

Highampton Neighbourhood Plan

Independent Examiner's Report

February 2021

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Summary

I have been appointed by West Devon Borough Council to carry out an independent examination of the Highampton Neighbourhood Plan.

The examination was carried out between September 2020 and February 2021 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Development Plan area on 13 October 2020.

Highampton is a rural parish in the far north west of West Devon. It is well described by the Highampton Neighbourhood Planning Group as a microcosm of Devon itself – a small population and a large land area set in beautiful countryside.

The plan is based on extensive engagement with the local community and provides a distinct set of policies, relevant to the needs of local people. The Neighbourhood Plan provides for the modest housing needs identified in the Plymouth and South West Devon Joint Local Plan.

Subject to a number of modifications set out in this report, I conclude that the Highampton Neighbourhood Plan meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Plan area.

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1. Introduction

1. Neighbourhood planning is a relatively new process, introduced by the Localism Act 2011, which enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. The parish of Highampton is situated in the far north west corner of West Devon, about ten miles from Holsworthy and eleven miles from Okehampton. It is a small parish and its most striking feature is the conspicuous ridge on which the village of Highampton sits. This affords extensive views over the surrounding open countryside and the panoramic views to the south towards the northern edge of Dartmoor are a particular feature. About half of the 111 homes in the parish are situated in Highampton village, which has a very limited range of services. These include a Primary School, Village Hall and pub. As a result, residents are reliant on the private car to access other services, such as day to day shopping, in nearby villages and larger towns.

3. The main road serving the parish is the A3072, with a series of other smaller roads radiating out from the village of Highampton. The rest of the parish is predominantly a rural farming community, where some small businesses, mainly of a rural nature, are located.

4. The purpose of this report is to assess whether the Highampton Neighbourhood Plan (NP) complies with the relevant legislation and meets the Basic Conditions, which such plans are required to meet. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

5. The report also makes a recommendation about whether the NP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NP can be “made” by West Devon Borough Council and so become part of the wider development plan and then used by West Devon Borough Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

6. I have been appointed by West Devon Borough Council, with the agreement of Highampton Parish Council, to carry out this independent examination. The Neighbourhood Planning Independent Referral Service (NPIERS) has facilitated my appointment. I am a chartered town planner with

extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

7. The role of the independent examiner is to ensure that the submitted NP meets the Basic Conditions together with a number of legal requirements.

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

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

9. I must also consider whether the NP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

10. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

² Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or projects and
- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

11. A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

- 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.

12. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

13. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

14. West Devon Borough Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

applications in the area.

4. Compliance with matters other than the basic conditions

15. In March 2016, Highampton Parish Council decided to apply to West Devon Borough Council for the parish to be designated as a neighbourhood planning area. On 25 August 2016, the parish was designated as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012. The designated area covers the whole parish and does not cover any other Neighbourhood Area and the qualifying body is Highampton Parish Council. The NP covers the period from 2014-2034, which is the same plan period as the Plymouth and South West Devon Joint Local Plan which was adopted in 2019.

16. The preparation of the plan has been managed by a Planning Group Sub Committee of the Parish Council, consisting of Parish Council Members and local volunteers, known as the Highampton Neighbourhood Plan Group (HNPG).

17. I am satisfied that the NP includes policies that relate to the development and use of land and does not include provision for any excluded development. The Highampton NP therefore meets the requirements set out in para 8 above.

5. The examination process

18. The documents which I considered during the course of the examination are listed in Appendix 1.

19. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Highampton NP could be examined without the need for a public hearing.

20. During the course of the examination it was necessary to clarify several matters with West Devon Council and the Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

21. As part of the Neighbourhood Plan Examination process, it is important for the examiner to

⁵ PPG para 004 ref id 41-004-20140306

understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 13 October 2020.

22. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated February 2019 in accordance with paragraph 214 of Appendix 1.

6. Consultation

Consultation process

23. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the NP will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

24. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Neighbourhood Plan Group has prepared a Consultation Statement for the NP which sets out how the group approached public consultation, who was consulted and the outcomes.

