



**Independent Examiner's Report of the
Ugborough Neighbourhood Development Plan**



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Ugborough Neighbourhood Development
Plan

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22nd January 2018

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SECTION 2

Summary

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

- 1. I find the Ugborough 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 Ugborough Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Ugborough Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development 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 Ugborough Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD).*
- 6. Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD). The preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic*

Policies of the emerging JLP and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Ugborough Neighbourhood Development 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 Ugborough Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Ugborough Neighbourhood Development 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 Ugborough Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

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

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

The examiner is required to check whether the neighbourhood plan:

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

- *Its policies relate to the development and use of land for a designated neighbourhood area.*

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

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

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

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

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

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

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

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

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

1. Appointment of the Independent examiner

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

2. Qualifying body

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

3. Neighbourhood Plan Area

The designated Ugborough Neighbourhood Plan Area does not cover all of Ugborough Parish. The Neighbourhood Plan Area is that part of the parish of Ugborough that lies in the South Hams District referred to as Ugborough South, excluding that part of the Parish identified for development in the Ivybridge Site Allocations DPD and additional land between the development boundary and the boundary of adjoining country roads (to make a convenient plan boundary). The Basic Conditions Statement submitted with the Ugborough Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Ugborough Neighbourhood Development Plan.

4. Plan Period

It is intended that the Ugborough Neighbourhood Development Plan will cover the period 2017-2032.

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

Ugborough Parish Council, the qualifying body for preparing the Ugborough Neighbourhood Development Plan, submitted it to South Hams District Council for consideration. South Hams District Council has made an initial assessment of the submitted Ugborough Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area.

7. The Consultation Process

The Ugborough Neighbourhood Development 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 development 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 development 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.

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

The District Council placed the Ugborough Neighbourhood Development Plan out for consultation under Regulation 16 from the 29th September 2016 to the 10th of November 2016.

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.

9. Compliance with the Basic Conditions

The Ugborough Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Ugborough 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 Ugborough Neighbourhood Development 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.*

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

(i) The Ugborough Neighbourhood Development 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.

There is an error on the cover of the Consultation Statement which states the Plan Period to be 2016-2031 when the confirmed plan period is 2017-2032.

(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) Plan Area Character Appraisal

(v) Conservation Area Character Appraisal

(vi) Conservation Area Management Plan

Comment on Documents submitted

Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. At the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD). The preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging

JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of the emerging JLP and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.

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

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

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 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

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

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

10.2. Local Planning Policy- The Development Plan

Ugborough is within the area covered by South Hams District Council. Currently the relevant development plan is South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD) 2010 Development Policies Development Plan

Document (DPD) and 2011 Site Allocations Development Plan Document (DPD).

For the purposes of the examination of a Neighbourhood Plan the relevant strategic policies are those of the currently adopted Development Plan not the policies of an emerging local plan. The situation however, is complicated by the fact that during the course of the preparation of the Ugborough Neighbourhood Plan the District Council have been preparing a new Local Plan jointly with the neighbouring authorities of West Devon and Plymouth. This new plan has now reached the stage of submission for examination with a date for the Local Plan Examination set for January 2018. At this stage it is not possible to be sure whether or not the strategic policies of the emerging plan will remain unchanged by the time of adoption. An additional complication is the age of the existing Development Plan, and the issues relating to out of date policies. The challenge for a Qualifying Body in these circumstances has been to produce a plan that meets the Basic Conditions in relation to the strategic policies of the Development Plan without creating a plan which becomes out of date at the point of adoption of a new local plan. I have considered the Strategic policies of the Development Plan and the Policies of the Ugborough Neighbourhood Development Plan and I consider that the plan, subject to modification meets the Basic Conditions and should remain up to date upon adoption of the new local plan.

11. Other Relevant Policy Considerations

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

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

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- Natural England*
- Historic England*
- Environment Agency*
- South Hams District Council*

The view of South Hams District Council was that a SEA (Strategic Environmental Assessment) or HRA (Habitats Regulation Appraisal) was not required (28/04/2017):

“Because the Plan is ‘Theme based’ rather than a ‘site - based’ plan SHDC considers the Plan does not require a Strategic Environmental Assessment (SEA) (European Directive 2001/42/EC, Appendix 9) – see Ugborough Neighbourhood Plan HRA SEA Screening Opinion document.”

