



**Independent Examiner's Report of the  
Kingston Parish Neighbourhood Plan**



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## **SECTION 2**

### **Summary**

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

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

## **SECTION 3**

## **Introduction**

### **1. Neighbourhood Plan Examination.**

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

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

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

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

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

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

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*

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

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

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

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

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

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

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

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

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

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

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

- Has regard to national policies and advice contained in

guidance issued by the Secretary of State;

- Contributes to the achievement of sustainable development;

and

- Is in general conformity with the strategic policies contained in the Development Plan for the area.

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

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

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

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

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

#### **SECTION 4**

## **The Report**

### **1. Appointment of the Independent examiner**

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

### **2. Qualifying body**

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

### **3. Neighbourhood Plan Area**

*The Kingston Parish Neighbourhood Plan Area was designated on the 3<sup>rd</sup> of January 2017 under the Neighbourhood Planning Regulations 2012 (part 2 S6). The area covers the administrative boundaries of the Parish of Kingston. The Qualifying Body has confirmed that there are no other neighbourhood plans covering the designated area.*

### **4. Plan Period**

*The Plan identifies the period to which it relates as 2019 to 2034 a period chosen to tie in with the development plan for the area, the Plymouth and South West Devon Joint Local Plan (the JLP).*

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

Kingston Parish Council submitted the plan to South Hams District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 on the 16<sup>th</sup> of July 2020. The Council has made an initial assessment of the submitted Kingston Parish Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

### **6. The Consultation Process**

The Kingston Parish Neighbourhood Plan has been submitted for examination with a Consultation Statement which sets out the consultation process that

has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

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

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

(b) It explains how they were consulted;

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

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

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

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

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

South Hams District Council placed the Kingston Parish Neighbourhood Plan out for consultation under Regulation 16 for the required 6-week period from the 3<sup>rd</sup> of August 2020 to the 14<sup>th</sup> of September 2020.

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

### **8.Site Visit**

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 29<sup>th</sup> July 2020.

## **9. Compliance with the Basic Conditions**

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

I have to determine whether the Kingston Parish Neighbourhood Plan:

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

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

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

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

- *Kingston Parish Neighbourhood Plan - the main document which includes policies developed in consultation with the community at*

*various engagement events and workshops.*

- *Basic Conditions Statement - sets out how the plan meets the Basic Conditions*
- *Consultation Statement – sets out how the community, and other stakeholders, have been involved in preparing the Plan.*
- *Strategic Environmental Assessment (SEA) Screening Report*
- *Habitats Regulations Assessment (HRA) screening opinion*

### **Comment on Documents submitted**

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

## **10.Planning Policy**

### **10.1. National Planning Policy**

National Policy guidance is in the National Planning Policy Framework (NPPF). At the time of the preparation of the Neighbourhood Plan the relevant was the NPPF February 2019 (as updated).

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

Paragraph 29 states:

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

The Kingston Parish Neighbourhood Plan does not need to repeat these

national policies, but to demonstrate it has taken them into account.

I have examined the 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.

#### **4.11 Local Planning Policy- The Development Plan**

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

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

The NPPF 2019 (updated) states:

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

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure);  
and
- d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

Neighbourhood Plans should only contain non-strategic policies. The NPPF 2019(updated) states:

“Non-strategic policies

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

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

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

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

Planning Policy Guidance sets out that:

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

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development

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

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

## **11. Other Relevant Policy Considerations**

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

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

*South Hams District Council carried out a Strategic Environmental Assessment (SEA) screening exercise (June 2020) in consultation with relevant statutory bodies. Having taken all of the relevant policies of the draft Kingston Neighbourhood Plan (Regulation 15 version draft submitted 7th May 2020) into account, and assessed the potential environmental impact on designated sites and landscapes, it was the Council’s opinion that a full SEA was not required for the Neighbourhood Plan since no development proposals are included in the Plan.*

### **Habitats Regulations Assessment (HRA)**

In June 2020, South Hams District Council as the competent authority carried

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

The conclusion of the assessment was:

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

## **11.2 Sustainable development**

*Paragraphs 7 to 14 of the NPPF (Feb 2019 as updated) identify the components of sustainable development, and how planning applications and local plans can meet these requirements.*

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

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

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

The Basic Conditions Statement sets out the following:

“The Kingston 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 1998. The consultation process included all sections of the community, including hard-to-reach and under-represented groups such as young people, children and the disabled, with local events in accessible locations and an effective digital presence.”

