



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



Deborah McCann

Author

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

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SECTION 2

Summary

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

1. I find the Staverton 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 Staverton Neighbourhood Plan go to Referendum.
3. I have read the Staverton Consultation Statement and the representations made in connection with this subject I consider that the consultation process with the exception of the inclusion of the extension to Barkingdon Industrial Estate (more detail of this issue is covered within my comments on Policy SNP6 page 34) the 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 Staverton Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.
5. The Staverton 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.
6. Please note that the cover page on the Staverton Neighbourhood Plan used for the Regulation 16 consultation refers to the Regulation 14 version, I have assumed that this is just an error and should be corrected.
7. The cover of the Basic Conditions Statement refers to the plan period of 2016-2034 whilst the plan period within the document is referred to as being 2019-2034. I have assumed the intended plan period is 2019-2034 and that the period referred to on the cover of the document is just an oversight but should be corrected.

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Staverton 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 Staverton Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the 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 Staverton 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 will 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 the 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 plan 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 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 do 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 Staverton 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; and
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- Does not breach, and otherwise is 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 Staverton Neighbourhood Development Plan with the agreement of Staverton Parish Council in August 2023.

2. Qualifying body

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

3. Neighbourhood Plan Area

The Staverton Neighbourhood Plan Area, which covers the parish of Staverton was designated by South Hams District Council on the 2 June 2016 under the Neighbourhood Planning Regulations 2012 (part 2 S6). The area covers the administrative boundaries of the Parish of Staverton. The Qualifying Body have confirmed that there are no other neighbourhood plans covering the designated area.

4. Plan Period

The plan period is 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.

Staverton Parish Council submitted the plan to South Hams District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. The Council has made an initial assessment of the submitted Staverton Parish Neighbourhood Plan and the supporting documents and was satisfied that these comply with the specified criteria.

6. The Consultation Process

The Staverton 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 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 with the exception of the inclusion of the extension to the Barkington Industrial Estate (more detail of this issue is covered within my comments on Policy SNP6 page 34) 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.

The Staverton Neighbourhood Development Plan Regulation 16 consultation was undertaken between 16 June to 28 July 2023.

Representations received during the consultation period are available to view on the SHDC website.

A number of detailed representations were received during the consultation period,

and these were supplied by SHDC. Staverton Parish Council provided a response to the Regulation 16 representations as part of the supporting information for the examination process. I considered the representations and the Parish Council response and 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 8 September 2023.

10.Compliance with the Basic Conditions

The Qualifying Body have 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 Staverton Parish 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; and
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- Does not breach, and otherwise is compatible with EU obligations and Human Rights requirements.

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

- Staverton Neighbourhood Development 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 Staverton Parish Neighbourhood Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10. Planning Policy

4.10.1. 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 NPPF was the National Planning Policy Framework (NPPF) December 2023.

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 Staverton 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 Staverton Neighbourhood Development 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 Staverton Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2023 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 2023 states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure

and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

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

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

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

Planning Policy Guidance paragraph 41-076-20140306 sets out that:

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

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced

- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have examined the Staverton 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.

4.12. Other Relevant Policy Considerations

4.12.1 European Convention on Human Rights (ECHR) and other European Union Obligations

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

The draft plan was screened for Strategic Environmental Assessment (SEA) by SHDC in June 2022. Having taken all of the relevant policies of the draft Neighbourhood Plan into account and assessed the potential environmental impact on designated sites and landscapes, it was SHDC's opinion that a full SEA was required for the Staverton Neighbourhood Plan.

In November 2022, AECOM carried out a SEA for the draft plan. The conclusions of this report were:

"5.35 The assessment has concluded that the submission version of the Staverton Neighbourhood is likely to have significant positive effects in relation to the ‘Community Wellbeing’ SEA theme through delivering housing which meets local needs, by supporting accessibility to services and facilities, enhancing community facilities, and through promoting the vitality of the local economy. This will support social inclusion, the quality of life of residents, and community vitality. Positive effects in relation to the ‘Community Wellbeing’ SEA theme are also linked to the Plan’s promotion of green infrastructure enhancements and encouragement of

healthier modes of travel. Whilst the Neighbourhood Plan does not allocate sites for housing development in Staverton village, there is a strong emphasis through the Plan to continue working with key stakeholders to identify suitable locations for development in order to contribute towards local housing requirements. This is more likely to support a diverse and balanced community.

5.36 The Staverton Neighbourhood Plan is also likely to lead to positive effects in relation to the 'Landscape' SEA theme. These benefits largely relate to the Neighbourhood Plan's emphasis on protecting and enhancing the relationship between the natural and built environment (i.e., between the villages and the open countryside), safeguarding the open countryside from inappropriate development, and through incorporating high-quality and sensitive design through new development proposals.

