



Independent Examiner's Report of the Strete
Neighbourhood Plan

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SECTION 2

Summary

Originally the Strete Neighbourhood Plan (SNP) was submitted to South Hams District Council on 5th February 2019. The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements under Regulation 15 and the plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 8th February 2019 – 22nd March 2019. Following this consultation, the Strete Neighbourhood Plan went into Examination at the end of March 2019. On 11th June 2019, I convened an Exploratory Meeting to consider three issues: -

- 1) Development and the Settlement Boundary
- 2) Policy SNP 8: Development at Cox's Farm Field.
- 3) Policy SNP 9: Principal Residency Requirement

I concluded at the end of the Exploratory meeting that the examination should be paused to allow negotiations between the representatives of the owners of Cox's Farm Field and the Strete Neighbourhood Plan Group (SNPG) to determine whether common ground could be found to frame the content of Policy SNP 8. On 21st August 2020 the SNPG wrote to me to withdraw the Plan from Examination due to the breakdown in those negotiations, proposing to return the Plan to pre-regulation 15 once necessary amendments to the Plan had been completed.

As a result, the SNPG submitted an amended Regulation 15 Version of the SNP on 1st October 2020. The principal changes to the SNP are: -

- 1) Removal Policy SNP 8 and, therefore, the Cox's Farm Field housing allocation.
- 2) Revision of the Settlement Boundary to exclude the land comprising the Cox's Farm field allocation.

The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements. The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 19th October 2020 and 30th November 2020.

I have conducted my examination on the basis of the amended Strete Neighbourhood Development Plan (September 2020) and summarise my findings as follows:

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

1. I find the Strete 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 Strete Neighbourhood Plan go to Referendum.
3. I have read the Strete Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate 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 Strete Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.
5. At the time of my examination the Development Plan was the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019.

SECTION 3

Introduction

3.1 Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine 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 Strete Neighbourhood Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Strete 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 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.

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.

3.2 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 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

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

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.

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.

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 District 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

4.1. Appointment of the Independent examiner

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

4.2. Qualifying body

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

4.3. Neighbourhood Plan Area

A formal application was submitted to SHDC in 2015 to designate the whole Parish as a Neighbourhood Plan area and Strete Parish Council was confirmed as the 'qualifying body' entitled to prepare a Neighbourhood Plan.

The designated area was confirmed by SHDC Executive and the Basic Conditions Statement submitted with the Strete Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area of the Strete Neighbourhood Plan.

4.4 Plan Period

It is intended that the Strete Neighbourhood Plan will cover the period 2019-2034. The period the plan is to cover should be clearly shown on all relevant documents.

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

Strete Parish Council, the qualifying body for preparing the Strete Neighbourhood Plan, submitted it to South Hams District Council for consideration under Regulation 15 on the 1st of October 2020. South Hams District Council has made an initial assessment of the submitted Strete Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on 11th May 2019

4.7 Exploratory Meeting

I include this section of the report for completeness however as I have already made clear my examination of the Strete Neighbourhood Development Plan is of the September 2020 version and the recording of the Exploratory Meeting in this report is to provide background information only.

From my examination of the previously submitted version of the plan and the representations made I came to the view that I required an exploratory meeting in order to come to a reasoned conclusion on the extent to which the plan met the Basic Conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (introduced by Schedule 10 of the Localism Act 2011).

Like a Hearing an Exploratory Meeting is called at the discretion of the examiner, with the examiner determining who should be invited to speak and which areas of the plan should be covered. Where it differs from a Hearing is that the purpose of the meeting is to help the examiner establish whether or not there is a fundamental issue that potentially may jeopardise the success of the plan at examination.

In contrast to a Hearing, an exploratory meeting provides the flexibility for the examiner to convene a discussion with identified participants about the plan, where this may not fall necessarily within the very special statutory reasons for convening a hearing session.

An exploratory meeting will provide an opportunity to consider an issue and scope whether there is any viable remedy, exploring all the options.