11.2 Sustainable development

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

The Neighbourhood Development 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 Ugborough Neighbourhood Development Plan has done so.

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

11.3 Excluded development

I am satisfied that the Ugborough Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

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

11.5 The Neighbourhood Plan Vision, Strategic Aims and Policies

Vision Statement

“The Ugborough Neighbourhood Development Plan Area sits between the moor and sea with a distinct historic and natural environment and is a strong, balanced, rural community. Our aim is to maintain and enhance its character, support the local community while responding to evolving needs and aspirations and striving towards a sustainable future for all.”

The Policies in the Plan have been organised under the following themes:

Heritage (Built and Natural Environment)

Transport and Movement

Housing

Economy

Community Wellbeing

I am satisfied that the themes for the Neighbourhood Plan have developed as a result of the community consultation carried out and that the policies of the plan respond to those themes.

12. Ugborough Neighbourhood Development Plan Policies

Objective:

The intention is to conserve and enhance the character and heritage of the Plan Area, in particular historic features, by:

- ***conserving the characteristics and heritage of the different settlements in the Plan Area.***
- ***maintaining the shape and character of Ugborough village, for example the distance of buildings from the central Square with no excessive development in one direction, and the existing street form;***
- ***protecting and enhancing landscaping, green infrastructure and stripfield systems; and***
- ***protecting and enhancing the natural environment, including hedgerows.***

UG1: Historic and environmental features

See also UG11, UG12 and UG13

Development will be supported where it:

- ***makes the most of opportunities to draw on the contribution made by the historic environment to the character of the place***
- ***takes account of the desirability of making a positive contribution to local character;***
- ***respects the local character of the surroundings and takes every opportunity, through use of design and local materials, to reinforce local distinctiveness;***
- ***does not dominate the views of the landscape or the view of the Grade 1 listed Church of St Peter;***
- ***respects the unique character of the natural environment; and***

can demonstrate that it respects and positively responds to identified listed buildings

and vernacular features within the plan area.

COMMENT

I have no comment on this policy

UG2 Skyline and other views and vistas

Development will be supported where it maintains the distinctiveness and character of local skylines, views and vistas.

All development should meet the following criteria:

- *does not spoil the skyline;*
- *does not spoil the views and vistas within the Plan Area (see map on page 33 and character appraisal); and*
- *does not spoil the setting of Ugborough village nestling in the valley as epitomised by the views of the village from near and afar.*

COMMENT

I have no comment on this policy

Transport and Movement

Objective

Recognise the character, capacity and constraints of the roadways serving the Plan Area.

The intention is that any new development does not worsen, and if possible improves, traffic flow in the Plan Area, and particularly in Ugborough village and the lanes serving it. Thereby, maintaining a safe environment for pedestrians (particularly children), horse-riders, livestock movements, cyclists and other road users.

UG3: Traffic flow

See also UG4.

New development should be associated with a settlement and in a location that allows safe, direct and unhindered access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that

settlement.

Proposals for any new development must include a proportionate assessment of:

- ***the level of traffic the development is likely to generate;***
- ***the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;***
- ***the potential impact on parking and congestion within the Plan Area;***
- ***noise; and***
- ***measures needed to mitigate any impacts***

COMMENT

The policy should be reworded as follows:

Subject to other policies in the plan, new development will be supported where it is associated with a settlement and in a location that allows safe access to the A3121 and B3213, leading to the A38, in order to minimise additional traffic on the lanes around and streets within that settlement.

Proposals for any new development must include a proportionate assessment of:

- ***the level of traffic the development is likely to generate;***
- ***the potential impact of this traffic on safety of pedestrians, horse-riding, cyclists and farm animal movements;***
- ***the potential impact on parking and congestion within the Plan Area;***
- ***noise; and***
- ***measures needed to mitigate any impacts***

Housing

Objective:

- ***Provide new homes that respond to the need identified within the Plan Area ensuring the quantity, quality, location, type and tenure of any new homes meet the criteria set by those living in the Plan Area and are consistent with the emerging Joint Local Plan.***
- ***Deliver new homes over the period of the Plan in line with historic growth trend (currently an average of 3 new homes per year).***
- ***Deliver a mix of housing that meets the needs of all sections of our community.***

UG4: Small scale housing developments of less than 10

Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG11, UG12, UG13 and UG14.