5.37 In relation to the 'Historic Environment' SEA theme, the Staverton Neighbourhood Plan includes several measures which seek to conserve and enhance both designated and non-designated heritage assets (and their settings). As the proposed site allocation at Site A 'Fields between Landscope Church and Woolston Green' is within proximity to designated heritage assets, it is recognised that an allocation at this location has the potential to have some indirect impacts on the significance of these heritage assets. In this respect, the SEA recommends that the wording of the site-specific policy (Policy SNP4) or Policy SNP10: Heritage and Conservation is enhanced to encourage development proposals to complete a proportionate heritage impact assessment at the planning application stage to help to understand the significance of the heritage features and the potential impacts of new development areas. This will ensure that appropriate mitigation is provided to assuage any concerns by Historic England.

5.38 Additionally, the Neighbourhood Plan will bring positive effects in relation to the 'Biodiversity and Geodiversity' SEA theme through seeking to retain and enhance ecological networks through the design of new development areas, in addition to encouraging net gains. However, given the approaches taken forward through the Staverton Neighbourhood Plan will help limit potential effects from new development areas rather than secure significant enhancements, these impacts are less likely to comprise significant positive effects overall. Within the HRA, several

recommendations in the form of additional policy wording have been made to ensure that adequate mitigation measures are delivered by developers at the planning application stage. These recommendations, which relate to the use of functionally linked land by the qualifying features of the South Hams SAC (i.e., greater horseshoe bats), can be viewed within the HRA. Providing that the recommended mitigation measures within the HRA are appropriately reflected within the Staverton Neighbourhood Plan, no adverse impacts to the integrity of internationally designated sites are expected as a result of the policies and proposals within the Staverton Neighbourhood Plan.

5.39 Regarding the 'Climate Change' SEA theme, the Staverton Neighbourhood Plan will potentially lead to positive effects through supporting development proposals which include low carbon energy sources and energy efficiency measures, sustainable and natural drainage to address any localised flood risk issues, and renewable energy generating infrastructure to address the climate crisis. However, this is dependent on the extent to which these mitigation and adaptation measures are incorporated into the design of the schemes.

5.40 The Neighbourhood Plan will also initiate several beneficial approaches regarding the 'Transportation' SEA theme, given its focus on enhancing the active travel network, including public rights of way and cycle routes, and encouraging sustainable modes of transportation. Nonetheless, it is acknowledged that residents will likely remain reliant on private vehicles to access neighbouring communities which have a greater variety of services, facilities, and amenities.

5.41 The Neighbourhood Plan will also initiate several beneficial approaches for the 'Land, Soil and Water Resources' SEA theme through the implementation of objectives which seek to limit pollution and improve the environmental quality of the parish. Although the proposed site allocation would result in the loss of greenfield land, the scale of development to come forward is not likely to result in the loss of any significant areas of greenfield land within the neighbourhood area or significantly encroach into the open countryside."

Habitats Regulations Assessment (HRA)

In conjunction with the SEA screening, a screening for the requirement for a HRA was also carried out. The conclusion of this screening was that further assessment under the Habitats Regulations was required in regard of the following Policies: -

- Policy SNP4 in regard of the allocation of land for housing development at “Land between Woolston Green and Landscope Church: 6 dwellings.”
- Policy SNP6 the allocation of land for industrial/business development at Barkingdon.

The reason being that each of the sites allocated propose development in the Sustenance Zone of the South Hams SAC.

In March 2023, AECOM carried out an HRA assessment of the policies within the Staverton NDP. The conclusions were as follows:

"6.1 The Staverton NP has a total of 16 policies. Of these policies two had the potential to cause a likely significant effect and were discussed with regards to their impacts on European sites within the Appropriate Assessment. These policies were:

- Policy SNP4 – housing development – Policy describes where development will be focused within the Parish and the conditions for permitting development within this allocation site. 14 dwellings are to be built on Land west of Beara Farm, five of which are to be affordable homes. A subsequent six dwellings are to be built on the Land between Woolston Green ad Landscope Church.
- Policy SNP6: business, employment, and tourism development – Policy describes a development plan for a light industrial and/or business development at Barkingdon.

6.2 These policies were discussed relating to South Hams SAC and the NPs impact to those sites regarding the following impact pathways:

- Functionally Linked Land

6.3 As the Neighbourhood Plan is not allocating more net new dwellings than that in the overarching Local Plan merely providing sites to facilitate the allocated number of dwellings, the Neighbourhood Plan was looked at in-combination with the Plymouth

and South Devon Joint Local Plan which has already gone through an HRA for the Districts contribution and in-combination with the wider Devon and Cornwall area and was concluded with mitigation present that there would be no adverse impact on European sites. Therefore, to ensure that the Neighbourhood Plan can also conclude the same, the Neighbourhood Plan would need a robust policy framework referencing protective policies and mitigation present in the overarching Local Plan. As the Neighbourhood Plan does not currently provide a policy for the protection of European sites the following recommendation was made:

It is recommended to strengthen the Neighbourhood Plan by adding a Policy or a condition in an existing policy that relates to the specific protection of European sites and highlights the specific requirements related to development within the South Hams SAC greater horseshoe bat consultation zone.

