

Independent Examiner's Report of the Bere Peninsula Neighbourhood Plan

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25th May 2018

SECTION 1 Contents
CONTENTS

Section 1

Contents.....2

Section 2

Summary.....3-4

Section 3

Introduction.....5-7

Section 4

The Report.....7-26

1. Appointment of the Independent Examiner.....7

2. Qualifying Body.....7

3. Neighbourhood Plan Area.....7

4. Plan Period.....7

5. West Devon Regulation 15 Assessment.....7

6. Site Visit.....7

7. Consultation Process.....7

8. Regulation 16.....8

9. Compliance with the Basic Conditions.....8

10. Planning Policy.....10

11. Other Relevant Policy Considerations.....11

12. Bere Peninsula Neighbourhood Plan Policies.....14-34

Section 5

Conclusions and Recommendations.....35

SECTION 2

Summary

As the Independent Examiner appointed by West Devon Borough Council to examine the Bere Peninsula Neighbourhood Plan, I can summarise my findings as follows:

- 1. I find the Bere Peninsula 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 Bere Peninsula Neighbourhood Plan go to Referendum.*
- 3. I have read the Bere Peninsula Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Bere Peninsula Neighbourhood Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan for the area is the West Devon Borough Council Core Strategy (2006-2026) (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review).*
- 6. Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Plymouth and South West Devon Joint Local Plan (JLP) (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. The preparation of the Plan and accompanying documents have been based on the Strategic Policies of the current Development Plan, taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report revised policies accordingly. In addition, the Strategic Environmental Assessment Report(SEA) did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of existing Development Plan and so during the course of the examination the Neighbourhood Plan Group revised SEA Report to reflect this and the revised SEA Report has been used in my examination. This document is available to view on the West Devon Borough Council website.*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

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

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

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

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Bere Peninsula 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.*

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

West Devon Borough 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 Borough 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

West Devon Borough Council appointed me as the Independent Examiner for the Bere Peninsula Neighbourhood Plan with the agreement of Bere Ferrers Parish Council.

2. Qualifying body

I am satisfied that Bere Ferrers Parish Council is the qualifying body.

3. Neighbourhood Plan Area

The whole parish of Bere Ferrers (also known as the Bere Peninsula) has been formally designated as a Neighbourhood Area through an application made in May 2014 under the Neighbourhood Planning Regulations 2012 (part 2, S6) and approved by West Devon Borough Council on 15th July 2014. The Basic Conditions Statement submitted with the Bere Peninsula Neighbourhood Plan confirms there are no other Neighbourhood Plans covering the Area of the Bere Peninsula Neighbourhood Plan.

4. Plan Period

It is intended that the Bere Peninsula Neighbourhood Plan will cover the period 2017-2034. This period has been chosen to align with the dates of the West Devon Borough Council Core Strategy and the emerging Joint Local Plan (JLP) being formulated by West Devon Borough, South Hams Borough and Plymouth City Councils.

5. West Devon Borough Council Regulation 15 Assessment of the Plan.

Bere Ferrers Parish Council, the qualifying body for preparing the Bere Peninsula Neighbourhood Plan, submitted it to West Devon Borough Council for consideration. West Devon Borough Council has made an initial assessment of the submitted Bere Peninsula Neighbourhood Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the Neighbourhood Plan Area on the 26th of April 2018.

7. The Consultation Process

The Bere Peninsula 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 development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

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

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

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

8.Regulation 16 consultation by West Devon Borough Council and record of responses.

The Borough Council placed the Bere Peninsula Neighbourhood Plan out for consultation under Regulation 16 from Tuesday 23rd of January to Tuesday 6th of March 2018.

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

9. Compliance with the Basic Conditions

The Bere Peninsula Neighbourhood Plan Working Group produced a Basic Conditions Statement on behalf of Bere Ferrers Parish Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Bere Peninsula 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.*

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

(i) The Bere Peninsula Neighbourhood Plan volume 1 and 2 (appendix) - the main document which includes policies developed in consultation with the community at various engagement events and workshops.