Small scale development of less than 10 would in principle be supported in line with historic growth trends subject to meeting the criteria contained within policies UG1, UG2, UG3, UG11, UG12, UG13 and UG14.

Any site put forward for larger development (more than 10) must have due regard to the sustainability criteria and must take account of the need for access to public transport, to major roads such as the A38 and to other local services.

All new development of 3 or more should deliver at least 35% affordable housing.

All new developments will be subject to section 106 contributions appropriate to the impact of the development.

COMMENT

This policy would be better located with UG7 or combined with that policy as it is confusing to have two policies relating to new housing both of which refer to affordable housing. Paragraph 4 of this policy does not meet the Basic Conditions in that it requires a level of affordable housing which does not reflect the contents of the written Ministerial Statement on affordable housing and does not allow for any viability testing of a proposal. This paragraph must be deleted in order to meet the Basic Conditions. It is essential that the Neighbourhood Plan will deliver the level of housing identified across the plan period and therefore policy UG1 should be worded so that it is clear that it does not seek to restrict the delivery of housing. The Neighbourhood Plan Area (and adjacent areas) will be subject to growth across the plan period through strategic allocations being brought forward by South Hams District Council and I am satisfied that this will satisfy the NPPF requirement to boost housing supply. It is important that the wording of the policy acknowledges this growth and more clearly defines the intention of the policy to address growth outside these allocations. In order to provide clarity and meet the Basic Conditions this policy should be reworded as follows:

UG4: New Housing

Any proposed housing development must meet the criteria contained within policies UG1, UG2, UG3, UG7, UG11, UG12, UG13 and UG14.

Across the plan period South Hams District Council will bring forward site allocations which will deliver significant growth. Outside these allocations developments of less than 10 units will in principle be supported in line with historic growth trends. Any site put forward for larger development (more than 10) must take account of the need for access to public transport, to major roads such as the A38 and to other local services.

All new developments will be subject to section 106 contributions appropriate to the impact of the development.

UG5: Infill sites

The use of individual plots where appropriate is encouraged, providing the development complies with planning policy and the relevant policies in this Plan.

Small scale residential development of less than 10 or single new homes on infill and redevelopment sites will be supported subject to:

- proposals being well designed and meeting all relevant requirements set out in other policies in this Plan, and where such development;*
- fills a small, restricted gap in the continuity of existing frontage of buildings or on other sites within a built-up area where the site is closely surrounded by buildings; and*
- where the development is not subject to any highways access constraints both during and after completion*

COMMENT

The last bullet point of this policy should be modified to remove “both during and after completion” in order to meet the Basic Conditions.

UG6: Conversion of farm buildings

Where the development needs planning permission then it must also meet the criteria in policies UG11, UG12, UG13 and UG14.

Planning proposals for conversion of redundant farm buildings into accommodation for family, holiday lets or workshops will be supported subject to the following criteria:

- it is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;*
- the form, bulk and general design of the building is in keeping with its surroundings and the proposal and any associated development will not harm*

its landscape setting;

- *it protects the distinctiveness and character of local skylines, views and vistas;*
- *the building is capable of conversion without losing its historical or vernacular significance;*
- *it will not damage the fabric or character of any traditional building and, in the case of a listed building, the proposal will not damage the architectural or historic merit of the building or its setting; and*
- *the building is part of a farmstead and not in an isolated position.*

COMMENT

Paragraph two seems to refer to new development but the policy title refers to conversion. For clarity and to avoid confusion this bullet point should be deleted. In addition to comply with the Basic Conditions bullet point 4 should be reworded to reflect the NPPF requirements for dealing with planning applications which affect Listed Buildings.