This could include a statement along the line of: “Proposals for development must adhere to Policy DEV26 of the Plymouth & South West Devon Joint Local Plan which in part states “Development will not be permitted unless it will not adversely affect the integrity of a European site, either alone or in combination with other development”. Additionally, all development (residential and employment) which is located within the 4km South Hams SAC greater horseshoe consultation zone must consult and follow advice from the South Hams SAC – greater horseshoe bat consultation zone planning guidance (Natural England 2010) and the South Hams SAC greater horseshoe bats habitats regulations assessment guidance (Devon County Council, 2019) as to whether survey and mitigation would be required. A Habitats Regulations Assessment is required for all development within 4km of the South Hams SAC.”

6.4 Should this recommendation (in bold above) be incorporated into the final Staverton Neighbourhood Plan document it can be concluded that the Staverton Neighbourhood Plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.

6.5 The final version of the Staverton Neighbourhood Plan was received by AECOM in March 2023. The Neighbourhood Plan Group accepted the HRA recommendations within Paragraph 6.3 and incorporated these into the final version

of the Neighbourhood Plan. The following has been included within Policy SNP11: Landscape and Biodiversity and its supporting information; "Development proposals must ensure that the integrity of any European site will not be adversely affected. Any new development within 4km of the South Hams SAC greater horseshoe bat consultation zone must prepare a Habitats Regulations Assessment (HRA) and follow advice from the relevant South Hams SAC planning guidance published by Natural England in 2010 and the South Hams SAC HRA guidance published by Devon County Council in 2019 as to whether survey and mitigation would be required."

6.6 With the above information incorporated within the final Neighbourhood Plan document it can be concluded that the Staverton Neighbourhood Plan will not cause an adverse effect on European site integrity either alone or in-combination with other plans or projects."

It should be noted that I recommended deletion of the proposed Barkingdon allocation within policy SNP6.

Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

The Staverton NDP HRA confirms that the Staverton NDP will not cause significant environmental effects following the incorporation of the recommended information (see conclusion of HRA above).

I am satisfied with this conclusion.

4.12.2 Sustainable development

Paragraphs 7 to 14 of the NPPF (December 2023) 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 Staverton Parish Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

Human Rights

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

The Basic Conditions Statement states:

"The Staverton 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 has aimed to include all sections of the community, including hard-to-reach and under-represented groups such as young people and the disabled, with local events in accessible locations and an effective digital presence."

I am satisfied that the Staverton Parish Neighbourhood Plan as modified has taken cognisance of the European Convention on Human Rights and complies with the Human Rights Act 1998.

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

4.12.3 Excluded development

I am satisfied that the Staverton 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.

4.12.4 Development and use of land

I am satisfied that the Staverton NDP 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 Staverton 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.

4.13 The Neighbourhood Plan Vision, Strategic Aims and Policies

4.13.1 Vision Statement

A vibrant, resilient and sustainable community that enables all generations to flourish in work and leisure, committed to conserving and enhancing the special qualities of the natural environment of the parish and to becoming net zero carbon by or before 2030.

Objectives

- Healthy Communities – to provide facilities that promote a peaceful harmonious community spirit with healthy opportunities for all whilst maintaining the essence of a quiet rural environment.
- Housing – to deliver a varied and balanced mix of high-quality homes that meet the needs of current and future residents in a manner that complements the character and identity of this rural parish.
- Business and Enterprise – to deliver new and improved employment opportunities to help sustain a vibrant parish community with a balanced demographic profile that attracts and retains young people and working age families.
- Design and Heritage – to deliver high quality development and encourage innovative design that is locally sympathetic with due consideration of the heritage of the parish as a whole.
- Natural Environment – to conserve and enhance the natural landscape and biodiversity of the parish, whilst improving green links and access to our green spaces for the enjoyment of current and future residents.
- Transport – to provide an infrastructure that supports both homes and business to thrive and to encourage the development of free flowing, safe and

appropriate transport networks.

- Energy Efficiency and Flooding – to deliver new development with high energy efficiency and to encourage the production of energy from a range of appropriate renewable energy sources.

COMMENT

I am satisfied that the Staverton NDP vision and objectives were developed from the consultation process and that the policies within the plan reflect the vision and objectives.

4.13.2 STAVERTON PARISH NEIGHBOURHOOD PLAN POLICIES

POLICY SNP1: SUSTAINABLE COMMUNITIES

1. Development which supports the strength and vitality of our communities will be welcomed. In particular, development which will meet local needs which otherwise might not be met, will be supported.

2. Proposals for additional community facilities and infrastructure will be supported, providing they are well designed, include safe adequate access, parking where possible and will cause no detriment to the local environment and amenities.

3. The following priorities and aspirations for the provision or enhancement of local facilities have been identified:

- improvements to local green spaces and new play equipment,
- Measures to reduce traffic speeds and enhance road safety in Staverton and Woolston Green/Landscape,
- measures to support green energy and sustainable travel, including cycle routes, and
- improved mobile and broadband connectivity.

New development will be required, where appropriate and where the requirement arises directly from the proposed development, to 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 of community value will not be permitted unless there is adequate alternative provision in the parish. Local community facilities and assets of community value include St Paul de Leon Church, St Matthew's Church, Landscope Church of England Primary School, St Christopher's School, The Dart Bridge Inn, The Live and Let Live Inn, The Sea Trout Inn, the Court Room, the Victory Hall and the cricket pavilion.