The exploratory meeting, in the best-case scenario, may in itself provide the necessary clarification and lead to resolution of the issue. Alternatively, it may

reveal that nothing further can reasonably be done that will prevent the plan failing the basic conditions or other legal requirements. In certain circumstances, it may be that further remedial work can be undertaken, subject to the examiner, qualifying body and local planning authority agreeing that there is a reasonable prospect of remedying the plan's shortcomings by placing the examination on hold i.e. suspending the examination.

Suspension of the examination

This may occur after the exchange of correspondence, or after the exploratory meeting, where one has been held.

Suspension is likely to be most relevant to rectifying a procedural failing rather than a basic condition compliance issue. However, even a procedural failing may be better dealt with by withdrawing the plan and going back to the point of the plan's preparation (including consultation or submission to the local planning authority) where the failure occurred.

If the suspension relates to a policy's basic condition compliance, it will be made clear what the purpose of the suspension is e.g. to gather more evidence, propose a different approach etc.

The length of suspension is at the examiner's discretion. Following the suspension period, the aim is to be in a position to make the necessary modifications to the plan and recommend it proceeds to a referendum. However, there can be no guarantee.

More specifically I wished to explore in detail, with a representative of the Qualifying Body, South Hams District Council and the owner of Cox's Field issues arising from the plan in connection with the delivery of housing across the plan period.

The exploratory meeting was held at 10.30 am on Tuesday 11th of May 2019 at Strete Parish Hall. Notes taken at the meeting can be viewed on the South Ham District Council website.

I concluded at the end of the Exploratory meeting that the examination should be paused to allow negotiations between the representatives of the owners of Cox's Farm Field and the Strete Neighbourhood Plan Group (SNPG) to determine whether common ground could be found to frame the content of Policy SNP 8. On 21st August 2020 the SNPG wrote to me to withdraw the Plan from Examination due to the breakdown in those negotiations, proposing to return the Plan to pre-regulation 15 once necessary amendments to the Plan had been completed.

4.8 The Consultation Process

The Strete 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 adequate, well conducted and recorded.

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

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

The District Council placed the Strete Neighbourhood Plan out for consultation under Regulation 16 from the 19th of October 2020 to the 30th of November 2020.

A number of detailed representations were received during the consultation period and these were supplied by the District 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 made reference to them where appropriate.

4.10 Compliance with the Basic Conditions

The Strete Neighbourhood Plan Group produced a Basic Conditions Statement on behalf of Strete Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet 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 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. 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."

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

(i) The Strete Neighbourhood Plan - the main document which includes policies developed in consultation with the community at various engagement events and workshops.

(ii) Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.

(iii) Basic Conditions Statement - An appraisal of the Plan policies against European Union (EU) and national policies, as well as the strategic policies of SHDC and any other policies and guidance.

(iv) Strete Strategic Environmental Appraisal report (SEA) (submitted for information only)

(v) Habitats Regulation Assessment

Comment on Documents submitted

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

4.11 Planning Policy

4.11.1 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 2019 (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 Strete Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

Of particular importance to my examination of the Strete Neighbourhood Plan (as the entire parish is within the South Devon Area of Natural Beauty) are the following paragraphs from the NPPF:

“172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national

considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate unless it is compatible with its special character.”

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

4.11.2 Local Planning Policy- The Development Plan

The Strete 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 is the Plymouth and South West Devon Joint Local Plan (the JLP), adopted in March 2019.

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

The NPPF 2019 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision 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 2019(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 Strete 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.

4.12 Other Relevant Policy Considerations

4.12.1 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.

The issue of whether or not the Strete Neighbourhood Plan should be rescreened was considered by SHDC on receipt of the latest Regulation 15 submission and prior to commencement of the Regulation 16 consultation. The latest version of the Neighbourhood Plan, subject of this Examination, has been amended to remove the allocation originally proposed on the Cox's Field site. Furthermore, the settlement boundary has been redrawn more tightly into the settlement in recognition of the removal of the Cox's Field allocation. Both these amendments significantly reduce the environmental impact that would result from the SNDP and SHDC considered it was not necessary to revise the SEA or indeed carry out a new SEA since, if the NP had originally contained these amendments, SEA would not have been required. In essence the original allocation of the Cox's Field site prompted the requirement for SEA. An HRA was not required for the originally submitted NP and, it is considered, not required for the version subject to Examination since, as above, the current version of the Neighbourhood Plan has significantly reduced any impacts that may arise from implementation of the Plan.