UG6: Conversion of farm buildings

Where the development needs planning permission, proposals for conversion of redundant farm buildings into accommodation for family, holiday lets or workshops will be supported subject to the following criteria:

- *it is complementary to and does not prejudice any viable agricultural operations on a farm and other existing viable uses;*
- *the building is capable of conversion without losing its historical or vernacular significance;*
- *it minimises the impact on the fabric or character of any traditional building and, in the case of a designated or non designated heritage asset is compliant with the relevant adopted policy and legislation.*
- *the building is part of a farmstead and not in an isolated position.*
- *And where it meets the criteria in policies UG11, UG12, UG13 and UG14.*

UG7: New affordable housing

In the event of a site being brought forward for development that meets all the criteria in UG4 the following criteria must be met:

- *all new development of 3 or more should deliver at least 35% affordable housing.*

- *the proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- *the development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity (see UG8)*

COMMENT

This policy would be more logically located with UG4

It appears that the intention of this policy is to cover Exception sites where the presumption would be that the development would be 100% affordable unless a viability assessment proved that an element of open market housing would be required to cross subsidise the delivery of the affordable housing. On sites that aren't Exception sites, in line with the Ministerial Statement sites of 10 units outside the AONB or other classified area (5 within it) are not required to make provision for any affordable housing. It is therefore highly unlikely that the small scale developments envisaged within the settlements in the area through infill will yield any affordable housing at all and therefore the provision of affordable housing across the plan period is only likely to be delivered through Exception sites. The current wording of this policy is unclear and does not meet the Basic Conditions and should be reworded:

UG7: New affordable housing

Proposals for new affordable housing on Exception Sites will be supported subject to other policies in the plan where:

- *the proposals contribute to meeting the affordable and social-rented needs of people with a local connection; and*
- *the development is subject to an agreement which will ensure that it remains as affordable housing for people with a local connection in perpetuity (see UG8)*

UG8: Local connection

This Plan wishes that those in housing need and have a local connection are given higher priority for affordable and social rent housing than those with no local connection. Affordable Houses shall only be sold to or let to and occupied by people (and their Household) whose housing need is not met by the market and who meet one or more of the following criteria:

- *have lived in the Plan Area for the last 5 or more years; or*
- *have worked in permanent employment in the Plan Area for the last 5 or more*

- years; or
- *have grown up in the Plan Area (defined as having spent 10 of their first 16 years in the Plan Area); or*
 - *have a close family member living for a minimum of 5 years permanently and continuously in the Plan Area.*

Where such a person cannot be found, Affordable Houses may then be sold to or let to and occupied by persons (and their Household) whose housing need is not met by the market and has an area local connection within Ugborough Parish, adjacent Parishes or a South Hams local connection.

Occupation of the Affordable Housing built in the Plan period

will be controlled and managed by a registered provider or

other bonafide housing provider to ensure that the benefits of Affordable Housing are enjoyed by all subsequent as well as initial occupiers.

Note Adjacent Parishes are identified as: Modbury, Ermington, South Brent, Harford, North Huish and Ivybridge Town

COMMENT

This policy is overly restrictive and does not meet the Basic Conditions. It should reflect the District Council's local connection requirements

Reworded

UG8: Local connection

This Plan wishes that those in housing need and have a local connection are given higher priority for affordable and social rent housing than those with no local connection. Affordable Houses shall only be sold to or let to and occupied by people (and their Household) whose housing need is not met by the market and in accordance with the South Hams District Council Allocations Policy.

UG9: Self-build/custom build

Self-build is a possible low cost route to affordable housing. Proposals for self-build or custom build schemes will be supported where the location and nature of the

proposed development is appropriate and subject to UG4, UG5, UG11, UG12, UG13, UG14 and the following criteria:

- *dwellings can only be built on these sites by individuals, builders or developers acting on behalf of individuals or a community group of individuals;*
- *dwellings can only be built for owner occupation;*
- *self-build properties will still need to conform to the policy criteria set out in the rest of this Plan;*
- *landowners or developers who have an interest in a site which is designated for self-build may undertake activities to sub-divide the site into plots and provide supporting infrastructure such as roads and services;*
- *approval of the site layout/density will need to be obtained from SHDC prior to these activities taking place; and*
- *individuals who wish to purchase a self-build plot must:*
- *demonstrate that they have a local connection; and*
- *demonstrate that they intend to live in the property once it is complete.*

COMMENT

This policy seems to be confusing the provision of custom/self build housing which is not an affordable housing product with affordable self build which is. The occupancy of open market custom/self build housing cannot be restricted without a principal residence occupancy condition which is not proposed by this plan. The criteria for custom/self build housing is set out in other legislation and does not need to be repeated here. In order to meet the Basic Conditions this policy should be deleted or reworded as follows.