COMMENT

Whilst the list of priorities for CIL spending can form part of the neighbourhood plan it is not appropriate for the list to form part of the policy section.

South Hams District Council, as Local Planning Authority are the determining authority for planning applications and must take into consideration relevant material considerations as well as the policies within the development plan when reaching a decision.

The wording of paragraph 4. paraphrases the requirements of Policy Dev18 of the JLP but changes it in a way that could lead to confusion. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY SNP1: SUSTAINABLE COMMUNITIES

1. Development which supports the strength and vitality of our communities will be welcomed. In particular, development which will meet local needs which otherwise might not be met, will be supported.

2. Proposals for additional community facilities and infrastructure will be supported, providing they are well designed, include safe adequate access, parking where possible and protect the local environment and amenities.

3. In order to help safeguard the sustainability of the local community any change of use that would result in the loss of or harm to a local community facility or asset of community value including:

- 1. St Paul de Leon Church**
- 2. St Matthew's Church**
- 3. Landscope Church of England Primary School**
- 4. St Christopher's School**
- 5. The Dart Bridge Inn**
- 6. The Live and Let Live Inn**
- 7. The Sea Trout Inn**
- 8. The Court Room**
- 9. The Victory Hall and the cricket pavilion**

will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing.

POLICY SNP2: SETTLEMENT BOUNDARIES

1. Development will be permitted inside the village settlement boundaries 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 natural or historic assets, local amenity, traffic, parking or safety.

2. Elsewhere in the parish development will only be permitted where it requires a countryside location or will meet a local need which cannot be met inside the settlement boundaries.

COMMENT

I am satisfied that the process to determine the settlement boundaries was appropriate.

SHDC have suggested that this policy is expanded to include "key views", unfortunately this fall outside the scope of my ability to modify policies as

examiner.

POLICY SNP3: LOCAL GREEN SPACES

1. The following areas are designated as local green spaces in the plan: Staverton Nature Reserve and Boardwalk, Staverton Riverside Walk, Woolston Green Triangle, Staverton playing fields, Staverton and Landscope playgrounds and Landscope allotments.

2. These local green spaces will be safeguarded from development. Any development that would result in loss of or harm to them will not be permitted. Only new or improved amenities directly associated with public enjoyment of the green space will be permitted.

COMMENT

The NPPF 2023 states:

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

106. 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), tranquility or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

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

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests and I find that the proposed LGSs do meet the requirements of the NPPF.

Paragraph 107 of the NPPF, states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 152-156 detail the policy framework for development affecting the Green Belt. Paragraph 152, in particular states:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 154 of the NPPF (2023) sets out what types of development would not (my emphasis) be considered inappropriate:

" 154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

All of the areas designated as a LGS should be shown and named or numbered in a key on the maps included in the plan.

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2023 and recent caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY SNP3: LOCAL GREEN SPACES

1. The following areas are designated as local green spaces in the plan and shown on **maps?**

Staverton Nature Reserve and Boardwalk,

- 1. Staverton Riverside Walk,**
- 2. Woolston Green Triangle,**
- 3. Staverton playing fields**
- 4. Staverton and Landscove playgrounds**
- 5. Landscove allotments.**

Inappropriate development will not be supported except in very special circumstances.

POLICY SNP4: HOUSING DEVELOPMENT

1. New housing developments are proposed in Woolston Green/ Landscove as follows:

- a) 14 dwellings at Beara Farm, to include 5 affordable homes, and
 - b) 6 dwellings on part of the field between Woolston Green and Landscope Church, including an off-site commuted sum to deliver affordable housing to the equivalent of 30% of the value of the scheme.
2. Other new housing shall be limited to smaller sites of fewer than 6 new homes to ensure that growth is at a scale in keeping with the special qualities of the locality.
 3. To help balance housing stock in the parish, the development of smaller homes is encouraged. Proposals for homes of more than 4 bedrooms will be required to provide evidence of need.
 4. Extensions to existing dwellings should be in keeping with and consistent in scale and form to the original dwelling.
 5. New homes shall be designed to meet at least the latest standards and to incorporate innovative low carbon construction techniques, sustainable use of resources and high energy efficiency.
 6. New homes shall provide sufficient off-road parking in accordance with the adopted JLP Supplementary Planning Document.
 7. Proposals for housing must include a Connectivity Statement and provide for suitable ducting to enable service providers to install appropriate connections.
 8. Proposals for housing are encouraged to complete a proportionate heritage impact assessment and ensure protection of significant heritage features.
 9. To help address local need, proposals to provide affordable housing for local people will be particularly welcomed and supported. In addition to established rural exception site policy proposals to build single affordable dwellings on suitable sites will also be supported.

COMMENT

As a "connectivity statement" cannot be a planning policy requirement, clause

7 of this policy should be modified as follows:

"7. The inclusion of a Connectivity Statement and provision for suitable ducting to enable service providers to install appropriate connections is strongly encouraged."