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

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

### **11.3 Excluded development**

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

### **11.4 Development and use of land**

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

### **General Comments**

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

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

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these

improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

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

As I have found it necessary to modify a number of policies it may also be necessary to modify the supporting text within the plan to align with the modified policies, where this is necessary. The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

## **12.The Neighbourhood Plan Vision, Strategic Aims and Policies**

### **12.1 VISION Statement**

**Kingston must maintain its character as a living country village in an area of outstanding natural beauty.**

#### **Objectives**

- **New development is in scale and keeping with the village and its location in a nationally protected landscape and consistent with having a sufficient number of principal residences and not more second homes;**
- **Support for small scale housing development, which prioritises the needs of local people, is in keeping with the locality and landscape and will contribute to a sustainable future for the parish, including:**

- *Open market housing for young families on lower/middle incomes to buy or rent, and*
  - *Affordable housing for people with local connections, who cannot afford to buy or rent open market housing*
- **Opportunities for existing business to flourish and provision of new employment for local people, which promotes sustainable growth in the local economy appropriate to the character and position of the parish within the South Devon AONB;**
  - **Respect, conserve and enhance the very special qualities of Kingston’s natural environment for future generations, including protection of the exceptional view of the dark night sky;**
  - **Protect the historic environment of the parish by conserving and enhancing heritage assets which are of special local interest;**
  - **Support for the delivery of appropriate small-scale technology for generating renewable energy for local use;**
  - **Promote a healthy mixed community by enhancing and protecting Kingston’s green spaces, sport/recreational /leisure facilities and services which support community wellbeing and resilience**
  - **Create a safe environment without undue traffic impact and danger on our roads**
  - **Ensure a good mobile phone and internet system across the parish**
  - **Seek opportunities to improve infrastructure to make the parish more sustainable for existing and future residents**

## **COMMENT**

**I am satisfied that the Kingston NDP vision and objectives were developed from the consultation process and that the policies within the**

plan reflect the vision and objectives.

## **KINGSTON PARISH NEIGHBOURHOOD PLAN POLICIES**

### **DEVELOPMENT, DESIGN AND CONSTRUCTION**

#### **POLICY KNP1: DEVELOPMENT AND THE DEVELOPMENT BOUNDARY**

1. Development will be permitted inside the development boundary shown in the plan, provided it is in scale and character with the site and surroundings, is of an appropriate density, and will cause no significant adverse impacts on the AONB, natural or historic assets, local amenity, traffic, parking or safety.
2. Elsewhere in the parish development will be strictly controlled and permitted only where it can be delivered sustainably and requires a countryside location or will meet a proven local need which cannot be met inside the development boundary. Given our aims with regard to housing (see 2.10 above), the latter may include development of a suitable small exception site or sites outside the development boundary (but adjacent or very near to it) such as is described in 4.12.4 below and in KNP 5 subparagraph 5.

#### **COMMENT**

**Natural England raised some concern at Regulation 16 regarding the line of the proposed development boundary including part of Veal's Orchard, requesting clarification and further information. This was provided by the QB and subsequently Natural England confirmed that they did not intend to make a further comment. The correspondence relating to this matter can be viewed in full on the SHDC website.**

**I examined carefully the reasoning and methodology for the proposed development boundary and am satisfied that it meets the Basic Conditions.**

#### **POLICY KNP2: DESIGN AND CONSTRUCTION**

All new development should be informed by the relevant site and its context

and:

1. respect local character to safeguard local distinctiveness,
2. buildings and their boundaries should be in scale and keeping with its setting and protect locally important views and skylines,
3. retain and enhance local landscape character, including significant field patterns, hedgerows, trees and woodlands, and incorporate suitable features to integrate development with the landscape, and use only mixed native species for hedges and traditional laid Devon hedgebanks wherever boundaries abut open countryside,
4. protect biodiversity and improve habitats and micro-climate,
5. exclude streetlighting and minimise security and external lighting,
6. incorporate meters, bin storage and other features appropriately, conveniently and so as not to clutter the street scene,
7. wherever possible incorporate modern technologies and building materials to maximise sustainability and energy efficiency and meet the challenges of climate change, and minimise use of non-renewable resources, contribute to reducing carbon emissions and maximise solar gain,
8. be safe, attractive, inclusive and accessible, reducing opportunities for crime and the fear of crime,
9. provide for its own car parking requirements. For residential development there should be at least two dedicated car parking spaces per 2-bedroom dwelling and three spaces for 3-bedroom or more,
10. not cause unnecessary noise, light or other pollution and safeguard against risks of contamination and erosion.

## COMMENT

As the criteria in this policy will not be relevant for “all development “the first sentence of the policy should be modified.

Whilst it is important to protect the dark skies environment of the parish there may be circumstances when there is a requirement for street lighting for safety reasons.

Whilst I understand that parking is an issue for most communities, I have not been provided with adequate evidence to persuade me that the provision of car parking for residential developments in Kingston should differ from national and local parking standards.

For clarity and to meet the Basic Conditions paragraphs 5 and 9 of the policy should be modified as follows:

**All new development, where relevant should be informed by the relevant site and its context and:**

**5. exclude streetlighting wherever possible and minimise security and external lighting**

**9. The parking provision for residential development should as a minimum, meet national and local parking standards,**

## FLOOD PREVENTION AND SEWERAGE

### POLICY KNP3: FLOODING AND SEWERAGE

1. Surface water drainage from new developments shall not be connected to the village sewerage system. Any new development shall incorporate a Sustainable Drainage System (SuDS) that at least meets current standards.

2. In the light of issues regarding the capacity of the local sewage treatment works and the pipework system in the Village leading to it, new developments must ensure that they do not cause a deterioration in the status of local water

bodies nor exacerbate sewer flooding.

3. New development shall be designed so as to ensure satisfactory water drainage, not give rise to flooding and wherever possible and reasonable also assist in the alleviation of existing and historic flood problems.

## **COMMENT**

**A comprehensive flood risk and water management policy already exists within the JLP, Policy DEV35 Managing flood risk and water quality impacts. Neighbourhood plan policies do not need to repeat existing policy but if a policy is included it cannot seek to extend the control set out in strategic policy. Proposed developments must address the issues of flooding and sewerage generated by that development in line with national and local policy but cannot be required to address existing or historic flooding and sewerage issues. To ensure that the policy is in general conformity with the strategic policies of the Development Plan and for clarity, the policy should be modified as follows:**

## **POLICY KNP3: FLOODING AND SEWERAGE**

**Due to issues regarding the capacity of the local sewage treatment works and the pipework system in the Village leading to it, all new developments must ensure that:**

**1. surface water is discharged in a separate surface water drainage system which should be discharged according to the drainage hierarchies set out in the Plymouth and Devon Local Flood Risk Management Strategies and not connected to the existing sewerage system.**

**2. sustainable water management measures are incorporated to reduce water use, and increase its reuse, minimise surface water run-off, and ensure that it does not increase flood risks or impact water quality elsewhere, in compliance with the Local Flood Risk Management Plan and national standards for sustainable urban drainage systems.**

## **RENEWABLE ENERGY**

### **POLICY KNP4: RENEWABLE ENERGY**

1. Proposals for small scale renewable energy developments will be welcomed where the purpose is to generate power for use within the parish and if they can be shown to have no unacceptable impacts, particularly on landscape, views and skylines, biodiversity or local amenities. Proposals for large scale renewable energy developments would have unacceptable impacts and will not be permitted.

2. Proposals for individual or community scale renewable energy schemes, such as solar voltaic panels, biomass facilities, anaerobic digestions and wood fuel products, will be welcomed providing they will:

- be appropriate in siting and scale to the local setting and the wider landscape,
- create no unacceptable impact on the amenities of local residents, and
- have no unacceptable impact on any important natural or biodiversity feature.