UG9: Self-build/custom build

Proposals for self-build or custom build schemes will be supported where the location and nature of the proposed development is appropriate and subject to UG4, UG5, UG11, UG12, UG13, UG14.

UG10: Older persons' housing

The demographic trend nationally and locally points to an ageing population and the ratio of older to younger people is set to rise. The demographic trend in the Plan Area (see 2001 and 2011 census data for Ugborough Parish, page 15) is similar to that nationally, i.e. the proportion of those over 85 years is likely to double over the next 20 years and nearly treble in the next 30.

The community have said they would like more accommodation that enables older people to remain within the community. It is clear from consultation with the community that the mix of ages contributes to the vibrancy that characterises the atmosphere

of the Area. The consultation suggests that some people either have, or foresee a time when they will have, a need to modify their accommodation to either remain themselves or to accommodate older relatives in an appropriate way.

Planning proposals to extend or sub-divide existing dwellings to provide additional and suitable accommodation for an older person or infirm dependent will be supported subject to the following criteria:

- ***such accommodation should be ancillary to the main dwelling and should not be a separate dwelling;***
- ***it does not have an unacceptable impact on the visual or landscape amenity value; and***
- ***it meets the identified need of an older local person or a person having additional needs who can no longer live alone.***

COMMENT

The first three paragraphs should form part of the justification/context for the policy and should be moved from the policy. The word “infirm” should be replaced “dependent”.

UG11: Landscape and built environment character (see also UG1)

In conjunction with criteria on landscape character and built character, this policy contains criteria seeking to avoid detrimental impacts on biodiversity.

Any proposals for new development within the Plan Area are subject to the following criteria:

The proposals sit well within the surrounding rural landscape and the landscape setting of any settlement in the Plan Area. This includes consideration of the relationship to local features such as:

- ***the openness of the surrounding landscape;***
- ***the backdrop to the building including landscape features such as hedges, walls, strip fields, streams, routes and built forms; and***
- ***abutting features.***

- *The proposed development must be appropriate in terms of its scale, character and location with the settlement to which it is associated; and*
- *The proposed development will respect the setting of any affected listed building. Where the proposed development is within a hamlet or farmstead, it must conserve or enhance the characteristics of the hamlet or farmstead or the character of buildings within the hamlet or farmstead.*

The proposed development must conserve or enhance the surrounding rural landscape and the landscape setting of any settlement in the Plan Area.

The proposed development must improve or conserve biodiversity and ecology of the surrounding landscape and should seek to protect and, where possible, enhance wildlife value on the application site, surrounding sites and wildlife corridors

COMMENT

This policy is long and lacks clarity. Built environment character is already covered in UG1. It would be best split into two policies UG11 covering landscape character and UG11 (a) biodiversity.

In order to meet the Basic Conditions, it should be reworded:

UG11: Landscape character

Proposals for new development within the Plan Area should sit well within the surrounding rural landscape and the landscape setting of any settlement in the Plan Area. This includes consideration of the relationship to local features such as:

- *the openness of the surrounding landscape;*
- *the backdrop to the building including landscape features such as hedges, walls, strip fields, streams, routes and built forms; and abutting features.*

The proposed development should be appropriate in terms of its scale, character and location with the settlement to which it is associated and respect the setting of any designated or non-designated heritage asset. Where the proposed development is within a hamlet or farmstead, it should respect or enhance the characteristics of the hamlet or farmstead or the character of buildings within the hamlet or farmstead.

UG11 (a) Biodiversity

Development proposals should seek to improve or conserve biodiversity and ecology

of the surrounding landscape and should seek to protect and, where possible, enhance wildlife value on the application site, surrounding sites and wildlife corridors

Where achievable and in proportion to its scale and location, proposals for new development should be accompanied by adequate information to assess the impact of the proposal on biodiversity and a biodiversity action plan.