(ii) The Statement of Consultation V9.3 December 2017. This sets out how the community, and other stakeholders, have been involved in preparing the Plan.

(iii) The Basic Conditions Statement V3.1 December 2017. This is an appraisal of the Plan and its policies against the Basic Conditions including European Union (EU) and national policies, as well as the strategic policies of WDBC and any other policies and guidance.

(iv) Strategic Environmental Assessment (SEA) March 2018

(iv) Habitats Regulations Assessment (HRA) Screening Report

Comment on Documents submitted

The Bere Peninsula Neighbourhood Plan has been brought forward alongside the production of the emerging Joint Local Plan. The current development plan for the area is the West Devon Borough Council Core Strategy (2006-2026) (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review) which in due course will be replaced by the emerging Joint Local Plan (which will become the relevant Development Plan once adopted). This is currently going through the examination process and is likely to be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. The Plan and accompanying documents have been prepared to address both the existing Development Plan and as far as possible, the emerging JLP to “future proof” the Neighbourhood Plan, to ensure that the Plan does not become out of date upon adoption of the JLP. However, the Plan had not been updated to remove specific Development Plan references which would have made the implementation of certain policies difficult after the adoption of the JLP and I have in Section 4 of my report modified some policies to remove those references. In addition, the Strategic Environmental Assessment Report (SEA) did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of existing Development Plan and so during the course of the

examination the Neighbourhood Plan Group revised the SEA Report to reflect this and the revised SEA Report has been used in my examination. This document is available to view on the West Devon Borough Council website.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Bere Peninsula 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) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 states that neighbourhoods should “develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan”.

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

I am satisfied that the Bere Peninsula Neighbourhood Plan supports the strategic development needs set out in the Development Plan. In particular sites have been allocated for housing and economic development.

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

10.2. Local Planning Policy- The Development Plan

Bere Peninsula is within the area covered by West Devon Borough Council. Currently the relevant development plan is the West Devon Borough Council's adopted Local Plan (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review).

For the purposes of the examination of a Neighbourhood Plan, the relevant strategic policies are those of the currently adopted Development Plan not the policies of an emerging JLP. The situation however, is complicated by the fact that during the course of the preparation of the Bere Peninsula Neighbourhood Plan the Borough Council have been preparing a new

Local Plan jointly with the neighbouring authorities of South Hams and Plymouth. This new plan has now reached the stage of examination. At this stage it is not possible to be sure whether or not the strategic policies of the emerging plan will remain unchanged by the time of adoption. An additional complication is the age of the existing Development Plan, and the issues relating to out of date policies. The challenge for the qualifying body in these circumstances has been to produce a plan that meets the Basic Conditions in relation to the strategic policies of the Development Plan without creating a plan which becomes out of date at the point of adoption of a new local plan. I have considered the Strategic policies of the Development Plan and the Policies of the Bere Peninsula Neighbourhood Plan and I consider that the plan, subject to modification meets the Basic Conditions and should remain up to date upon adoption of the new local plan.

11. Other Relevant Policy Considerations

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

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

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

- *Natural England*
- *Historic England*
- *Environment Agency*
- *West Devon Borough Council*

The view of West Devon Borough Council was that a SEA (Strategic Environmental Assessment) was required. A SEA was carried out for the qualifying body by AECOM.

The conclusion of the SEA report was as follows:

"The assessment has concluded that the current version of the Neighbourhood Plan is likely to lead to significant positive effects in relation to the 'Population and Community' and 'Health and Wellbeing' SEA Themes. These benefits largely relate to the Neighbourhood Plan's focus on delivering housing which meets local needs, and enhancing the quality of life of residents, including through its focus on improving accessibility to community infrastructure in the Neighbourhood Plan area and on supporting environmental enhancements. In addition, the Neighbourhood Plan has a strong focus on protecting and enhancing landscape and villagescape character and the setting of the historic environment, including relating to the internationally designated Cornwall and West Devon Mining Landscape and nationally

designated Tamar Valley AONB. This will lead to significant positive effects in relation to the 'Landscape and Historic Environment' theme.

