT

I have no comment on this policy

Natural Environment views and open space

Policy RNP13 – Area of Outstanding Natural Beauty

Proposals which retain and enhance the Natural Beauty of the Parish, which sits wholly within the South West AONB, will be supported provided that: -

1. The proposals do not cause harm to the appearance and character of the AONB or result in harm to significant views on the approach and across the parish. These public views can be found in appendix iv and Proposal Maps 3 and 4 on the previous two pages.
2. Developments which result in the loss or deterioration of irreplaceable habitats will be refused unless there are wholly exceptional reasons and provision of a suitable mitigation strategy.
3. Development proposals that demonstrate that there are no adverse impacts on the natural environment (landscape and biodiversity) or that satisfactorily mitigate these impacts and enhance the natural environment where there is the opportunity to do so, will be supported.
4. Where mitigating measures are unavoidably required for development to be acceptable within its landscape setting, appropriate landscaping should be employed to mitigate the impact of the development, and such measures should include the use of native species of trees and hedges where planting is

required.

COMMENT

I have no comment on this policy.

Policy RPN14 – Biodiversity

Proposals which support, protect, and enhance the biodiversity of the parish and maintain the Devon Banks and public access via public footpaths, permissive paths, and the coastal path will be supported provided that: -

1. Proposals that adversely affect wildlife sites and habitats are avoided. Sites for the Cirl Bunting and Horseshoe and other varieties of bats exist in the parish and enjoy special protection which must be respected.
2. If it is possible to satisfactorily mitigate any adverse effects on the wildlife and biodiversity of the parish this must form part of the planning application at its inception.
3. All new developments should include measures to enhance the biodiversity of the area.
4. Any wildlife survey must be carried out at an appropriate season of the year and must not be conducted immediately after farming methods which would clear the area of species thus masking the true richness of its diversity. E.g. Grass cutting, hay making etc.

COMMENT

Elements of this policy are overly prescriptive. Whilst I understand the community's concern regarding the unscrupulous behaviour of some applicants who may wish to deliberately reduce the wildlife value of a site the timing of wildlife surveys etc. is already prescribed in appropriate legislation. This legislation prescribes the timings of such survey work to ensure that they are carried out at the optimum time to capture the

necessary information. Activities which are undertaken with the intent to reduce the biodiversity of a site may be subject to sanction under other legislation. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy RPN14 – Biodiversity

Proposals which support, protect, and enhance the biodiversity of the parish and maintain the Devon Banks and public access via public footpaths, permissive paths, and the coastal path will be supported where: -

1. Adverse effects on wildlife sites and habitats are avoided. Sites for the Cirl Bunting and Horseshoe and other varieties of bats exist in the parish and enjoy special protection which must be respected.

2. Any unavoidable adverse impacts on the wildlife and biodiversity of the parish can be satisfactorily mitigated.

3. Measures are included to ensure a biodiversity net gain in line with current government policy.

Proposals must be supported with all appropriate ecology surveys.

Policy RPN15 – To protect the tranquility of the environment and maintain the dark skies.

Any appropriate development should meet the E1 standard for any outside lighting, including security lighting, as detailed in Guidance Note 01/2020, Guidance notes for the reduction of obtrusive light, issued by the Institution of Lighting Professionals.

COMMENT

To avoid confusion over the status of Guidance Note 01/2020 for the planning system, the policy should be modified as follows:

Policy RPN15 – To protect the tranquility of the environment and maintain the dark skies.

Development proposals should only include external lighting where necessary for safety and security.

Where security lighting is considered essential it should be designed to minimise the potential for light pollution, following for example the guidance included in Guidance Note 01/2020, Guidance notes for the reduction of obtrusive light, issued by the Institution of Lighting Professionals and controlled by an intruder switch, and not on constantly.

HERITAGE

Policy RNP16 – Maintaining the Visual Appearance of the Heritage Character of the Parish

All planning applications should avoid a negative visual impact on any Heritage Asset listed in appendices i and ii or in its proximity, especially those that contribute to our ‘sense of place’ and those that are valued or relevant to our local community. The latter has, in this respect, the similar weight as Grade II Listing.