3. The installation of solar panels on a listed building or building within a Conservation Area will be supported only if it can be shown that there will be no negative effect on the appearance, character or historic value of the building.

4. Proposals for solar arrays or wind turbines on open farmland would have unacceptable impacts and will not be permitted.

5. Proposals for solar arrays or any wind turbines will not be permitted within the Erme Estuary SSSI, a Conservation Area, the curtilage of a listed building or scheduled ancient monument. In order to protect views and sightlines from

the Coast Path, solar panels and wind turbines will also not be permitted in any location where they may affect views from the Coast Path, or from the navigable waters of the Erme estuary.

## **COMMENT**

**Neighbourhood plan policies do not need to repeat existing policy but if a policy is included it cannot seek to extend the control set out in strategic policy. National and local policy already exists to control development, including wind turbines and solar arrays within designated landscapes, effecting designated and non-designated heritage assets and conservation areas. Any proposals for wind turbines or solar arrays would have to comply with existing policy. The policy as currently worded seeks to extend that control and therefore does not meet the Basic Conditions.**

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

**“the site is in an area identified as suitable for wind energy as part of a Local or Neighbourhood Plan”. In addition, foot note 49 of the NPPF 2019 states:**

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

**The Kingston NDP has not identified an area suitable for wind energy development therefore proposals for wind turbine development within**

**the neighbourhood plan area would not be acceptable. I consider it confusing to include reference to wind turbine development within the policy when such development would not be permissible.**

**Paragraph 144 of the NPPF states:**

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

**a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and**

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

**Policy DEV 33 of the JLP states:**

**Renewable and low carbon energy (including heat)**

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

- 1. The impacts arising from the construction, operation and de-commissioning of installations (both individually and cumulatively) are or can be made acceptable.**
- 2. The proposal has been robustly assessed and shown to be acceptable, both individually and cumulatively, in terms of its likely impact on landscape sensitivity and capacity, and on the natural**

environment and heritage assets. It should also be demonstrated that the proposal does not compromise the purposes of nationally designated landscapes.

3. There are appropriate plans in place for the removal of the technology on cessation of generation, and restoration of the site to an acceptable alternative use.

4. Any farmland that is used is retained in some form of agricultural or biodiversity use, proportionate to the scale of the proposal.

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

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

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

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

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

In order to meet the Basic Conditions Paragraphs 3, 4 and 5 should be modified as follows:

**3. Proposals for the installation of solar panels on a listed building or building within a Conservation Area must comply with national policy relating to the historic environment and Policy Dev 33 of the Plymouth and South West Devon Joint Local Plan.**

**4. Proposals for solar arrays on open farmland which would have unacceptable impact will not be supported.**

**5. Proposals for solar arrays must comply with existing National Policy and Policy Dev 33 of the Plymouth and South West Devon Joint Local Plan.**

## **HOUSING**

### **POLICY KNP5: HOUSING DEVELOPMENT**

1. Housing development sites in Kingston shall be limited to single buildings or small sites in order to ensure that growth is at a scale in keeping with the special qualities of the village and the AONB.

2. To help balance housing stock, new developments should be of smaller units, primarily 2-3 bedroom, as terraces and semi-detached dwellings

3. Extensions to existing dwellings should be in keeping with and consistent in scale and form to the existing dwelling.

4. Affordable homes for local people will be particularly welcomed.

5. The provision of affordable homes on a suitable small exception site or sites outside the Development Boundary (but adjacent or very near to it) will be welcomed where the site meets proven housing need, is to be occupied by people with a local connection and has the clear support of the local community.

6. New homes shall be designed to meet at least the latest standards, preferably to exceed these, and to incorporate innovative low carbon

construction techniques, sustainable use of resources and high energy efficiency.

## COMMENT

SHDC made the following comment at Regulation 16:

“Criteria 1 refers to limiting housing development to “small sites”. This description is not clearly defined or justified in the policy or the justification thereto. Similarly, Criteria 5 refers to “small exception sites”. As indicated in the regulation 14 comments “small sites” may not provide the economies of scale necessary to address housing need. The Plan identifies an affordable housing need of 6-8 dwellings (Para 4.9). A site of between 10/13 dwellings will be required to meet this need under the requirements of JLP Policy TTV27 if that is considered “small” then the Policy should be clear. If not, the Plan needs to be clear on the strategy for meeting the identified need.”