Achieving Sustainable Development

The SEA submitted for the original SNDP was prepared by AECOM on behalf of the Qualifying Body in 2018. The overall conclusion was that:

“the current version of the Strete Neighbourhood Plan is likely to lead to significant positive effects in relation to the ‘Population and Community’, ‘Health and Wellbeing’ and ‘Transportation’ SEA themes. These benefits largely relate to the Strete Neighbourhood Plan’s focus on delivering local housing needs, including affordable housing, enhancing the quality of life of residents and its focus on improving accessibility in the Neighbourhood Plan area.

I am therefore satisfied that the policies of the Strete Neighbourhood Development Plan will contribute to the achievement of Sustainable Development.

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 Strete Neighbourhood Plan has done so.

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

4.12.3 Excluded development

I am satisfied that the Strete 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.

4.12.4 Development and use of land

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

4.13. The Neighbourhood Plan Vision, Strategic Aims and Policies

General Comments

Neighbourhood planning guidance is clear:

“A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework).

A neighbourhood plan can be used to address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see section 38(6) of the Planning and Compulsory Purchase Act 2004).

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.

If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

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.

The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see paragraph 16 and paragraph 184 of the National Planning Policy Framework). Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

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.”

In order to provide clarity and to ensure that the policies in the Strete Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies.

For ease of reference, in this section the proposed Strete Neighbourhood Plan policies are in black, my comments are in blue and any proposed modifications are in red.

There are a number of areas in the text of the plan itself and the supporting documents that have not been updated following the revision of the plan these include:

Paragraphs

1.6 The original Regulation 15 version of the plan was submitted to the local planning authority (South Hams District Council) in January 2019, but progress stalled at the plan's examination. Further changes to the plan have been made, particularly the deletion of a proposed development site and substitution of a policy for affordable housing. The revised plan was submitted to South Hams District Council on the 1st of October 2020 for examination.

1.8 To meet the Basic Conditions a neighbourhood plan must:

1. Have 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."

Basic Conditions Statement paragraphs:

1.7. This statement addresses each of the 5 'basic conditions' required by the Regulations and explains how the neighbourhood plan meets the requirement of paragraph 8 of schedule 4B of the 1990 Town and Country Planning Act.

c) Strategic Environmental Impact Assessment (SEA) – the local planning authority (South Hams District Council) have confirmed that the September 2020 version of the plan does not require a SEA.

d) The Habitats Regulations Assessment (HRA) Screening Opinion – setting out the view of the local planning authority (South Hams District Council) that HRA is not required.

12.2. Screening opinions were requested from South Hams District Council in relation to Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA). The district council advised that a SEA was required for the original version of the plan. This was because of the inclusion of the Cox's Field site and the extent of proposed development boundary. Upon submission of the revised plan SHDC confirmed that the plan no longer required a SEA:

“The issue of whether or not the Strete Neighbourhood Plan should be rescreened was considered on receipt of the latest Regulation 15 submission and prior to commencement of the Regulation 16 consultation. The latest version of the Neighbourhood Plan, subject of this Examination, has been amended to remove the allocation originally proposed on the Cox's Field site (Policy SNP 8). Furthermore, the settlement boundary has been redrawn more tightly into the settlement in recognition of the removal of the Cox's Field allocation. Both these amendments significantly reduce the environmental impact that would result from NP, as such, it was not considered necessary to revise the

SEA or indeed carry out a new SEA since, if the NP had originally contained these amendments, SEA would not have been required. In essence the original allocation of the Cox's Field site prompted the requirement for SEA. HRA was not required for the originally submitted NP and, it is considered, not required for the version subject to Examination since, as above, the current version of the Neighbourhood Plan has significantly reduced any impacts that may arise from implementation of the Plan.

The following paragraphs should only be included in the Statement of Consultation September 2020 version of the plan as background information.