In relation to the 'Biodiversity' SEA Theme, the current version of the Neighbourhood Plan provides a proactive approach to the protection and enhancement of existing biodiversity assets in the area. This includes through supporting the integrity of the European designated Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA and the nationally designated Tamar-Tavy Estuary SSSI and Lockridge Mine SSSI. However, given existing international and national provisions relating to the protection of these designated sites, positive impacts arising from the Neighbourhood Plan relating to these sites are not likely to be significant.

The Neighbourhood Plan will also initiate a number of beneficial approaches regarding the 'Land, Soil and Water Resources', 'Climate change' and 'Transportation' SEA themes. However, these are not considered to be significant in the context of the SEA process given the scope of the Neighbourhood Plan and the scale of proposals.

Habitats Regulation Assessment (HRA) Conclusion and Screening Opinion

A HRA screening was carried out as required in July 2017. The conclusion was:

"Subject to new development making a financial contribution towards mitigating the recreational impacts of new residents on the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA it is not considered likely that the Bere Peninsula Neighbourhood Plan will have a significant effect on the European Sites".

11.2 Sustainable development

The Bere Peninsula Neighbourhood Plan has addressed the issue of sustainable development through the Strategic Environmental Assessment(SEA) Report. I am satisfied 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 Bere Peninsula Neighbourhood Plan subject to the recommended modifications addresses the sustainability issues adequately. The SEA Report did not clearly reflect how the Plan had been tested for general conformity with the Strategic Policies of the existing Development Plan and so during the course of the examination the Neighbourhood Plan Group revised the SEA Report to reflect this and the revised SEA Report has been used in my examination. This document is available to view on the West Devon Borough Council website.

The Neighbourhood Development Plan is required to take cognisance of the European

Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Bere Peninsula Neighbourhood Plan has done so.

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

11.3 Excluded development

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

11.5 The Neighbourhood Plan Vision, Strategic Aims and Policies

“This VISION STATEMENT provides the guiding principles as to how this Plan can facilitate a better connected, sustainable rural community by:

- Enabling planned development to meet local needs within the constraints imposed by the Tamar Valley AONB, Cornwall and West Devon Mining World Heritage Site, Conservation Area and SSSI designations as well as the relevant AONB and WHS management plans and Government and Local Authority policies.*
- Enhancing the active, thriving and vibrant community spirit of the present.*
- Protecting and maintaining the acclaimed environmental and historic heritage of this special inland peninsula with its sense of isolation, scenic beauty and individuality.”*

Pages 31-38 of the Plan cover the objectives.

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

12. Bere Peninsula Neighbourhood Plan Policies

Policy E1: Protecting the Local Environment

Any development proposals should avoid adverse impacts by maintaining and enhancing the Peninsula's environmental and heritage assets, as well as strengthening their benefits for residents, tourism and biodiversity, by:

Having regard to the guidance and policies set out in the AONB, Environment Agency, Natural England, Historic England and World Heritage Management Plans, as well as other relevant guidance.

- Locating new development so as to conserve and enhance specific landscapes, biodiversity corridors, areas of tranquillity and historic features that contribute to the local character and quality of the area.**
- Protecting, enhancing and/or renewing the functionality, quality, connectivity and accessibility of the existing network of multi-functional green spaces and strategic corridors, as identified in WDBC's supporting green infrastructure strategies.**
- Minimising adverse impacts through high quality building and landscaping, seeking to restore landscape character and quality where appropriate.**
- Including landscaping schemes that retain existing features such as trees and hedgerows, reinforces local landscape character, acknowledges the local importance of valued green and open spaces, and makes provision for the long term maintenance of any green infrastructure and heritage assets directly related to the development.**
- Where harm is unavoidable, development proposals must provide for appropriate mitigation or replacement.**

COMMENT

In order to meet the Basic Conditions bullet point 4 should be modified as follows:

- Including landscaping schemes that retain, where possible, existing features such as trees and hedgerows, reinforces local landscape character, acknowledges the local importance of valued green and open spaces. Applicants are encouraged to make provision for the long term maintenance of any green infrastructure and heritage assets directly related to the development.**