Clause 8 does not accurately reflect the policy framework for heritage assets and should be modified as follows:

8. To protect the historic environment, proposals for new housing must ensure that any impact upon designated or non-designated heritage assets (including assets of archaeological importance) and their settings have been assessed in accordance with national policy and guidance and will only be supported where they meet the relevant requirements of the NPPF and Development Plan.

POLICY SNP5: AFFORDABLE HOUSING AND SINGLE PLOT EXCEPTION SITES

1. The provision of affordable homes on a suitable exception site or sites in the parish will be particularly welcomed where the site has been brought forward by a local community group or Community Land Trust and has the clear support of the local community.

2. In accordance with JLP policy a maximum of 40% of the dwellings may be market homes if necessary to attain viability.

3. Single plot exception sites will be welcomed in line with the provisions of JLP policy TTV27, providing the following criteria can be met:

a) the applicant is able to demonstrate that:

(i) they require affordable housing and have a strong local connection and need to live within the settlement where the site is proposed;

(ii) there are no other reasonable options which address their housing needs, having regard to the availability of low-cost housing options within any other nearby

settlements; and existing or planned rural exception schemes; and

(iii) their need cannot be met through affordable housing provided in any other way;

b) the site is well related to the built form of a settlement and has permanent and substantial buildings on at least one side;

c) it will not result in development in an isolated location;

d) the dwelling will remain affordable in perpetuity through a percentage reduction on market value agreed local agreement;

e) the site area, including any access arrangements, is no more than 0.1 ha;

COMMENT

SHDC have raised concerns in connection with various elements of the wording of this policy. In particular the wording of clause 3.a) (iii) however as the policy makes clear that the policy must be consistent with the requirements of JLP policy TTV27, I am satisfied that no modification of this clause or the policy as a whole is required to meet the Basic Conditions.

POLICY SNP6: BUSINESS, EMPLOYMENT AND TOURISM DEVELOPMENT

1. Business, employment and tourism development will be welcomed providing:

a) it will be in keeping with the locality and is well designed,

b) it includes safe and adequate access and parking, avoids significant increase in the use of the private car and facilitates sustainable transport where appropriate, and

c) it causes no detriment to the local environment and amenities.

2. Development of adaptable spaces for business start ups, live/work accommodation and adaptations to enable dwellings to support home-working will be supported providing they meet the above criteria.

3. A site is proposed for light industrial and/or business development at Barkingdon.

4. Existing business and employment sites and premises shall be retained for such use, unless it can be demonstrated that the site or building is unsuitable or through market testing that there is no demand for any such use.

COMMENT

This policy includes a site allocation "for light industrial and/or business development at Barkington". Having examined the consultation process in connection with this proposed allocation I consider that there is sufficient uncertainty in the process to be sure that all those potentially affected by the proposal have had adequate information to make an informed decision on whether or not they may wish to make representation. I have therefore decided that the inclusion of this allocation would not be in the interests of natural justice. I am also unclear as to whether Statutory Consultees have had adequate opportunity to assess the potential impact of this proposed allocation and I am therefore not in a position to be able to consider whether or not it meets the Basic Conditions. In the circumstances, I consider that this proposed allocation should be deleted from the plan at this time. I understand that this allocation has been proposed in good faith and with the intention of improving business opportunities within the Parish, therefore contributing to the sustainability of the Parish. I am not making my decision to recommend deletion on the basis that the proposed allocation is unsuitable but that with the evidence before me I am unable to say that it meets the Basic Conditions. This, taken together with the absence of a robust consultation process in relation to this site leads to my conclusion. It should be noted that the JLP does make provision for new employment in rural areas through policy, particularly DEV15. The Parish could also review the plan and revisit this proposal at a later date.

With regard to signage, this is dealt with under the Town and Country Planning (Control of advertisements) (England) 2007 Regulations and does not need to be part of a neighbourhood plan policy.

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

POLICY SNP6: BUSINESS, EMPLOYMENT AND TOURISM DEVELOPMENT

1. Business, employment and tourism development proposals will be supported providing:

- a) it is of good design which respects the local character and setting**
- b) it includes safe and adequate access and parking, avoids significant increase in the use of the private car and facilitates sustainable transport where appropriate, and**
- c) it protects the local environment and amenities.**

2. Development of adaptable spaces for business start ups, live/work accommodation and adaptations to enable dwellings to support home-working will be supported providing they meet the requirements of JLP Policy TTV1 and the above criteria.

3. Existing business and employment sites and premises shall be retained in accordance with Policy DEV 14 of the JLP.

POLICY SNP7: REUSE OF REDUNDANT FARM BUILDINGS

Change of use of redundant farm buildings to provide additional business, employment or tourism opportunities will be supported where they will involve no more than minimal alteration to the existing structure or building footprint, not compromise the rural setting of the building and meet the requirements of Policy SNP6 clause 1 above.

COMMENT

Planning permission is not always required for the change of use of redundant farm buildings. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY SNP7: REUSE OF REDUNDANT FARM BUILDINGS

Where planning permission is required the change of use of redundant farm buildings to provide additional business, employment or tourism opportunities will be supported where they are in conformity with JLP policies TTV1, TTV26 and DEV15, will involve no more than minimal alteration to the existing structure or building footprint*, not compromise the rural setting of the building, meet the requirements of Policy SNP6 clauses 1 and 2.