COMMENT

The NPPF 2021 (as updated) sets out the policy protection for both Designated (Listed) and Non-Designated Heritage Assets in paragraphs 189-208. The framework sets protection for assets based on their significance and the requirements for applications with impacts on such assets. For clarity and to meet the Basic Conditions the list of

Policy RNP16 – Protecting the Heritage Character of the Parish

To protect the distinctive character and “sense of place” of the parish development proposals affecting Designated and Non-Designated

Heritage Assets and their settings must comply fully with relevant national policy and the development plan avoiding any negative impact upon their significance and setting. The Non-Designated Heritage assets listed in Appendix ii have been identified by the community as making a particular contribution to the heritage character of the parish.

Local Green Spaces

Policy RNP17 – Local Green Spaces

All planning applications should avoid a negative visual impact and should not infringe on the area of any Green space listed or in its proximity.

Proposals for development on these sites will not be supported except in very special circumstances, unless they are related to the enhancement or enjoyment of the Local Green Space:

- The Town Well site at SX 65085 45879 – the Well Head is Grade II listed.
- The Bowling Green – a 1/2 acre strip of land centred at SX 65107 45711.
- The Bus Shelter Green at SX 65262 45963.
- The Challaborough Boat Green at SX 64759 44954.

COMMENT

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2021 states:

“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green

Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

102. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

I have carefully considered the evidence put before me for the designation proposed and I am satisfied that the proposed Local Green Spaces do meet the NPPF requirements. Paragraph 103 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 147-149 detail the policy framework for development affecting the Green Belt. Paragraph 147, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

For clarity and to meet the Basic Conditions, the policy should be modified to reflect the requirements of the NPPF 2021 and recent caselaw (see Court of Appeal Judgement in the case of The Queen (On The Application Of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF:

Policy RNP17 – Local Green Spaces

The following areas are designated as Local Green Spaces:

- **The Town Well site at SX 65085 45879 – the Well Head is Grade II listed.**
- **The Bowling Green – a 1/2 acre strip of land centred at SX 65107 45711.**
- **The Bus Shelter Green at SX 65262 45963.**
- **The Challaborough Boat Green at SX 64759 44954.**

Inappropriate development on these sites will only be supported in very special circumstances.

TRANSPORT

Policy RNP18 - Maintenance or Improvement to Transport infrastructure delivering safety improvements for all road users.

New developments which deliver improvements to safe access to and within the Parish will be supported if: -

1. Any proposed road scheme does not damage the existing network of traditional Devon Banks. Any loss of Devon Bank due to road schemes is to be restored like for like such that the rural character of the parish is not negatively affected.
2. Consultation with all “Stakeholders” is exercised prior to any road scheme

proposal within the Parish.

3. Existing footpaths, cycle ways and bridleways are maintained or improved.
4. Separation of non-motorised vehicle users from motorised vehicles is improved.
5. To protect the dark Skies of Ringmore Parish, new street lighting should be avoided.

COMMENT

I have no comment on this policy.

INFRASTRUCTURE AND RESOURCES

Policy RNP19 - Connectivity Infrastructure.

Proposals which seek to improve connectivity for either business or private use will be supported, so long as they meet the following criteria: -

1. The scale of any such development is sympathetic to the surrounding environment with transmitters/ receivers or other equipment placed such that there is no loss of amenity or damage to Heritage buildings or sites.
2. Any such equipment is sensitivity sighted, screened, or camouflaged such that it does not detract from or diminish the essential qualities of the AONB.
3. Any tower or structure erected to improve connectivity will not negatively impact locally important views, skylines, and vistas.
4. In respect of development proposals for communications infrastructure, applicants must demonstrate that they have fully explored opportunities to erect apparatus on existing buildings, masts or other structures and ensure that the number of radio and telecommunication masts are kept to a minimum consistent with the efficient operation of the network.

5. Wherever possible, provision should be made for suitable ducting to enable more than one service provider to provide connections to individual properties from connection cabinets located on the public highway, or some alternative point available to different service providers.

COMMENT

To ensure consistency with existing national policy and other policies within the Ringmore NDP paragraph 2. Of the policy should be modified as follows:

2. Any such equipment is sensitivity sighted, screened, or camouflaged to conserve and enhance the AONB.

CLIMATE CHANGE

Policy RNP20 - Development of low carbon energy production within the Parish.