31. Screening opinions for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) were requested from SHDC to ensure the plan would have no unacceptable environmental impacts (regulation 15). SHDC advised that a SEA report would be needed to assess the potential impact of proposed development on the South Devon AONB. (This has been completed with the assistance of AECOM and finds the plan to have no unacceptable impacts on the AONB.)

32. Discussions took place to resolve where, in the draft plan, the most suitable site available for housing development should be. Each Steering Group member presented their views on the issue. This was followed by a vote where members concluded that Cox's Farm Field offered the best opportunity for housing development in the village. Site assessments were carried out using the matrix system provided by SHDC to determine suitability, availability and achievability for inclusion in the draft plan.

35. A meeting was arranged with the landowner of Cox' Farm Fields in August 2017 to discuss housing development ideas being proposed by the community for inclusion in the draft plan. Strete Estate insisted on the removal of the Principal Residency Requirement from the draft plan. SG members advised Strete Estate that this policy was supported by SHDC for inclusion in Neighbourhood Plans and that, without this restriction, the problem of homes

for local people in South Hams will become more of a problem. Strete Estate advised they would remove the availability of Cox's Farm Fields for development if this restriction remains in place in the draft plan.

36. This issue was discussed with a member of the Neighbourhood Plan team at SHDC. Although the landowner's stated position was unhelpful it was recommended that the policy be included and noted that the landowner position may change at a later date.

37. The village magazine, Stretewise, has included in each edition the monthly Neighbourhood Plan reports provided to the Parish Council.

38. A summary of the draft plan has been prepared for circulation to every household to encourage residents to read the full draft plan once the six-week consultation period starts.

53. In order to explore in more depth the proposed development site at Cox's Farm Fields an exploratory meeting took place in June 2019. The examination was then suspended for several months to enable a way to assure delivery of the site could be found. This ultimately proved to be unattainable and so the site has been deleted from the plan.

54. The revised plan and associated documents are now resubmitted to the district council in order that the examination can resume.

4.13.1 Strete Neighbourhood Plan Vision, Objectives and Policy Themes

Vision Statement

“To grow slowly and sustainably so that its high coastal character, sea views and natural beauty are conserved and enhanced while meeting local needs and improving local services.”

The objectives identified can be read on page 8 of the plan.

Three policy themes were identified:

- 1.The Environment
- 2.Development and Housing
- 3.People and Community

COMMENT

I am satisfied that the Strete NDP vision, objectives and policy themes were developed from the consultation process and that the policies within the plan reflect the priorities identified.

4.13.2 Strete Neighbourhood Plan Policies

The Environment

POLICY SNP1: PROTECTING THE LANDSCAPE

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

- 1. having regard to the special qualities of the AONB in the area, particularly its high coastal character and sea views, and to the South Devon AONB Planning Guidance,**
- 2. safeguarding and enhancing local features that make a positive contribution to the landscape, particularly areas of green space,**
- 3. protecting the high coastal setting of the parish, including public views of the village from the sea and coast and public views of the sea and coast from the village, and**
- 4. incorporating high quality landscaping which retains existing features, reinforces local landscape character, restores degraded landscapes, and provides mitigation from harm.**

COMMENT

I have no comment on this policy.

POLICY SNP2: HERITAGE AND CONSERVATION

1. Development shall not harm but conserve and enhance designated and non-designated historic and heritage assets and their settings, both above and below ground, by having regard to national and local strategic policies for heritage and conservation.

2. Within the Conservation Area any development shall pay careful regard to and accord with the Strete Conservation Area Appraisal.

COMMENT

I have no comment on this policy

POLICY SNP3: COASTAL SETTING AND LAND SOUTH OF THE A379

Development south of the A379 shall pay special regard to the sensitivity and landscape importance of that area to the coastal setting. Development there shall not harm but must enhance that coastal setting.

COMMENT

I have no comment on this policy.

POLICY SNP4: LOW DENSITY AREA

Any development shall enhance and not harm the low-density character of the area shown in the plan

COMMENT

For clarity the map referring to the low-density area should be numbered and referred to in the policy and the policy modified as follows:

To protect the character of the area illustrated on map 5, proposals for residential development within this area should reflect the established low-density character.

POLICY SNP5: TRANQUILLITY AND DARK SKIES

Development shall be designed so that it will cause no undue noise or light pollution.