The NPPF defines Rural Exception Sites as:

“Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding. “

I do not consider the use of the term “small sites” to be problematic as the policy accepts that exception site/s may be required to meet local need if this cannot be met within the development boundary. However, paragraph 1 of the policy is potentially confusing. There does not appear to be any scope for large scale development within the development boundary therefore the reference to single buildings and small sites is unnecessary.

**For clarity and to meet the Basic Conditions paragraph 1 of the policy should be modified as follows:**

**1. Proposals for housing development within the development boundary should ensure that growth is at a scale in keeping with the special qualities of the village and the AONB.**

#### **POLICY KNP6: PRINCIPAL RESIDENCE REQUIREMENT**

1. New housing, excluding replacement dwellings or those managed by registered social landlord, will be supported only where there is a restriction to ensure its occupancy as a principal residence.
2. This must be guaranteed through a planning condition or legal agreement.
3. New unrestricted second or holiday homes will not be supported at any time.
4. Where proposals for the replacement of existing dwellings, by more than the number of dwellings to be demolished, are approved, the additional properties will be subject to a planning condition or legal agreement to ensure occupancy as a principal residence.
5. A principal residence is defined as one occupied as the residents' sole or main residence, where the resident(s) spend the majority of their time when not working away from home, and the condition or obligation on new open market homes will require that they are occupied only as the principal residence of those persons entitled to occupy them.

#### **COMMENT**

**Evidence to support this policy has been produced both in the Neighbourhood Development Plan itself and the supporting evidence base, namely the report Housing in Kingston**

( <https://kingstonplan.files.wordpress.com/2019/08/knp-housing-notes-aug-2019.pdf>).

It is clear that there is strong community support for a principal residency occupancy restriction policy and that the community feel it is the right response to the situation within the parish regarding increasing second home ownership. The use of the terms second homes and holiday homes in the plan is potentially confusing however I have interpreted the term “holiday home/let” as referring to second homes let for holiday purposes when not occupied by the owners, not holiday let businesses. The supporting evidence clearly sets out the statistics for the parish showing a 20% second home ownership in the Parish in 2017 rising to 23% in 2020. In addition, South Hams District Council support the inclusion of this policy.

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

Paragraph 3 repeats information from paragraph 1 and includes the term “holiday homes” which could lead to confusion. For clarity and to meet the Basic Conditions, paragraph 3 of the policy should be deleted,

## **ENVIRONMENT AND HERITAGE**

### **POLICY KNP7: PROTECTING THE LANDSCAPE AND BIODIVERSITY**

Development, either individually or cumulatively, shall not harm but should conserve and enhance the landscape and biodiversity by:

- 1.having regard to national and local strategic polices for the AONB, the coast and protected landscapes, and to the South Devon AONB Planning Guidance Version 1;

**2.having regard to national and local strategic policies for Sites of Special Scientific Interest (SSSIs), wildlife, species and habitats;**

**3.conserving the skyline and important views, including those identified in Appendix IV;**

**4.safeguarding and conserving local features that make a positive contribution to the landscape, particularly Devon lanes, footpaths and hedgebanks, green lanes, green spaces and important trees;**

**5.retaining and not harming any ancient Devon lane, footpath, hedge, hedgebank or green lane, which is shown in the 1839 Kingston Tithe Map, apart from essential minor works:**

**<https://new.devon.gov.uk/historicenvironment/tithe-map/kingston/>; and**

**6. retaining and preserving important trees, including all those subject to Tree Preservation Orders and those identified in the plan at Appendix II.**

## **COMMENT**

**This policy should be accompanied by a map in the plan rather than referring to appendices and the policy should be modified accordingly.**

## **POLICY KNP8: PROTECTING THE ERME ESTUARY SSSI AND THE COAST**

1.In addition to the protection afforded by national and local strategic policies, proposals for the development of any new building, track or road, vehicle park, communications mast/dish, wind or solar panel array will not be permitted within the boundary of the Erme Estuary Site of Special Scientific Interest (SSSI).