UG12: Design

All new development should demonstrate good quality design, as set out in SHDC Local Development Framework policy DP1 (see above), and respect the character and appearance of the surrounding area. Development will be supported where it takes opportunities available for enhancing the local character and quality of the area and the way it functions. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment through:

- **achieving high quality design that respects the scale and character of existing and surrounding buildings;**
- **supporting innovative, original and excellent sustainable design;**
- **respecting established building set back and arrangements of front gardens, walls, railings or hedges;**
- **ensuring proposals relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street;**
- **using good quality materials that complement the existing palette of materials;**
- **ensuring safe access and egress for pedestrians, cyclists and other road users;**
- **meeting the requirements of 'Secured by Design' to minimise the likelihood and fear of crime.**
- **providing at least two parking spaces of sufficient size per unit plus additional visitors parking. This is an essential requirement due to the lack of public transport in most of the Plan Area and, therefore reliance on private cars, and limited road parking;**
- **providing adequate refuse and recycling storage incorporated into the scheme to minimise visual impact;**
- **adopting the principles of sustainable urban drainage; and**
- **innovation to achieve low carbon sustainable design and construction.**

Reference CACA and PACA.

Any new development within the Conservation Area, or adjoining the Area, should take account of those qualities which create the unique character and atmosphere of the Area and must ensure that residents in the conservation area are not disadvantaged or lose existing amenities (e.g. parking).

COMMENT

The policy makes reference to existing Development Plan policy, as previously stated this should be removed. I have also received representation that this policy is too restrictive however on the basis that the policy reworded I am satisfied that this is not the case. The policy should be reworded as follows:

UG12: Design

A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment

All new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Applicants are encouraged to take opportunities to enhance the local character and quality of the area and the way it functions. Subject to other policies in the plan, where possible and in proportion to its scale and location, proposals for new development which demonstrate compliance with the following criteria will be supported:

- high quality design that respects the scale and character of existing and surrounding buildings;***
- achieve low carbon sustainable design and construction.;***
- respect established building set back and arrangements of front gardens, walls, railings or hedges;***
- relate to established plot widths within streets where development is proposed, particularly where they establish a rhythm to the architecture in a street;***
- use good quality materials that complement the existing palette of materials;***
- ensure safe access and egress for pedestrians, cyclists and other road users;***
- meet the requirements of 'Secured by Design' to minimise the likelihood and fear of crime.***
- provide at least two parking spaces of sufficient size per unit plus additional visitors parking. This provision is encouraged due to the lack of public transport in most of the Plan Area and, therefore reliance on private cars, and limited road parking;***
- provide adequate refuse and recycling storage incorporated into the scheme to minimise visual impact;***

- *adopt the principles of sustainable urban drainage.*

Any new development within the Conservation Area, or adjoining the Area, should take account of those qualities which create the unique character and atmosphere of the Area.

UG13: Conservation Area

Any new development must demonstrate that it respects and positively responds to the conservation area and identified listed buildings (refer NPPF 137 and 138) and will be subject to the following criteria (see Conservation Area Character Appraisal and Management Plan, www.ugboroughplan.org):

- *maintenance of the overall symmetry of the Conservation Area with any development, as far as possible, radiating out from the central Square;*
- *development must not adversely impact on the dominant view of the Church;*
- *maintenance of the visual order and cohesiveness of the street scene, for example by ensuring roof ridges follow the line of the street so that eaves, rather than gables, face forward;*
- *street level boundaries in keeping with those of surrounding buildings, for example constructed from stone or hedging; roofing materials in keeping with that of surrounding buildings, for example natural or imitation slate;*
- *elevations of natural stone, slate hung or colour washed over a render coat;*
- *no additional signage, street markings or street lighting; and*
- *provision of at least two parking spaces of sufficient size per unit plus additional visitors parking where the development is more than one unit.*

Development in or around Ugborough village must protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.

Where development takes place beyond and separated from the links to the square it shall form its own focal point which is itself connected to a route to the square by pedestrian links.

COMMENT

Whilst the majority of this policy meets the Basic Conditions it is necessary to modify slightly some elements of the wording to ensure that the policy as a whole meets the Basic Conditions and is not overly restrictive.