25. Throughout the plan preparation process, the Neighbourhood Plan Group has sought to consult and engage with the local community and feedback has been used to inform the content and scope of the plan. In spring 2017, the HNPG carried out a three part consultation to seek the community's views on the issues facing the plan area. This included a Resident Questionnaire, a Household Survey and a Business Consultation.

26. In Spring 2018 a housing needs assessment was carried out to obtain up-to-date evidence of local housing needs over the NP plan period.

27. Throughout the stages of plan preparation which followed, the HNPG posted regular updates to the Highampton Neighbourhood Plan Group website, publicised updates in the Parish Magazine and notices were placed on public noticeboards.

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

28. This evidence was used to draw up the strategy for the NP area, which led to the Reg 14 consultation which was carried out between 1 August and 13 September 2019.

29. The final Reg 16 consultation on the Submission Draft version of the NP was carried out between 13 July and 24 August 2020.

30. It is clear from the Consultation Statement that the Neighbourhood Plan Group has engaged with the local community and kept people informed as the plan progressed. This consultation process has helped to ensure that the community's vision for the Parish has been clearly shaped by the views and priorities of the community. This is:

“To formulate and programme a plan for future growth and development that will integrate with the existing village and surrounding countryside and make a positive contribution to the community and its continued sustainability.”

Representations received

31. Preparing the NP has involved two statutory six-week periods of public consultation. The first on the Regulation 14 Draft Plan, took place between 1 August and 13 September 2019. In all, seventeen representations were received – seven individuals, six public bodies / organisations, one developer on behalf of a landowner and three local business owners.

32. The second consultation on the Submission Draft NP was managed by West Devon Borough Council and took place between 13 July and 24 August 2020. This generated seven responses – one from West Devon Borough Council, three from statutory consultees and three from members of the public.

33. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

34. From the evidence in front of me, it is apparent that the Highampton NP has been subject to appropriate community engagement involving much time and effort by the HNPG. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

35. In my role as independent examiner I must assess whether the NP meets the Basic Conditions⁷ set out in the Regulations as described in paras 8-11 above.

36. I have considered the Highampton Neighbourhood Plan Basic Conditions Statement produced by the HNPG, and other supporting documentation, to assist my assessment which is set out below.

National Policy

35. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance⁸ states that all plans should be prepared positively, be shaped by effective engagement with the local community and contain policies which are clearly written and unambiguous. 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.

36. In response to my query, the HNPG has provided an additional appendix to the Basic Conditions Statement which provides a very brief assessment of the policies in the NP and the paragraphs in the NPPF with which they comply. From my review of this new appendix and my general assessment of the policies, I conclude that this basic condition is met. For completeness, the appendix should be added to the existing Basic Conditions Statement and the date of the document updated to October 2020.

- **Recommendation : Add new Appendix 13 - entitled “Assessment of the Highampton Neighbourhood Plan with the National Planning Policy Framework and the Plymouth and South West Devon Joint Local Plan 2014 -2034 to the Neighbourhood Plan” as provided by HNPG in response to my questions dated 25 September 2020. Add new paragraph 27.8 to the Basic Conditions Statement to read “An assessment of the policies in the**

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

⁸ Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

Neighbourhood Plan against the guidance in the NPPF and the adopted Plymouth and South West Devon Joint Local Plan is set out in Appendix 13". Update title page and document date of Basis Conditions Statement to October 2020 and amend version number as appropriate. Renumber paragraphs 27.8, 27.8.1 and 27.8.2 of Basic Conditions Statement as paragraphs 27.9, 27.9.1 and 27.9.2 respectively

Sustainable development

37. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹. Appendix 13, described above, sets out a very brief assessment of each policy in the NP and which of the three strands of sustainable development it addresses - the economic, social and the environmental. I therefore conclude that this Basic Condition is met.