2.Development should not affect the existing tranquillity of the estuary or result in an increase in traffic along the Blackpost Cross to Wonwell beach

lane.

3. Development close to the coast will not be permitted unless it can be shown, using accepted landscape analysis technique, that the proposal will not affect views from the coast path or from the navigable waters of the Erme estuary.

## **COMMENT**

**The National Planning Policy Framework paragraph 175 b) states:**

**“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;”**

**Policy DEV24 of the JLP states:**

**“Undeveloped Coast and Heritage Coast**

**Development which would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries, and the Heritage Coast will not be permitted except under exceptional circumstances. Development will only be permitted in the Undeveloped Coast where the development:**

- 1. Can demonstrate that it requires a coastal location.**
- 2. It cannot reasonably be located outside the Undeveloped Coast.**
- 3. Protects, maintains and enhances the unique landscape and seascape character and special qualities of the area.**

**4. Is consistent with policy statements for the local policy unit in the current Shoreline Management Plan.**

**5. Is consistent with the relevant Heritage Coast objectives, as contained within the relevant AONB Management Plan.**

**Development for the purposes of agriculture, forestry, public access and enjoyment of the coast and estuaries, or community facilities that meet the objectively assessed needs of the local community, will be supported if it meets the above tests.”**

**Neighbourhood plan policies do not need to repeat existing policy but if a policy is included it cannot seek to extend the control set out in national and local strategic policy. Paragraphs 1 and 3 of this policy seek to increase existing policy protection. In order to meet the Basic Conditions, the policy should be modified as follows:**

**POLICY KNP8: PROTECTING THE ERME ESTUARY SSSI,  
UNDEVELOPED AND HERITAGE COAST**

**The special qualities and importance of the Erme Estuary SSSI, Undeveloped and Heritage Coast will be protected by ensuring that:**

**1. Proposals for development within the boundary of the Erme Estuary Site of Special Scientific Interest (SSSI) comply fully with National Policy and the Development Plan.**

**2. Development should not affect the existing tranquillity of the estuary or result in an increase in traffic along the Blackpost Cross to Wonwell beach lane.**

**3. Proposals for development close to the coast must be fully compliant with policy DEV 24 of the Plymouth and South West Devon Joint Local Plan 2014-2034.**

## **POLICY KNP9: PROTECTING AGRICULTURAL LAND**

Development should, wherever possible, avoid building on good quality agricultural land (grades 1, 2 and 3a) and, unless there is no practicable alternative and the benefits of the development to the community outweigh the need to protect it, also on grade 3b agricultural land.

### **COMMENT**

**I have no comment on this policy.**

## **HERITAGE AND CONSERVATION**

### **POLICY KNP10: HERITAGE AND CONSERVATION**

1. Development shall not harm but conserve and enhance designated and non- designated historic and heritage assets and their settings, including archaeological features and historic field boundaries and structures, particularly, but not exclusively in the Conservation Areas. Non – designated heritage assets are described at Appendix 1.
2. Development at, or adjacent to, a Listed building or feature should have no adverse impact upon it and will be supported only where the design respects the Listed building or feature and its setting with regard to scale, height, massing, alignment and use of appropriate materials. Development shall retain the spaces between buildings, the grouping of buildings and the elements of the landscape and/or street-scene which form the setting of Listed buildings and features.
3. Development in the Conservation Areas must preserve or enhance the special character of the area and be designed to respond to existing scale, height, form and massing, respecting the traditional street-scene and pattern of frontages, vertical or horizontal emphasis, detailing and materials. There will be a presumption in favour of retaining buildings which make a positive contribution to the character or appearance of the Conservation Areas.