Policy E2: Supporting Biodiversity

Development should maintain and enhance the biodiversity of the area. In considering development proposals, careful consideration will be given to any potential adverse impacts on the following protected sites:

- **Internationally important sites including existing, candidate or proposed Special Protection Areas, Ramsar sites, Special Areas of Conservation and European Marine Sites.**
- **Nationally important sites including Sites of Special Scientific Interest, National Nature Reserves and Marine Conservation Zones.**
- **Locally important sites including County Wildlife Sites, Local Nature Reserves, Ancient Woodlands, County Geological Sites, and other priority habitats.**
- **The network of ecological networks that link biodiversity areas, including areas identified for habitat restoration and creation.**

COMMENT

Natural England have commented as follows:

“Justification for policy E2

Para 08.b.iii.03 appears to set out criteria against which proposals affecting protected wildlife or geodiversity sites will be judged. Such criteria would therefore normally be considered as planning policy. If the Neighbourhood Plan is to set out general policy for protection of designated sites it is important that this is clearly set out as plan policy and that the policy approach to differing tiers of designation (i.e. sites of European, National and Local importance) reflects the National Planning Policy Framework (NPPF) and policy in the emerging Joint Plymouth and South West Devon Local Plan (policies SPT11 – ‘Strategic approach to the natural environment’ and DEV28 – Protecting and enhancing biodiversity and geological conservation). To avoid confusion, it is suggested this para be deleted.”

I share Natural England’s concerns relating to both the justification for policy E2 and the policy itself and for clarity I recommend the paragraph referred to is deleted and the policy is modified as follows:

Policy E2: Supporting Biodiversity

All development proposals should demonstrate conformity with national and adopted Development Plan policies relating to biodiversity and geological conservation. Development proposals should maintain and enhance the biodiversity of the area. In

considering development proposals there will be careful assessment of any potential impacts on the following protected sites:

- *Internationally important sites including existing, candidate or proposed Special Protection Areas, Ramsar sites, Special Areas of Conservation and European Marine Sites.*
- *Nationally important sites including Sites of Special Scientific Interest, National Nature Reserves and Marine Conservation Zones.*
- *Locally important sites including County Wildlife Sites, Local Nature Reserves, Ancient Woodlands, County Geological Sites, and other priority habitats.*
- *The network of ecological networks that link biodiversity areas, including areas identified for habitat restoration and creation.*

New development, where appropriate will be required to make a financial contribution towards mitigating the recreational impacts of new residents on the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA.

Policy E3: Progressing towards a Low Carbon Environment

All new development (domestic, commercial, extensions and conversions) will be expected to heed the necessity of lowering carbon emissions. Carbon emissions could be reduced in accordance with national standards and the ‘energy hierarchy’ set out below:

- *Reducing the energy load of the development by good layout, orientation and design to maximise natural heating, cooling and lighting.*
- *Maximising the energy efficiency of construction materials (regulated emissions).*
- *On-site low carbon or renewable energy systems.*
- *Carbon reductions through off-site measures (allowable solutions).*

COMMENT

In order to meet the Basic Conditions, the word “expected” in the first sentence should be replaced with “encouraged.”

HOUSING

Proposal H1. Allocate land for 50 new homes at Bere Alston for local needs, 2016-34

Proposals will be supported for new housing, on the following two sites and shown on

the site allocations plan, provided the development meets the requirements set out in the policies in this plan, WDBC's Core Strategy and the Joint Local Plan.

- ***Land to North of Woolacombe Road (Reference: WD_48_19_08/14), 1 hectare, to accommodate some 30 new homes, to be developed during the period 2016-26.***
- ***Land to South of Woolacombe Road (Reference: WD_48_04_08/13), 0.7 hectare, to accommodate some 20 new homes, to be developed during the period 2026-34.***
- ***Total site allocations: 1.7 hectares, providing some 50 new homes, covering the period 2016-34.***

COMMENT

The period of the Neighbourhood Plan is 2017- 2034, the policy refers to 2016, I have assumed this is in error.