Development Plan

38. The NP also has to demonstrate that it accords with the strategic policies of the Development Plan.

39. The Neighbourhood Plan has been prepared to ensure that it is in general conformity with the Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) which was adopted in 2019. Appendix 13, described above, identifies each policy in the NP and which policy in the JLP it complies with.

40. A number of the policies are designed to support and amplify the policies in the higher level Local Plan so that they are relevant to the particular needs and priorities of the parish.

41. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) have generally been carried through to the NP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

⁹ NPPF paragraph 16

Basic Conditions – conclusions

42. I have considered the Basic Conditions Statement, the supporting evidence and representations made to the Highampton NP and, with the addition of the new Appendix 13 described in para 36 above, I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

43. At a practical level, however, a few of the policies in the Submission NP need some minor adjustment to ensure that they comply with the NPPF and the strategic guidance in the adopted Local Plan. I have therefore suggested a number of modifications in Section 8 below, to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

44. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination is made by the responsible authority that the plan is not likely to have “significant effects”.

45. A Strategic Environmental Assessment (SEA) Screening Opinion was prepared by West Devon Borough Council for the Highampton Neighbourhood Plan in March 2020. The statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on 31 March 2020. Concerns raised by Historic England regarding the potential impact of development on the historic environment have been addressed by additional evidence and advice provided by West Devon Borough Council. Having taken all of the relevant policies of the draft Neighbourhood Plan into account, and assessed the potential environmental impact on designated sites and landscapes, the Council concluded that a full SEA is not required for the Highampton Neighbourhood Plan.

46. A Habitat Regulations Assessment was carried out to support the Neighbourhood Plan in March 2020. This concluded that due to the geographical separation of Highampton from European Sites and accordingly the absence of impact pathways, and against a backdrop of the limited amount of development proposed, the Council considers that the Highampton Neighbourhood Plan will not have any likelihood of significant effect on a European site alone or in combination with other development and that therefore further assessment under the Habitats Regulations is not required.

47. As the SEA and HRA reports prepared to support the NP have all been prepared in light of the updated basic condition referred to in para 11 above, this leads me to conclude that the necessary legislative requirements have been met and that the basic condition is complied with.

48. In response to my query on Appendix 2 of the SEA/HRA Report included as Appendix 11 of the NP, West Devon Borough Council has provided a corrected version of the report. This should replace the original version and the new version dated October 2020.

- **Recommendation : Replace Appendix 11 with corrected version, dated October 2020 as supplied by West Devon Borough Council**

Human rights requirements

49. In response to my query, the Neighbourhood Plan Group has provided a statement on how the plan fulfils other EU obligations in relation to human rights. To meet the basic conditions, this statement needs to be added to the Basic Conditions Statement.

- **Recommendation : Add a new paragraph 27.10 to the Basic Conditions Statement to read “This, the Highampton Neighbourhood Plan, has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. Considerable emphasis has been placed throughout the consultation process to ensure that no sections of the community have been isolated or excluded as identified in the Consultation Statement section at paragraph 28.”**

50. I am satisfied, therefore, that the NP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

51. I am not aware of any other European Directives that would apply to this NP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Plan policies

52. This section of my report considers the NP policies against the basic conditions.

53. The Plan is clearly written and is well presented and illustrated, with a clear structure distinguished by separate sections. The plan policies are grouped by topic area and for each topic there is a short background section, a description of the current situation, followed by the policies which are highlighted separate text boxes. While each policy has some supporting text, they only have policy numbers and do not have policy titles. To assist future users of the NP, these should be added. I have added suggested titles in my recommendations on each policy below. I also note that there are no titles, reference numbers or keys on the various maps and diagrams throughout the NP. These need to be added to ensure clarity for future users.

- **Recommendation : Add policy titles to each policy. Add reference numbers, titles and keys to all of the maps and diagrams in the NP document and add references to these maps and diagrams in the text of the NP as appropriate**

54. The plan is supported by a comprehensive evidence base which is presented as appendices to the document.

55. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹⁰ are met.

56. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the Plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help

¹⁰ Planning Practice Guidance PPG para 004

explain and justify the plan policy, I have made comments to that effect.