## COMMENT

National and local policy and guidance already exists for the protection of designated, non- designated heritage assets and Conservation Areas and does not need to be repeated but if a policy is included it cannot seek to extend the control set out in national and local strategic policy. Paragraph 1 seeks to increase existing policy protection, Paragraph 2 and 3 paraphrase the existing control. In order to meet the Basic Conditions, the policy should be modified as follows:

### **POLICY KNP10: HERITAGE AND CONSERVATION**

The following non- designated assets have been identified as important in the Parish:

- 1. Cobbled access area to the back gate of the Parish Church of St James the Less (SX 635477)**
- 2. Vicarage Steps (SX637481)**

**Proposals affecting designated and non-designated heritage assets and their settings, both above and below ground, and Conservation Areas must be in conformity with National Policy and Guidance and the Development Plan in relation to heritage and conservation.**

## **DARK SKIES AND TRANQUILLITY**

### **POLICY KNP11: DARK SKIES AND TRANQUILLITY**

Development shall not cause any undue disturbance, noise or light pollution.

1. There shall be no streetlights in the parish.
2. Proposals for any necessary external lighting should comply with the current guidelines established for the South Devon AONB and for other Areas of Outstanding Natural Beauty by the Institution of Lighting Professionals.

3. Security and external lighting installed as part of any development shall not be permanently switched on, (be normally switched off at 23.00hrs), or unnecessarily bright, (i.e. above 800 lumens.)

## **COMMENT**

**Whilst the principal of protecting dark landscapes is supported by national and local policy paragraph 1. of this policy is overly restrictive as there may be circumstances where street lighting is necessary for safety reasons.**

**In order to meet the Basic Conditions paragraph 1. of the policy should be modified as follows:**

**1.To protect the dark skies of Kingston Parish new street lighting should be avoided.**

## **COMMUNITY AMENITIES**

### **POLICY KNP12: COMMUNITY FACILITIES AND INFRASTRUCTURE**

**1.Development that will support the vibrancy and vitality of the village and wider community will be supported provided it complies with national and local strategic policies and the other policies of this plan.**

**2.Proposals for additional community facilities and infrastructure will be supported, providing they include appropriate design, adequate access and parking arrangements and will not lead to traffic danger or congestion or generate unacceptable noise, smell, loss of privacy or nuisance to neighbours.**

**3.The following priorities for the provision or enhancement of local facilities have been identified: improved sewage treatment capacity, additional public car parking, improved facilities for young people, children and families; and provision for older and/or vulnerable people. New development where appropriate will be required during the life of**

the plan and where the requirement arises directly from any proposed development, should contribute to these priorities through a S106 obligation or Community Infrastructure Levy, (CIL), in accordance with adopted standards.

4. In order to help safeguard the sustainability of the local community, development that would result in the loss of or significant harm to a local community facility or asset, particularly St James the Less Parish Church, the Dolphin Inn, the Reading Room, the Recreation Ground and the Allotments will not be permitted unless there is adequate alternative provision in the parish or it can be shown that the facility is no longer viable and no change of use should be permitted unless the asset has been marketed for sale for at least 12 months.

## **COMMENT**

Paragraph 3 of this policy relates to CIL priorities whilst they can be included in the plan, they cannot form part of a policy. For clarity and to meet the Basic Conditions paragraph 3 should be deleted from the policy.

## **OPEN SPACES**

### **POLICY KNP13: LOCAL GREEN SPACES**

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

- the Recreation Ground,
- the churchyard of St James the Less,
- the allotments,
- the entrance to Westentown

2. These local green spaces, (described in Appendix III), will be safeguarded from development. Any development that would result in

**the loss of any part of these green spaces or that results in any harm to their character, setting, accessibility, appearance, general quality or amenity value will not be permitted. Only minor non-residential development directly associated with and necessary for the public enjoyment of the green space will be permitted.**

## **COMMENT**

**During the course of my examination I sought clarification regarding the extent of the proposed LGS at the entrance to Westentown and whether or not the owner of this land had been consulted. I have received confirmation that the owner has been formally consulted. As to the extent of the proposed green space it initially included not only the green area adjacent to number 4 Westentown but also the road leading to it and a further area of grass on the right of the entrance to Westentown. I have in response to my query received a revised map showing the removal of the roadway but retaining the grassed area to the right of the entrance. Whilst I am satisfied that the area adjacent to number 4 does meet the NPPF tests I do not consider the area at the entrance does. Whilst this area does contribute to the street scene it cannot in my opinion be considered to meet the requirements of a Local Green Space. The map for the proposed Westentown LGS should therefore be further revised to omit this area.**

**I am satisfied that the other proposed LGS meet the required tests.**

**The NPPF states:**

**“99. The designation of land as Local Green Space through local and Neighbourhood Development Plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable**

of enduring beyond the end of the plan period.