*** The SHDC guidance 'Traditional Farm Buildings: Their Adaptation and Re-use (Barn Guide).**

POLICY SNP8: BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE

1. Proposals to expand mobile phone coverage, electronic communications and broadband networks are encouraged and will be supported providing apparatus is kept to the minimum necessary for efficient operation.

2. The plan will seek on site infrastructure to support the installation of, and allow the future upgrade and maintenance of, fibre optic broadband technology:

(i) All development is required to submit a connectivity statement to set out the proposed broadband provision. The statement shall include which broadband supplier(s) can provide full fibre or fixed wireless coverage to the development to provide gigabit capable broadband provision.

(ii) On sites of 10 dwellings and over and on all non-residential sites, all new properties must be served with an appropriate open access gigabit capable fibre optic infrastructure to enable high speed and reliable broadband connection in accordance with national and local objectives to increase coverage.

(iii) On sites of under 10 dwellings all new properties shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless there is evidence which demonstrates that providing the required infrastructure is not feasible or economically viable.

(iv) Installed infrastructure should allow all premises that form part of the approved

development to access superfast or better broadband prior to occupancy.

(v) The creation of a building to act as a fibre hub to enable fibre connections within the area will be supported.

COMMENT

Elements of this policy are overly onerous. Neighbourhood plan policy cannot require the submission of a connectivity statement or prescribe who can deliver broadband services. For clarity and to meet the Basic Conditions the policy should be modified as follows:

POLICY SNP8: BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE

1. Proposals to expand mobile phone coverage, electronic communications and broadband networks are encouraged and will be supported providing apparatus is kept to the minimum necessary for efficient operation.

2. The plan will seek on site infrastructure to support the installation of, and allow the future upgrade and maintenance of, fibre optic broadband technology:

(i) Developers are encouraged to submit a connectivity statement to set out the proposed broadband provision.

(ii) New residential and non-residential development should, wherever possible include appropriate open access gigabit capable fibre optic infrastructure to enable high speed and reliable broadband connection in accordance with national and local objectives to increase coverage.

(iii) The creation of a building to act as a fibre hub to enable fibre connections within the area will be supported.

Infrastructure such as cabling should, wherever possible be provided underground rather than overhead, especially in more sensitive locations.

POLICY SNP9: DESIGN AND CONSTRUCTION

Innovative modern design which is locally sympathetic and attains high environmental standards will be welcomed. All new development, including extensions and conversions, should:

- a) be of high design quality and in scale and keeping with its setting, respect and enhance local character, safeguard local distinctiveness, protect and conserve and enhance local landscape and biodiversity;
- b) target zero-carbon, at least meeting government standards for sustainable construction, minimising use of non-renewable resources and any adverse environmental impacts, maximising solar gain, and incorporating technologies to maximise sustainability and energy efficiency;
- c) any stone should be in keeping with local stone and laid on its natural bed;
- d) planting should use only mixed native species for hedges and traditional laid Devon hedgebanks wherever boundaries abut open countryside;
- e) cause no unnecessary noise, light or other pollution, safeguarding against risks of erosion or contamination;
- f) incorporate appropriate landscaping, in keeping with the locality;
- g) be safe, inclusive and accessible, reducing opportunities for crime and the fear of crime,
- h) incorporate meters, bin storage and other features appropriately, conveniently and so as not to clutter the street scene; and
- i) provide for its own car parking requirements, with car parking provision in line with the JLP's SPD (1 space for 1 bed dwellings, 2 spaces for 2 and 3 bed dwellings, and 3 spaces for 4 bed dwellings).

COMMENT

For clarity the policy should be modified as follows:

POLICY SNP9: DESIGN AND CONSTRUCTION

Innovative modern design which is locally sympathetic and attains high environmental standards will be welcomed. All new development, including extensions and conversions, should:

a) be of high design quality, in scale and keeping with its setting, respect and enhance local character, safeguard local distinctiveness, protect and conserve and enhance the local landscape and meet national biodiversity net gain requirements;

b) target zero-carbon, at least meeting government standards for sustainable construction, minimising use of non-renewable resources and any adverse environmental impacts, maximising solar gain, and incorporating technologies to maximise sustainability and energy efficiency;

c) new stonework should be laid on its natural bed and pointed in a lime mortar recessed from the outer face of the stone. Machine cut or sawn faces shall not be used.

d) incorporate appropriate landscaping in keeping with the locality, using only mixed locally appropriate, native species for hedges and traditional laid Devon hedgebanks wherever boundaries abut open countryside;

e) cause no unnecessary noise, light or other pollution, safeguarding against risks of erosion or contamination;

g) be safe, inclusive and accessible, reducing opportunities for crime and the fear of crime,

h) incorporate meters, bin storage and other features appropriately, conveniently and so as not to clutter the street scene; and

i) provide for its own car parking requirements, with car parking provision in

line with the JLP's SPD (1 space for 1 bed dwellings, 2 spaces for 2 and 3 bed dwellings, and 3 spaces for 4 bed dwellings).