Introduction and The Area

57. These sections introduce the Neighbourhood Plan, explains why a NP is being prepared and the planning context in which it is being prepared . It provides an overview of Highampton Parish and a brief but very helpful background on the parish’s history, environment, population and housing parish facilities, employment and travel.

58. My only comment is that paragraph 1.2 should refer to the adopted JLP not the developing plan and paragraphs 1.7 to 1.10 need to be updated to reflect the content of the Plymouth and South West Devon Joint Local Plan, now that this plan has been adopted.

- **Recommendation : Replace “developing” in para 1.2 with “adopted Joint Local”. Update paras 1.7 to 1.10 with relevant content from the adopted Plymouth and South West Devon Local Plan 2019**

Vision, Aims and Objectives

59. This chapter sets out the overall vision for the NP and aims and objectives for each topic area. I have no comments to make.

Strategy

60. This section sets out the strategy for each topic area and provides a very helpful context for the planning policies which follow. References are made on page 30 (para 20.3) to the plan period running to 2034, but there is no reference to the start of the plan period either here or on the front cover of the plan. To meet the basic conditions, the plan period for the NP needs to be more explicitly stated here and under the section which describes the Joint Local Plan context.

- **Recommendation : Add “from 2014” before “to 2034” in para 18.6. Add NP Plan period of 2014 – 2034 to front cover of NP and all supporting documents. Add a new paragraph 1.10 to read “The Plan period for the Neighbourhood Plan is the same as that for the adopted Plymouth and South West Devon Local Plan, that is it runs from 2014 to 2034.”**

Highampton Policies

62. This section sets out the NP policies, grouped by topic area.

Housing

63. Highampton is identified in the adopted Plymouth and South West Devon Joint Local Plan under Policy TTV25 as a sustainable village where around 20 new dwellings could be accommodated. The NP explains, at para 21.8, that 22 dwellings were granted planning consent between 2014 and 2017, These were primarily for individual dwellings and by now will have either been built or planning consent will have lapsed.

64. Paragraph 21.9 states that between 2017 and 2019, a further ten dwellings were granted consent.

65. In its representations on the Submission version of the Neighbourhood Plan, West Devon Borough Council raised concerns about the calculation of the indicative housing numbers in the plan. In response to my query, the Council has clarified these concerns which related to the way in which existing consents and recent permissions had been factored in and how the balance of housing to be provided in the plan had been worked out. As a result, a number of changes to the supporting text are required, to ensure that the NP complies with the strategic guidance in the adopted JLP and therefore meets the basic conditions.

- **Recommendation : Reword paragraph 20.3 to read “Highampton already has recent developments and planned developments in the parish of 15 to 20 houses by 2034. Whilst this development does not count towards the Indicative Figure identified in the JLP it does demonstrate that Highampton has accommodated substantial development over recent years.”**

Amend Paragraph 21.5 to read: "In the period from the Public Consultation to the time of considering proposals for housing, several planning applications have been submitted to West Devon Borough Council. Approval has been given for the development of 14 houses, predominantly detached units on a number of different sites."

Amend Paragraph 21.6 to read: “The ability of the Parish Council to determine the level and, particularly, the type and location of new housing development has therefore been curtailed by the previous permissions granted by West Devon Borough Council.”

Amend Paragraph 21.9 to read: "Between April 2017 and November 2019 consent was granted for a further 10 dwellings."

Amend Paragraph 21.33.6 to read: "During the period 1st April 2017 to 17th January 2020, consent was given for the development of a further 10 dwellings, 9 of which are within the settlement boundary (see paragraph 21.9.). Whilst these developments do not contribute towards the JLP indicative figure , since they are “windfall” developments, cumulatively they have led to a 16% increase in village size. This illustrates the scale of development accommodated by Highampton over recent years."

