



Independent Examiner's Report Modification of
Strete Neighbourhood Plan



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SECTION 2

Summary

The Strete neighbourhood Development Plan was made on the 20th of May 2021, following a successful referendum. After the plan was made an error was discovered in the drafting of the settlement boundary in relation to the car park of the King's Arms. The King's Arms and car park are identified in the plan as an asset of community value. To correct this error, it is necessary to modify the made plan. The regulations governing the modification of neighbourhood plans sets out 3 different types of process depending upon the nature of the modifications. The process will depend on the degree of change which the modification involves:

Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.

Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

How is the decision on whether modifications change the nature of the plan made?

Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.

I have considered the extent of the modification and am satisfied that the nature and extent of the modification proposed will not change the nature of the made plan and can therefore be considered as a material modification which does not change the nature of the plan and would only require examination but not a referendum.

As the Independent Examiner appointed by South Hams District Council to examine the modification of the Strete Neighbourhood Plan (September 2020 version), I can summarise my findings as follows:

1. I find the modification to Policy SNP6: Settlement Boundary of the Strete Neighbourhood Plan does meet the Basic Conditions.
2. I have read the Strete Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate.

SECTION 3

Introduction

3.1 Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the modification of the Strete 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 modification to the Strete Neighbourhood Plan meets the Basic Conditions.

The Strete 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.

Because the modification proposed involves changes to the proposed

settlement boundary it is necessary for the modification to undergo examination. However subject to my reaching the conclusion that the proposed modification meets the Basic Conditions there is no requirement for a further referendum.

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

I am required to determine whether the modification to Policy SNP6 meets the Basic Conditions, which are that the policy as modified:

- 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.
- Must not breach, and otherwise be compatible with EU obligations and Human Rights requirements.
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017." (Prescribed matters).

SECTION 4

The Report

4.1. Appointment of the Independent examiner

South Hams District Council appointed me as the Independent Examiner for the Strete Neighbourhood Plan modification with the agreement of Strete Parish Council.

4.2. Qualifying body

The Strete Neighbourhood Plan modification was submitted by Strete Parish Council which is a qualifying body as defined by the Localism Act 2011.

4.9 Regulation 16 consultation and record of responses.

The modification to the Strete Neighbourhood Plan was put out for consultation under Regulation 16 from the Monday 5th July 2021 and Sunday 15th August 2021.

As part of this process South Hams District Council submitted the following statement:

“I write formally to inform you that South Hams District Council raise no objection to the modification to the Settlement Boundary which underwent consultation between Monday 5th July 2021 and Sunday 15th August 2021.”

4.10 Compliance with the Basic Conditions

I have to determine whether the modification to the Strete 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. 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 District Council for my examination include:

- Settlement Boundary Amendment document June 2021
- Consultation statement

Comment on Documents submitted

I am satisfied that the documents submitted provide adequate information to conclude that the modification to the Strete Neighbourhood Development Plan does meet the Basic Conditions.

Proposed modification to Policy SNP6.

Policy in made Strete NDP.

POLICY SNP6: SETTLEMENT BOUNDARY

1. Development will be supported inside the settlement boundary illustrated on plan 6, provided it is in conformity with relevant policies in the Development Plan, is of a scale and character with the site and surroundings and will cause no significant adverse impacts on the natural or historic environment, amenity, traffic, parking or safety.
2. Outside the settlement boundary development will be strictly controlled and only permitted where it is in accordance with the Development Plan, can be delivered sustainably, requires a countryside location or will meet a proven local need which cannot be met inside the settlement boundary.

COMMENT

The proposed modification to this policy does not relate to the wording of the policy but a modification to correct a minor drafting error in the settlement boundary in relation to the car park of the King's Arms situated alongside the A379, approximately 50 metres south of the pub on the north side of the A379. The made plan refers to Plan 6 and the modification to this policy seeks to replace this Plan 6 with a modified plan to include the small area of carpark that was omitted from the original Plan 6 in error. Having looked at the evidence before me I am satisfied that this modification has been put forward due to a drafting error. I am also satisfied that the proposed change meets the Basic Conditions. My recommendation is that the Plan 6 in the existing policy should be replaced by the modified Plan 6 as submitted on page 4 of the Settlement Boundary Amendment document June 2021. In addition, for consistency the Strete NP Proposals Map in the Strete NDP should be replaced with the revised Proposals map as shown on Page 4 of the Settlement Boundary Amendment document June 2021.

SECTION 5

Conclusion and Recommendations

1. I have considered the extent of the modification and am satisfied that the nature and extent of the modification proposed will not change the nature of the made plan and can therefore be considered as a material modification which does not change the nature of the plan or order and would require examination but not a referendum.
2. I find that the modification to the Strete 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.
3. The findings of the Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA) screening are not affected by the modification and meet the EU Obligation.
4. I therefore consider that the modification to the Strete Neighbourhood Plan can be made without the requirement for a further Referendum.

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