POLICY SNP10: HERITAGE AND CONSERVATION

1. Development shall not harm but conserve and enhance non-designated historic and heritage assets and their settings, including archaeological features and historic field boundaries and structures. Non-designated heritage assets, buildings and groups of buildings that make a positive contribution to the character, views and setting of their location, including assets identified during the lifetime of the plan, should be conserved and where possible enhanced. Non-designated heritage assets in the parish include the two mills, the railway station, the Court Room, the Butterwell at Bumpston, the Church Commission cottages, Penn Reca and Bumpston Bridge.

2. Where historic buildings and features form a group any development should preserve any elements of the landscape and/or street scene which contribute to the value of the group and its setting.

COMMENT

The policy framework for consideration of planning applications affecting designated or non-designated heritage assets is set out in national policy through the NPPF 2023 and national planning guidance. The wording of this policy does not reflect this policy framework. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY SNP10: HERITAGE AND CONSERVATION

1. To protect the historic environment, proposals must ensure that any impact upon designated or non-designated heritage assets (including assets of archaeological importance) and their settings have been assessed in accordance with national policy and guidance and will only be supported where they meet the relevant requirements of the NPPF and Development Plan.

2. Non-designated heritage assets in the parish include the two mills, the railway station, the Court Room, the Butterwell at Bumpston, the Church

Commission cottages, Penn Reca and Bumpston Bridge.

POLICY SNP11: LANDSCAPE AND BIODIVERSITY

1. Development shall not harm but should protect and enhance features that make a positive contribution to either local landscape or biodiversity.
2. Development proposals must ensure that the integrity of any European site will not be adversely affected. Any new development within 4km of the South Hams SAC greater horseshoe bat consultation zone must prepare a Habitats Regulations Assessment (HRA) and follow advice from the relevant South Hams SAC planning guidance published by Natural England in 2010 and the South Hams SAC HRA guidance published by Devon County Council in 2019 as to whether survey and mitigation would be required.
3. Orchards, trees, woodlands, hedgebanks, green lanes and green spaces should be protected and enhanced wherever they make a positive contribution to the local landscape or are of potential value for biodiversity.
4. New tree planting will be welcomed in association with development, as will wilding of verges and hedges, to establish or reinforce wildlife corridors.
5. 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.

COMMENT

Concerns have been raised by the Council that some of the clauses in this policy lack clarity and consistency in addition to unintended conflict with JLP Policy DEV28. For clarity, the policy should be modified as follows:

POLICY SNP11: LANDSCAPE AND BIODIVERSITY

- 1. Development should not harm but protect and enhance, avoiding significant**

and adverse impacts on, features that make a positive contribution to either local landscape character or and to biodiversity.

2. Development proposals must ensure that the integrity of any European site will not be adversely affected. Any new development within a South Hams SAC Sustainance Zone or within the Landscape Connectivity Zone should follow advice in the South Hams SAC Habitats Regulations Assessment Guidance (2019) to establish whether it may result in a likely significant effect on the South Hams SAC and trigger the requirement for a detailed Habitats Regulations Assessment.

3. Orchards, trees, woodlands, hedgebanks, green lanes and green spaces that make a positive contribution to local landscape character and have biodiversity value should be protected and enhanced. Development should be designed to avoid the loss or deterioration in quality of orchards, trees, woodlands, hedgebanks, green lanes and green spaces. If loss cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation, and to ensure they contribute to a 'net gain'.

4. New tree planting will be welcomed in association with development, as will wilding of verges and hedges, to establish or reinforce wildlife corridors.

5. Development should, wherever possible, avoid building on the Best and Most Versatile Land (BMV) (grades 1, 2 and 3a), unless there is no practicable alternative and the benefits of the development to the community outweigh the need to protect it.

POLICY SNP12: TRANQUILLITY AND DARK SKIES

Development shall cause no undue disturbance, noise or light pollution. No additional street lights shall be installed and any security or external lighting installed as part of development shall not be permanently switched on or unnecessarily bright.

COMMENT

The Council has recommended that this policy is modified for clarity and

consistency with local and national policy and guidance. I concur with this recommendation:

POLICY SNP12: TRANQUILLITY AND DARK SKIES

All development proposals should be designed to minimise disturbance, noise or light pollution and to prevent adverse impacts from artificial light on intrinsically dark landscapes and nature conservation interests. No additional street lights shall be installed. and any security or external lighting installed as part of development shall not be permanently switched on or unnecessarily bright. New developments should follow the latest local and national guidance on artificial lighting in relation to rural areas, protected species and sensitive habitats.

The Council has also suggested that the following advice note is added to the supporting text for this policy. I agree that the following text should be included:

Building with Nature: Devon Technical Guidance, Maintaining Dark Corridors Through the Landscape for Bats, should be used by all consultants dealing with bat flight lines in Devon. Also, Guidance Note 08/18, Bats and artificial lighting in the UK, Bat Conservation Trust (BCT) and Institution of Lighting Professionals (ILP) - the Bat Conservation Trust website.