Amend Paragraph 21.34 to read: "The Joint Local Plan suggests an indicative level of new housing for Highampton of 20 new dwellings, an increase of 36% in the size of the village. The site allocated at Church Road in the Highampton Neighbourhood Plan is proposed to accommodate a minimum of 14 homes. It is considered that an allocation of this magnitude, when considered against the level of development built already or approved within the Parish, adequately meets the Indicative Figure for Highampton identified in the JLP."

66. To identify possible housing sites, the HNPG carried out a Call for Sites and Site Evaluation exercise and as a result four sites were identified as being suitable for development – HS1, HS6, HS7 and HS8. Para 21.17 states that six sites were evaluated, but I could see from paras 21.18 to 21.25 and Appendices 5 and 8 that eight sites were assessed. Para 21.17 therefore needs to be amended accordingly.

- **Recommendation : Amend “six” to “eight” in first line of para 21.17**

67. I saw from my site visit that sites HS6, HS7 and HS8 had already been built out or were under construction. Together they will provide an additional 6 to 7 dwellings, which together with the ten dwellings already granted planning consent between 2017 and 2019, illustrates the scale of development accommodated by Highampton over recent years. Site HS1 could potentially accommodate a minimum of 14 dwellings, which, when considered against the level of development already built or approved within the Parish, is considered adequate provision to meet the Indicative Figure for Highampton identified in the JLP.

HNPH1 Land at Church Road

68. Site HNPH 1 - Land at Church Road - is located to the east of the crossroads at the centre of Highampton and, if developed, it would help consolidate the village form. It is, nonetheless, a prominent site in the landscape with sweeping open views to Dartmoor to the south and any

development would need to be carefully designed to minimise any adverse effects on the landscape. Several objectors have raised concerns about protecting existing wildlife and access arrangements to the site. While the Development Brief, attached as Appendix 9 to the NP, will go some way towards addressing these issues, policy HNPH1 needs to be strengthened to address these concerns and thereby ensure that it complies with national and strategic guidance in the NPPF and adopted JLP. The second reference to the Development Brief in the final paragraph is then superfluous and can be deleted.

- **Recommendation : Amend opening sentence of second paragraph of Policy HNPH1 to read “ The development of the site will be in accordance with the Development Brief (attached as Appendix 9) and should include:” Add two new bullet points at end of Policy HNPH1 to read “The form and layout of the development should reflect the rural character and landscape setting of the settlement” and “Avoid or minimise impacts on local wildlife and where possible take opportunities to enhance biodiversity”. Delete final paragraph of Policy HNPH1.**

69. The eastern part of the site, which includes a water main and overhead electricity lines, is proposed to be set aside for recreational use. This is shown in the Proposals Map at the foot of page 39. However, the red hatching (housing) and blue hatching (recreation) overlap which means there is not sufficient clarity for future users of the plan. In order to provide flexibility for the design process, the hatching should be removed. The Proposals Map also requires a title, key and reference number. A more explicit reference to the public open space allocation is also required in the opening sentence of the policy and the final bullet point of the policy removed.

- **Recommendation : Remove the areas of hatching on the Proposals Map at the foot of page 39 Add a title, key and reference number to the Proposals Map. Add after “community facilities” in the first sentence of Policy HNPH1 “including the provision of a minimum of 0.3ha of public open space”. Delete final bullet point of Policy HNPH1.**

70. Policy HNPH1 states that the site could accommodate a minimum of 14 dwellings and the Development Brief show two options - Feasibility A and B - which are both for 19 dwellings. Given the already generous supply of consented homes in the village, and to accord with the strategic guidance in the adopted JLP, the reference to a minimum of 14 dwellings is appropriate in Policy HNPH1.

Policy HNPH2 Settlement boundary

71. This policy seeks to restrict all development outside the settlement boundary of Highampton and

conflicts with the NPPF and the strategic policies in the adopted Local Plan, which allow development in the open countryside in certain, well defined circumstances. The policy should therefore focus on just defining the settlement boundary and the development permissible within it and include a cross reference to the relevant numbered map which defines the settlement boundary at the foot of page 40 and in Appendix 7. As mentioned in para 52 above, this map and Appendix 7 needs to be to have a reference number, title and key added. The location of the only housing site allocated in the plan – the site at Church Road – also needs to be added to the settlement boundary maps. For clarity, the explanatory text should simply note which policies apply outside the development boundary.