The policy should be reworded as follows:

UG13: Conservation Area

Any new development should demonstrate how it respects and positively responds to the conservation area and identified designated and non designated heritage assets (refer NPPF 137 and 138) and will be subject to the following criteria (see Conservation Area Character Appraisal and Management Plan, www.ugboroughplan.org):

- *maintain the overall symmetry of the Conservation Area with any development, as far as possible, radiating out from the central Square;*
- *not adversely impact on the dominant view of the Church;*
- *maintain the visual order and cohesiveness of the street scene, for example by ensuring roof ridges follow the line of the street so that eaves, rather than gables, face forward;*
- *boundary treatment should be in keeping, for example constructed from stone or hedging; roofing materials in keeping with that of surrounding buildings, for example natural or imitation slate;*
- *elevations which reflect existing materials, where possible of natural stone, slate hung or colour washed render;*
- *provision of parking that meets adopted standards*

Development in or around Ugborough village should where possible protect the existing pedestrian connections within the built up area of Ugborough village. Any development on the limits of Ugborough village should integrate with existing connections to Ugborough village square.

Where possible development proposals separated from square should form its own focal point which connects by pedestrian link to the square.

UG14: Sustainability

Any proposals for new development will be subject to the following criteria:

- *development in areas at risk of flooding should be avoided by directing development away from areas at highest risk and by applying the sequential test. Where development is necessary, making it safe without increasing flood risk elsewhere. (reference Environment Agency map, page 67 of this Plan and NPPF, paragraph 100 to 103);*
- *demonstration of how connection will be made to services including power, waste disposal, drainage and telecommunications as a minimum;*

- *protecting/enhancing the water environment throughout the Plan Area;*
- *consideration of access by demonstration that:*
- *there are no constraints to safe access for pedestrians, cyclists and motor vehicles and, as appropriate to its scale and location, proposals which enhance the attractiveness and maximise opportunities for walking and cycling;*
- *the increase in traffic in and around Ugborough village will not provide a constraint to safe and unimpeded access for motor vehicles, cyclists and walkers;*
- *consideration of parking by demonstration that:*
- *there will be no increased demand on public parking in the lanes and streets in and around Ugborough village as a result of the proposed development. This is due to the reliance on public parking by many of the current residents of the village who have no private parking;*
- *the availability of public parking within Ugborough village, i.e. in the square or surrounding streets, will not be reduced;*
- *there will be no requirements for parking restrictions in Ugborough; and*
- *consideration of the specific issues of living in a rural area and promotion of the health and well-being of all the residents regardless of age or ability by demonstrating:*
- *how the development will encourage and sustain an environment that contributes to the health and well-being of all residents;*
- *how the development will enhance and enable access to open spaces or the natural environment, green spaces and facilities that promote an active, healthy lifestyle for all ages and abilities. (see UG17)*

COMMENT

The policy as currently worded is confusing, Flood Risk is already dealt with through existing policy and does not need to be covered by detailed criteria which, are in this case not correct. Although the title of the policy is Sustainability this does not reflect the contents of the policy. In addition, as currently worded it is not proportionate to the scale of different proposals and therefore does not have due regard for the NPPF.

In order to meet the Basic Conditions, the policy should be reworded as follows:

UG14: Supporting sustainable development.

Development will be supported where it complies with existing Flood Risk policy. (reference Environment Agency map, page 67 of this Plan and NPPF, paragraph 100 to 103);and where achievable and appropriate to the scale of development it:

- *Provides safe access for pedestrians, cyclists and motor vehicles, maximising opportunities for walking and cycling;*
- *includes mitigation proposals to ensure that any increase in traffic in and around Ugborough village will not prejudice safe and unimpeded access for motor vehicles, cyclists and walkers;*
- *minimises the potential to increase demand on public parking in the lanes and streets in and around Ugborough village.*
- *retains the availability of public parking within Ugborough village, i.e. in the square or surrounding streets.*
- *includes measures to enhance and enable access to open spaces or the natural environment, green spaces and facilities that promote an active, healthy lifestyle for all ages and abilities. (see UG17)*
- *includes measures to protect/enhance the water environment (where relevant)*

ECONOMY

Objective

Support the continuation and development of small rural businesses employing local people as far as possible in order to provide opportunities for those living in the area. This includes enhancing the viability of farming and other land-based rural enterprises by supporting business diversification.