POLICY SNP13: TRAVEL AND TRANSPORT

1. New development will be required to maintain or improve highway safety, make appropriate provision for pedestrians and cyclists, and include car parking which at least meets the requirements set out in the adopted JLP's SPD.

2. Proposals which integrate and connect well with social, community and green infrastructure will be welcomed.

3. Wherever appropriate and directly related to the development, proposals are also encouraged to:

- a) include improvements to local footpaths, cycle-paths (including the National Cycle Network) and green lanes,
- b) maintain or enhance local public and community transport services,
- c) incorporate electric car charging points, and
- d) assist in the reduction of traffic speeds in the villages.

COMMENT

For clarity and to ensure consistency with the JLP, the policy should be modified as follows:

POLICY SNP13: TRAVEL AND TRANSPORT

- 1. New development will be required to ensure it is safe and encourages access by walking and cycling and will maintain or improve highway safety, make appropriate provision for pedestrians and cyclists, and include provision for cycle facilities and car parking consistent with the guidance and standards set out in the JLP's SPD.**
- 2. Proposals which integrate and connect well with social, community and green infrastructure will be welcomed.**
- 3. Wherever appropriate and directly related to the development, proposals are also encouraged to:**
 - a) include improvements to local footpaths, cycle-paths (including the National Cycle Network) and green lanes,**
 - b) maintain or enhance local public and community transport services,**
 - c) incorporate electric car charging points, and**
 - d) assist in the reduction of traffic speeds in the villages.**

POLICY SNP14: RENEWABLE ENERGY

1. Proposals for small scale renewable energy developments will be welcomed where they can be shown to have no unacceptable impacts, particularly on landscape, biodiversity or local amenities.
2. Proposals for individual or community scale renewable energy schemes, such as solar voltaic panels, hydroelectric, biomass facilities, anaerobic digesters and wood fuel products, will be supported providing they will (a) be appropriate in siting and scale to the local setting and the wider landscape, (b) create no unacceptable impact on the amenities of local residents, (c) have no unacceptable impact on any important natural or biodiversity feature, and (d) no unacceptable increase in traffic.
3. The installation of solar panels on a listed building 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.

COMMENT

Paragraph 9.7, page 35 of the NDP states:

"Solar panels on historic buildings will be acceptable if there will be no harm to the appearance, character or value of the building. This may be achieved by the use of appropriate low visual impact solar tiles or solar slates."

Concern has been raised that this statement is too generic and goes against Historic England guidance. This paragraph should be modified as follows:

9.7 Solar panels on Non-Designated Heritage Assets may be acceptable if it can be demonstrated that there will be no harm to the appearance, character or special interest of the building. A 'whole-house' approach identifying opportunities for improved thermal efficiencies and carbon reduction should be adopted'.

The following concerns were also raised in relation to policy SNP 14:

"Policy SNP14. The policy includes the terms 'no unacceptable impacts' and 'no negative effect' several times. These are very subjective and difficult to apply in the decision-taking process. Terms such as 'respects character and appearance' and 'does not unduly effect' would be better.

Policy SNP14, clause 3. This clause is contrary to advice and best practice. Each proposal for a listed building is decided on its own merits via a listed building consent application. In most cases the advice is to consider other areas first e.g., ground installation or outbuilding (preferably not curtilage listed). Therefore, replace this clause with, 'The installation of Solar Panels on roofs of NDHAs or on outbuildings/or ground mounted within the curtilage of listed buildings may be acceptable if it can be demonstrated that there will be no harm to the appearance, character or special interest of the building.' "

I share these concerns, for clarity and to meet the Basic Conditions, the policy should be modified as follows:

POLICY SNP14: RENEWABLE ENERGY

1. Proposals for small scale renewable energy developments will be welcomed where they can be shown to have no undue effects, particularly on landscape, biodiversity or local amenities.

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

(a) be appropriate in siting and scale to the local setting and the wider landscape,

(b) protect residential amenity

(c) have no undue effect on any important natural or biodiversity feature, and

(d) no unacceptable increase in traffic.

3. The installation of Solar Panels on roofs of NDHAs or on outbuildings/or ground mounted within the curtilage of listed buildings may be acceptable if it can be demonstrated that there will be no harm to the appearance, character or special interest of the building.

POLICY SNP15: ENERGY IN NEW DEVELOPMENT

All new non-domestic development is encouraged to achieve a 'Very Good' BREEAM rating, and all domestic development a '4 Star' BREHQM rating.

COMMENT

I have no comment on this policy.

POLICY SNP16: SUSTAINABLE DRAINAGE

All development should provide for safe and satisfactory foul and surface water drainage, incorporating a Sustainable Drainage System (SuDS) that at least meets current standards, incorporating permeable surfaces, water harvesting and storage, green roofs and soakaways, so as to mitigate the risk of flooding which might cause harm to people, property or ecosystems on or beyond the site. No surface water should enter the foul sewage network.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. I find that the Staverton Parish Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.
2. The 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 Staverton 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 Staverton 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 Staverton Parish Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

NPIERS Examiner

CEDR accredited mediator

24 January 2024