- **Recommendation : Reword policy HNPH2 to read “The settlement boundary for Highampton is defined in Map X. Within this boundary there is a presumption in favour of sustainable development, provided it complies with other relevant policies in the Neighbourhood Plan and the adopted Joint Local Plan. There will be a presumption against development outside the defined settlement boundary”. Amend last sentence of para 21.7.2 to read “The settlement boundary is defined in map X below and in Appendix 7”. Add at end of para 21.27.2 “ Development proposals outside this settlement boundary will be considered against the aims and objectives of this Neighbourhood Plan and the guidance in the NPPF and relevant policies in the adopted Joint Local Plan will apply”. Add a reference number, title and key to the map at the foot of page 40 and in Appendix 7. Add the allocated site at Church Road to both maps with the annotation Policy HNPH1**

72. Para 21.27.3 seeks to restrict development to the west of the village on the grounds that it would be contrary to the aim of ensuring that development contributes to the consolidation of the village. However, this requirement is not stated in the policy, so the supporting text is confusing and does not provide sufficient clarity for future users of the plan. Given that development outside the settlement boundary is already covered by the relevant policies in the Local Plan, the last two sentences of paragraph 21.27.3 can be deleted. The community’s preference to consolidate the village with its community facilities is recognised and this can be referred to in a new sentence at the end of paragraph 21.27.3.

- **Recommendation : Delete last two sentences of paragraph 21.27.3. Add new sentence to read “As set out in the Aims and Objectives, this Plan seeks to consolidate the village with its community facilities.”**

Policy HNPH3 Housing mix

73. This policy complies with the adopted JLP and the recently adopted Supplementary Planning Document, which supports the JLP. I have no comments to make.

Policy HNPH4 Housing design

74. This policy complies with the adopted JLP and the recently adopted Supplementary Planning Document (SPD), which supports the JLP. I have no comments to make.

Policy HNPH5 Access

75. The supporting text to this policy refers to vehicles entering and leaving the A3072, Church Road and Burdon Lane, both within and outside the settlement boundary, which amplifies how the policy will apply. I have no comments to make.

Policy HNPH6 Parking provision

76. This policy complies with the adopted JLP and the recently adopted Supplementary Planning Document, which supports the JLP. I have no comments to make.

Policy HNPH7 Pedestrian access

77. This policy amplifies the guidance in the JLP and SPD, with guidance that is specific to the context of Highampton. I have no comments to make.

78. The Housing Summary section in paras 21.33 and 21.34 requires some minor updating and in light of my recommendations above.

- **Recommendation : In para 21.33.6 add a comma after “dwellings” in the third line and add “are” after “which”. In second sentence of para 21.34 add “a minimum of” after “in this plan of” and in third line change “houses” to “dwellings”**

79. The “Housing Conclusion” box on page 45 is presented in the same format as the planning policies, but it is not a land use planning policy. Instead, it is just a concluding statement and should therefore not be shown in the highlighted format.

- **Recommendation : Remove the highlighting and text box format from the Housing Conclusion box at top of page 45, retaining the text**

Employment

Policy HNPE1 Employment development

80. The public consultation on the Neighbourhood Plan acknowledged that any new employment opportunities should be small in scale, given Highampton's location on the highway network and relative isolation from existing major towns and cities. No sites for employment use are therefore allocated in the NP and Policy HNPE1 focuses on providing guidance on the small scale employment opportunities which may emerge during the plan period. My only comment is that the policy requires some minor rewording to improve clarity.

- **Recommendation : Change “be” to “are” at beginning of second and seventh bullet point in policy HNPE1.**

Policy HNPE2 Agricultural diversification

81. This policy deals with agricultural diversification and complements policy HNPE1. My only comment is that, in the final bullet point, the cross reference should be to Policy HNPE1 not Policy HPPE1 , as there is no such policy in the NP.