COMMENT

I have no comment on this policy

Development and Homes

POLICY SNP6: DEVELOPMENT AND THE SETTLEMENT BOUNDARY

- 1. Development will be permitted inside the village settlement boundary shown in the plan, provided it is in 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. Elsewhere in the parish development will be strictly controlled and only permitted where it can be delivered sustainably and requires a countryside location or will meet a proven local need which cannot be met inside the settlement boundary.**

COMMENT

The Strete NDP establishes a Settlement Boundary which has been revised following the omission of the Cox's field site in the September 2020 version of the SNDP. I am satisfied that the revised settlement boundary, although reducing the opportunities for development does in the light of the adoption of the JLP and the modified SNP8, meet the Basic Conditions.

The policy should include reference to a specific plan which illustrates

the boundary and for clarity the policy should be modified as follows:

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.

POLICY SNP7: DESIGN AND CONSTRUCTION

All new development shall:

- 1. be of high design quality which is clearly derived from the site context, respect the local vernacular, safeguard local distinctiveness, be in scale and keeping with its setting and enhance local character,**
- 2. protect local heritage, biodiversity, landscape and skylines,**
- 3. be safe, inclusive and accessible and provide for its own car parking requirements, including for residential development one car parking space per bedroom with a minimum of two spaces per dwelling,**
- 4. incorporate only sustainable construction standards which at least meet minimum standards, minimise use of non-renewable resources, contribute to reducing carbon emissions and maximise solar gain,**
- 5. mitigate risks relating to contamination, erosion or flooding, and not cause unnecessary noise, light or other pollution, and**

6. provide safeguards during construction to protect against environmental damage or local nuisance.

COMMENT

Paragraphs 3 and 4, as currently worded are overly onerous and paragraph 6 should be dealt with by condition on any planning permission. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY SNP7: DESIGN AND CONSTRUCTION

All new development shall:

- 1. be of high design quality which is clearly derived from the site context, respect the local vernacular, safeguard local distinctiveness, be in scale and keeping with its setting and enhance local character,**
- 2. protect local heritage, biodiversity, landscape and skylines,**
- 3. be safe, inclusive and accessible, providing car parking where necessary which as a minimum meets the requirements of the Development Plan. For residential development, where achievable one car parking space per bedroom should be provided.**
- 4. incorporate sustainable construction standards which at least meet minimum standards, minimise use of non-renewable resources, contribute to reducing carbon emissions and maximise solar gain,**
- 5. mitigate risks relating to contamination, erosion or flooding, and not cause unnecessary noise, light or other pollution.**

POLICY SNP8: HOUSING DEVELOPMENT

- 1. Housing development sites in Strete shall be limited to small sites to ensure that growth is at a scale in keeping with the special qualities of the village and the AONB.**

2. Affordable homes for local people will be particularly welcomed.
3. The provision of affordable homes on a suitable small exception site or sites outside of but adjacent or very near to the settlement boundary will be welcomed where the site will meet proven housing need, is to be occupied by people with a local connection and has the clear support of the local community.

COMMENT

Following the withdrawal of original plan, the NPG revised the SNDP resubmitting the plan at Regulation 15 stage to South Hams district Council on the 1st of October 2020. The principal changes are: -

- 1) Removal of the Cox's Farm Field housing allocation and replacement with a new SNP8.
- 2) Revision of the Settlement Boundary to exclude the land comprising the Cox's Farm field allocation.

The Council was satisfied that the submission draft and accompanying documents complied with all the relevant statutory requirements. The plan was publicised in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations and representations invited between 19th October 2020 and 30th November 2020. The original policy SNP8 has been revised

POLICY SNP9: PRINCIPAL RESIDENCE REQUIREMENT

1. New housing, excluding replacement dwellings or those managed by a registered social landlord, will only be supported where there is a restriction to ensure its occupancy as a principal residence.
2. This must be guaranteed through a planning condition or legal agreement.

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

4. A principal residence is defined as one occupied as the residents' sole or main residence, where the residents spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.