Promote Ugborough Village and the Plan Area as a base from which to explore Dartmoor and the coast.

UG15: Rural businesses

Planning proposals for the diversification of agriculturally based industries and other existing land based and rural businesses will be supported subject to the following criteria:

- ***any new building must conform to high quality design (see housing policy UG12);***
- ***the design and volume of any extension should be consistent with the historic development at that location and present a satisfactory composition;***
- ***the diversification must not compromise residential amenity as defined in SHDC policy, DP3 residential amenity, and road safety;***
- ***the diversification must not result in an isolated development in the open countryside; and***
- ***the development does not cause coalescence between adjacent businesses.***

Diversification and new business must conform to NPPF policies, SHDC policies and relevant Ugborough NDP policies and must not compromise the environment, landscape and overall rural character of the Area.

COMMENT

This policy refers to a housing design policy and makes a specific reference to a SHDC policy. I recommend the following rewording:

UG15: Rural businesses

Proposals which require planning permission for the diversification of agriculturally based industries and other existing land based and rural businesses will be supported subject to the following criteria:

- any new building should be of high quality design which responds to its context***
- protects the residential amenity of adjoining occupiers***
- the diversification does not result in an isolated development in the open countryside;***

Diversification and new business must conform to NPPF policies, current SHDC policies, any relevant future adopted policies and relevant Ugborough NDP policies and should not compromise the environment, landscape and overall rural character of the Area.

UG16: Visitors to the Plan Area

Any planning proposals for the development of facilities for visitors, relating to land both inside and outside settlement boundaries, will be supported providing they:

- demonstrate that the use proposed will not have an adverse impact on the rural landscape but will promote the unique characteristics of the area;***
- does not cause inappropriate development of smaller settlements; and***
- meet the relevant criteria in all other Plan policies.***

COMMENT

I have no comment on this policy

COMMUNITY WELLBIENG

Objective

Ensure Ugborough village continues to be an active, attractive and safe hub supporting the community, i.e. people within the Plan Area.

Maintain the physical and social linkages between the village and outlying areas. These are key aspects of the heritage of the Plan Area and appropriate infrastructure, such as road and footpaths links and community spaces and buildings, is necessary to maintaining an inclusive, vibrant, diverse and coherent community.

Encourage and facilitate a healthy lifestyle.

UG17: Community facilities (refer to map on page 54)

Ugborough Parish Council has an adopted Open Space Strategy which sits alongside this Plan and should be referenced in relation to this policy

SHDC Policy DP9:

In order to protect access to community services the change of use or redevelopment of a local facility will not be permitted unless:

- a. there is alternative local provision; and/or***
- b. there is proven absence of demand for the facility; and/or***
- c. it can be shown to be non-viable.***

Development that results in the loss of green amenity space or which results in any harm to their character, setting, accessibility or appearance, general quality or amenity value will only be supported if the community would gain equivalent benefit from provision of a suitable replacement.

New development that results in loss of part or all of a community facility or resource, either built or outside space, will only be supported if it results in a replacement facility providing an equivalent or better resource in a suitable location.

COMMENT

In order to avoid this policy becoming out of date upon adoption of the JLP the reference to policy DP9 should be removed and other supporting text revised

accordingly- with “and with any future adopted policy”

SECTION 5

Conclusion and Recommendations

- 1. I find that the Ugborough Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
- 2. Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. Although the time of my examination the Development Plan was the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD), the preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report and in agreement with the QB modified some policies to remove those references. In addition, the Basic Conditions Statement did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of the emerging JLP this work and so during the course of the examination the Neighbourhood Plan Group revised the Basic Conditions Statement to reflect this and the revised Basic Conditions Statement has been used in my examination. This document is available to view on the South Hams District Council website.*
- 3. The general text in the plan should be modified to conform with the policy modifications.*
- 4. 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.*
- 5. The Ugborough Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
- 6. The Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening, meet the EU Obligation.*

7. *The policies and plans in the Ugborough Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD).*
8. *I therefore consider that the Ugborough Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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22nd January 2018