Schemes which are small in scale, unobtrusive and deliver improvements to low carbon or renewable energy creation within the Parish will be supported if:

-

1. The scale of any such development is sympathetic to the surrounding environment.
2. Any such scheme is sensitively sighted and screened such that it does not detract from or diminish the essential qualities of the AONB.
3. Proposals for the change of land use to accommodate the installation of renewable energy equipment, such as solar panels or wind turbines, will be supported only where the visual impact does not affect the amenity of residents or the general parish aesthetic.

COMMENT

National and local policy already exists to control development,

including wind turbines and solar arrays within designated landscapes, effecting designated and non-designated heritage assets and conservation areas. Any proposals for wind turbines or solar arrays would have to comply with existing policy. The policy as currently worded seeks to extend that control and therefore does not meet the Basic Conditions.

With regard to the references in the policy to wind turbines, the written Ministerial Statement of the 18th June 2015 set out that that when considering a planning application for wind turbines in their area, councils should only grant permission if:

“the site is in an area identified as suitable for wind energy as part of a Local or Neighbourhood Plan”. In addition, foot note 54 of the NPPF 2021 states:

“ Except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.”

The Ringmore NDP has not identified an area suitable for wind energy development therefore proposals for wind turbine development within the neighbourhood plan area would not be acceptable. I consider it confusing to include reference to wind turbine development within the policy when such development would not be permissible.

Paragraph 158 of the NPPF 2021 states:

“When determining planning applications for renewable and low carbon development, local planning authorities should:

a) not require applicants to demonstrate the overall need for renewable

or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

Policy DEV 33 of the JLP states:

Renewable and low carbon energy (including heat)

To increase the use and production of renewable and low carbon energy to contribute to national targets, renewable energy development will be supported where:

- 1. The impacts arising from the construction, operation and de-commissioning of installations (both individually and cumulatively) are or can be made acceptable.*
- 2. The proposal has been robustly assessed and shown to be acceptable, both individually and cumulatively, in terms of its likely impact on landscape sensitivity and capacity, and on the natural environment and heritage assets. It should also be demonstrated that the proposal does not compromise the purposes of nationally designated landscapes.*
- 3. There are appropriate plans in place for the removal of the technology on cessation of generation, and restoration of the site to an acceptable alternative use.*
- 4. Any farmland that is used is retained in some form of agricultural or biodiversity use, proportionate to the scale of the proposal.*

5. There has been early consultation with the local communities affected by the development, the planning application demonstrates how the proposal has been informed by the outcome of the consultation, and the development contains proposals for shared ownership between the developer/operator and the community or justification as to why this is not appropriate.

6. Where the development is to meet a business need, the proposed generation is proportionate to the business use.

7. For wind turbine proposals, the site has been allocated for that use within a neighbourhood plan.

8. For renewable or low carbon energy generating proposals (including energy from waste), where appropriate, the development should provide for the efficient distribution of heat off site, for the co-location of energy producers with users, and for the maximisation of energy recovery or efficiency of generation.

9. The proposals do not lead to unsustainable, isolated development in the countryside.”

For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy RNP20 - Development of low carbon energy production within the Parish.

Schemes which are small in scale, unobtrusive and deliver improvements to low carbon or renewable energy creation within the Parish in accordance with relevant policies within the development plan will be supported if: -

1. The scale of any such development is sympathetic to the surrounding environment.

2. Any such scheme is sensitively sighted to conserve and enhance the landscape character of the South Devon AONB.

3. Proposals for the change of land use to accommodate the installation of renewable energy equipment, such as solar panels, will be supported only where the visual impact does not affect the amenity of residents or the general parish aesthetic.

SECTION 5

Conclusion and Recommendations

1. *I find that the Ringmore Parish Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Ringmore Parish Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.*
4. *The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*
5. *The policies and plans in the Ringmore Parish Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Development Plan. At the time of my examination, the development plan for the area is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019.*
6. *I therefore conclude that the Ringmore Parish Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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NPIERS Examiner

CEDR accredited mediator

10th November 2021