COMMENT

Evidence to support this policy has been produced in the form of supporting statement available to view in full on the Strete Neighbourhood Plan website. It is clear that there is strong community support for a principal residency occupancy restriction policy and that the community feel it is the right response to the situation within the parish regarding increasing second home ownership. The supporting evidence clearly sets out the statistics for the parish showing a 22.5% second home ownership in the Parish in 2016. The evidence of the impact on house prices within the parish is also presented in this document.

I have considered the policy in terms of the Basic Conditions and particularly achieving sustainable development. I am satisfied that the information presented provides adequate evidence to support the contention that ongoing unrestricted open market housing development will have a negative impact upon the community and the affordability of dwellings for full time occupation and therefore its long-term sustainability. I therefore conclude that the policy does meet the Basic Conditions.

People and Community

POLICY SNP10: COMMUNITY FACILITIES AND INFRASTRUCTURE

1. Development that will demonstrably support the vibrancy and vitality of the village and wider community will be supported.

2. Proposals for additional community facilities and infrastructure will be supported, providing the proposal:

a) will include adequate access and parking arrangements,

b) will not lead to traffic danger or congestion, and

c) will not generate unacceptable noise, smell, loss of privacy or nuisance to neighbours.

3. In order to help safeguard the sustainability of the local community, development that would result in the loss of or significant harm to a local community facility or asset of community value, particularly including the village shop and pub, will not be permitted unless:

a) there is adequate alternative provision in the parish,

or b) the facility can be shown to be no longer viable.

COMMENT

I have no comment on this policy.

POLICY SNP11: LOCAL GREEN SPACES

1. The following areas are designated as green spaces in the plan:

a) The Village Green

b) The Village Wood (Blackbird Wood)

c) The Village Play Park

2. The local green spaces identified in the plan will be safeguarded from development. Only minor development directly associated with and necessary for the public enjoyment of the green space will be permitted.

COMMENT

The NPPF states:

“99. 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.

100. 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), tranquillity or richness of its wildlife; and**
- c) local in character and is not an extensive tract of land.**

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

The policy implication of Local Green Space designation is significant and therefore the NPPF sets a high standard of criteria to be met for designation. I have considered the areas proposed in the Strete NDP and am satisfied that they meet the NPPF tests.

The parameters for the development of Local Green Spaces is set out within the NPPF Paragraph 101 above. In order to meet the Basic Conditions, the word “Local” should be introduced before “green

spaces” and paragraph 2. Should be modified as follows:

2. Inappropriate development of the Local Green Spaces identified in the plan will only be permitted in very special circumstances.

POLICY SNP12: LOCAL FOOTPATHS

New housing development will be required to provide for new footpaths, or improve existing footpaths, in order to enhance pedestrian safety and connectivity.

COMMENT

This policy provides a blanket requirement on all new housing development regardless of the scale or size of the development. This could be overly onerous. For clarity the policy should be modified as follows:

POLICY SNP12: LOCAL FOOTPATHS

New housing development will be required, where appropriate to the size and scale of the development to provide for new footpaths or improve existing footpaths, in order to enhance pedestrian safety and connectivity.

POLICY SNP13: SUSTAINABLE TOURISM

To support the sustainable development of tourism additional tourist accommodation or facilities will be acceptable in principle within the settlement boundary.

Outside the boundary tourism development will be acceptable if it improves an existing tourism business, is part of a farm diversification scheme, is based in an existing dwelling or re-uses a traditional farm building which is no longer required for farming,

In every case the development must be capable of being delivered

sustainably, in scale and character with the site and surroundings, and cause no significant adverse impacts on the natural or historic environment, the undeveloped coast, amenity, traffic, parking or safety.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. I find that 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.
2. The general text in the plan should be modified to conform with the policy modifications.
3. 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.
4. The Strete Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Plans in place within the Neighbourhood Area.
5. The Strategic Environmental Assessment (SEA) and the Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.
6. The policies and plans in the Strete Neighbourhood Plan, subject to the recommended modifications would contribute to achieving sustainable development, they have regard to national policy and guidance and are in general conformity with the strategic policies of the JLP adopted in March 2019.
7. I therefore consider that the Strete Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.

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CEDR accredited mediator

15 January 2021