- **Recommendation : In final bullet point of Policy HNPE2, change “HPPE1” to “HNPE1”**

Policy HNPE3 Reuse of Existing Employment Land

82. This policy complements Policies DEV 14 and DEV 15 in the adopted JLP and Policy DEV 14.1 in the Plymouth and South West Devon Joint Local Plan : Supplementary Planning Document adopted in July 2020. The structure and clarity of the policy would be improved if the bullet points were removed so that the policy reads as two separate paragraphs.

- **Recommendation : Remove bullet points from policy HNPE3. Remove full stop at end of first sentence of policy HNPE3 and change “Unless” to “unless”**

Community Facilities

Policy HNPR1 Recreational site allocation

83. The community identified a need for an area of informal green space, easily maintained and accessible to all residents. Policy HNPR1 allocates an area of land of at least 0.3ha off Church Road

between the Village Hall and the School for this purpose. This policy complements policy HNPH1 which allocates the larger part of the site for residential use.

84. Reference is made in the second paragraph of the policy to it being maintained as Local Green Space (LGS). A designation as LGS should be dependent on clear evidence of the use of the site by the community; however, the space is not yet in existence it would be premature to allocate it as such now. The reference to LGS in the policy therefore needs to be removed. I note also that the policy does not refer to a map or diagram, where the location of the site is identified. This needs to be rectified, in the interests of clarity. The relevant plan is the Proposals Map referred to in para 69 above.

- **Recommendation : Add a new sentence at the end of first paragraph of policy HNPR1 to read “ The site is shown in the Proposals Map” and add appropriate reference as described in para 69 above. In second paragraph of policy HNPR1 , delete “as a Local Green Space”**

Policy HNPR2 Change of use of agricultural or amenity land to open space ,sport or recreational use

85. This policy seeks to encourage the provision of more open space, sport or recreational land and I have no comments to make.

Environment

86. The introductory section on the Environment on page 52 refers to three areas of land on the south boundary of the parish as being designated as Sites of Special Scientific Interest. However, these are not named or clearly plotted on the untitled plan on page 53. To ensure clarity for future users of the plan, this map needs a title, reference and the three SSSI's separately named and identified. For context, it would be also helpful if the NP boundary could be added in as well as the area of Hollow Moor (which is designated as a Special Area of Conservation) which lies beyond, but very close to the Parish boundary.

- **Recommendation: Add a title, reference and key to the Map on Page 52. Mark and name the three individual SSSI's and the Hollow Moor Special Area of Conservation. Add the Neighbourhood Plan boundary.**

HNPEN1 Landscape design and environmental safeguards

87. This policy deals with landscape design and measures to protect and enhance the environment. My only comment is that the reference to “government’s 25 year plan” is not appropriate as the neighbourhood plan has to be a stand alone land use planning document and therefore not refer to other external documents which are either unspecified or may change over time. The sixth bullet point in the policy therefore should be deleted.

- **Recommendation : Delete sixth bullet point on Policy HNPEN1.**

Heritage

Policy HNPHE1 : Heritage Assets

88. This policy deals with heritage assets and would benefit from some fine tuning to ensure it complies with the NPPF and strategic guidance in the adopted JLP.

- **Recommendation : In first sentence of policy HNPHE1 change “ preserved” to “conserved”. Change final sentence of policy HNPHE1 to read “Proposals that affect the significance of designated and non designated heritage assets will be judged on the scale of harm or loss to the Parish. Where harm to designated and non designated heritage assets can be justified applicants will be required to undertake excavation or recording as appropriate, followed by analysis and publication to professionally acceptable standards.”**

89. The final section in the NP is entitled Transport, but there are no associated policies so I have no comments to make.

90. Most Neighbourhood Plans include a brief statement at the end of the plan about how the NP will be monitored and implemented. The HNPG may wish to consider adding a short paragraph to address this.