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

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

The policy implication of Local Green Space designation is significant and therefore the NPPF sets a high standard of criteria to be met for designation.

Paragraph 101 of the NPPF states:

“Policies for managing development within a Local Green Space should be consistent with those for Green Belts”. In order to meet the Basic Conditions, the final paragraph of the policy should be modified as follows:

**The Local Green Spaces are shown on map? and inappropriate development on these areas will not be approved except in very special circumstances.**

## **BUSINESS AND EMPLOYMENT**

### **POLICY KNP14: NEW BUSINESS AND EMPLOYMENT DEVELOPMENT**

1. New business development will be welcomed providing it will:

- a.be in keeping with the locality, causing no harm to local character and amenity;

- b. not increase traffic through the village centre;
- c. provides safe access from the existing highway and incorporate sufficient parking for employees and delivery vehicles; and
- d. cause no nuisance to neighbours, particularly in cases of homeworking or home-based business.

2. Change of use of farm buildings will be supported where these will provide additional ongoing businesses and employment opportunities and will:

- a. involves no more than minimal alteration to the existing external structure or building footprint;
- b. not compromise the rural setting of the building; and
- c. meets the requirements of clause 1 above.

3. Proposals for the re development or change of use of farm buildings that are currently being used, wholly or in part, as commercial premises for local businesses will not be permitted unless:

- a. the proposed development continues to provide accommodation to any existing business at an economically viable price; or
- b. alternative local accommodation is offered to existing business at an economically viable price.

## **COMMENT**

**For clarity and consistency in policy wording the word “welcomed” should be replaced with supported. Some elements of the policy are overly restrictive. Existing national and local policy would not, for example support a refusal of an application just because it “increased traffic through the village centre”, there would have to be a measured increase and impact and associated harm sufficiently serious to warrant refusal.**

**Part 3 of the policy seeks to control of factors not related to land use, outside the control of the planning system.**

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

#### **POLICY KNP14: NEW BUSINESS AND EMPLOYMENT DEVELOPMENT**

**1. New business development will be supported providing it:**

**a. is in keeping with the locality, causing no harm to local character and amenity;**

**b. avoids where possible any increase in traffic through the village centre;**

**c. provides safe access from the existing highway and incorporates sufficient parking for employees and delivery vehicles; and**

**d. does not cause nuisance to neighbours, particularly in cases of homeworking or home-based business.**

**2. Change of use of farm buildings will be supported where these provide additional ongoing businesses and employment opportunities and will:**

**a. involve no more than minimal alteration to the existing external structure or building footprint;**

**b. not compromise the rural setting of the building; and**

**c. meet the requirements of clause 1 above.**

#### **TELECOMMUNICATIONS, BROADBAND AND DIGITAL INFRASTRUCTURE**

#### **POLICY KNP15: BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE**

**1. Proposals to expand electronic communications and broadband are encouraged and will be supported providing:**

**a. apparatus is erected on existing building so structures wherever possible;**

**b. apparatus is kept to the minimum necessary for efficient operation; and**

**c. apparatus is sited to minimise impacts on the AONB.**

**2. Proposals for housing must include a Connectivity Statement and provide for suitable ducting to enable service providers to install appropriate connections.**

#### **COMMENT**

**The requirement for a “Connectivity Statement” falls outside the scope of planning policy. In order to meet the Basic Conditions, the paragraph 2. Of the policy should be modified as follows:**

**2. The inclusion of a Connectivity Statement and provision for suitable ducting in new housing developments is encouraged to enable service providers to install appropriate connections.**

## SECTION 5

### Conclusion and Recommendations

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

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NPIERS Examiner

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16th December 2020