- **Recommendation : HNPG to consider adding a short paragraph at the end of the plan to explain how the NP will be monitored and implemented**

9. Conclusions and Recommendations

91. I have examined the Highampton Neighbourhood Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory requirements.

92. I am therefore pleased to recommend to West Devon Borough Council that, subject to the modifications set out in my report, the Highampton NP should proceed to referendum.

93. I am also required to consider whether the referendum area should be extended beyond the Highampton Parish area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by West Devon Borough Council in August 2016.

APPENDIX 1: Background Documents

In undertaking this examination, I have considered the following documents:

- Highampton Neighbourhood Plan (Regulation 16 version) and associated appendices : June 2020
- Highampton Neighbourhood Plan Consultation Statement: June 2020
- Highampton Neighbourhood Plan Basic Conditions Statement
- Highampton Neighbourhood Plan Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report : March 2020
- Plymouth and South West Devon Joint Local Plan 2014-2034 (JLP) : March 2019
- Plymouth and South West Devon Joint Local Plan : Supplementary Planning Document : July 2020
- National Planning Policy Framework (NPPF) February 2019
- Planning Practice Guidance March 2014 and subsequent updates

APPENDIX 2:

Highampton Neighbourhood Plan Examination

Request for further information and questions from the Examiner to West Devon Borough Council and Highampton Parish Council

I have carried out a preliminary review of the Neighbourhood Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

Plan Period

On page 30 of the NP there are two references to the plan period of the adopted Joint Plymouth and South West Devon Local Plan being up to 2034. However there do not appear to be any references to the plan period for the NP either here or on the front cover of the document. Please can you confirm that the plan period for the NP is to be the same as the adopted Local Plan – ie 2014- 2034?

Reg 14 Consultation

The Consultation Statement refers to the Reg 14 consultation but does not summarise the responses received. Looking through Appendix 10 to the Plan, which lists all the responses, there seem to have been a total of nine responses, all from statutory bodies, including West Devon Borough Council. Please can you confirm that the list of responses to the Reg 14 consultation is complete and that no responses were received from members of the community or other local interested parties?

Basic Conditions Statement

I have reviewed the very brief Basic Conditions Statement and it falls short of what is required. It is not sufficient to say in para 27.7 that that the HNPG has sought the assistance and guidance of West Devon Borough Council in preparing the Neighbourhood Plan. Please can I therefore be provided with an assessment of the NP and how it meets the requirements of the NPPF, the principles of sustainable development and the strategic policies of the adopted Local Plan, as required by Planning Practice Guidance (Paragraph: 066 Reference ID: 41-066-20140306 to 068 Reference ID: 41-068-20140306). You may find it helpful to look at the Basic Conditions Statements produced for other adopted neighbourhood plans to get a clearer picture of what is required.

I note that, while paras 27.7 summarises the findings of the work on SEA and HRA, there is no statement on how the plan fulfils other EU obligations in relation to human rights. Again, this needs to be addressed in the Basic Conditions Statement.

SEA/HRA

The SEA/HRA Report is included as Appendix 11 to the plan. Appendix 2 to this document is entitled “North Tawton Neighbourhood Plan Habitats Regulations Assessment: Screening Report”. Please can I be provided with the correct appendix for the Highampton NP?

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils’ websites as appropriate.

Barbara Maksymiw

25 September 2020

Highampton Neighbourhood Plan Examination

Further question from the Examiner to West Devon Borough Council

I have carried out a preliminary review of the Neighbourhood Plan and the evidence submitted in support of it and I have a further question where I need some clarification. I would therefore be grateful if the District Council could assist me, as appropriate, in responding to the following question.

West Devon Borough Council Reg 16 Response

On page 2 of West Devon Borough Council’s response to the Highampton Neighbourhood Plan Regulation 16 Consultation, dated September 2020, the Borough Council has stated that it has concerns about the conclusions drawn in para 21.9 of the Neighbourhood Plan.

I would be grateful if the Borough Council could amplify this point so that I understand the concerns.

Thank you for your assistance with this question. Once I have received your response, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that this question is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

6 November 2020