The policy refers both to the existing Development Plan and the emerging JLP. In order to avoid confusion and ensure that the Neighbourhood Plan does not become out of date the policy should be modified as follows:

Proposal H1. Allocate land for 50 new homes at Bere Alston for local needs, 2017-34

Proposals will be supported for new housing, on the following two sites and shown on the site allocations plan, provided the development meets the requirements set out in the policies in this plan and the adopted Development Plan.

- ***Land to North of Woolacombe Road (Reference: WD_48_19_08/14), 1 hectare, to accommodate some 30 new homes, to be developed during the period 2017-26.***
- ***Land to South of Woolacombe Road (Reference: WD_48_04_08/13), 0.7 hectare, to accommodate some 20 new homes, to be developed during the period 2026-34.***

Total site allocations: 1.7 hectares, providing some 50 new homes, covering the period 2017-34.

Policy H2. Development considerations for Land to North of Woolacombe Road (Ref: WD_48_19_08/14)

This site is intended to provide some 30 new homes of an appropriate range, mix and type to meet local needs, over the period 2016-26. Its development is expected to be

carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council.

The development will need to be implemented in accordance with Policy H06 and H07, as well as the general requirements set out in the adopted Development Plan. The proposals must also have regard to the following requirements:

- The development should create a positive visual frontage onto the main road into the village (B3257), providing a positive gateway to the village that is in character with the area.*
- The preferred site access should be directly onto the main road to Tavistock (B3257) into /out of the village. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.*
- Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- Limit the height of development so that it is not prominent in the landscape.*
- Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
- Arrange the houses so that they centre on open public green spaces, to be provided within the development.*
- Include a children's play space, and retain the public right of way.*
- The application should be accompanied by a detailed Landscape Assessment of how it is proposed to mitigate the potential impact of the development on the AONB, a Transport Assessment (including an assessment of any likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents. Any recommended improvements /remedial works will be controlled through legal obligation.*
- Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may be required by legal obligation to provide or contribute towards wider and long term planning benefits reasonably associated with the alleviation of any such impacts.*

COMMENT

The period of the Neighbourhood Plan is 2017- 2034, the policy refers to 2016, I have assumed this is in error.

I assume in referring to policies H06 and H07, there has been an error and the reference is actually to policies H6 and H7.

The proposal is likely to be considered major development within the AONB and as such any application will need to meet the tests set out in the NPPF.

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

Policy H2. Development considerations for Land to North of Woolacombe Road (Ref: WD_48_19_08/14)

This site is intended to provide some 30 new homes of an appropriate range, mix and type to meet local needs, over the period 2017-26. Its development is expected to be carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council. Any proposal, deemed major development in the AONB will be required to demonstrate the exceptional circumstances and public interest required by the National Planning Policy Framework.

Any application should be accompanied by a Landscape Visual Impact Assessment, a Transport Statement (which includes an assessment of the likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents.

The development should demonstrate compliance with the relevant policies of the adopted Development plan and policies H6 and H7 of this plan. The proposals must also have regard to the following requirements:

- The development should create a positive visual frontage onto the main road into the village (B3257), providing a positive gateway to the village that is in character with the area.*
- The preferred site access should be directly onto the main road to Tavistock (B3257) into /out of the village. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable.*
- Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- Limit the height of development so that it is not prominent in the landscape.*
- Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
- Arrange the houses, where appropriate so that they centre on open public green spaces, to be provided within the development.*

- *Include a children's play space if required and retain the public right of way.*
- *Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may be required by legal obligation to provide or contribute towards wider and long term planning benefits associated with the alleviation of any such impacts.*

Policy H3. Development considerations for Land to South of Woolacombe Road (Ref: WD_48_04_08/13)

This site is intended to provide some 20 new homes of an appropriate range, mix and type to meet local needs, over the period 2026-34. Its development is expected to be carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council.

The development will need to be implemented in accordance with the general requirements set out in the adopted Development Plan and Policy H06 and Policy H07 of this plan. The proposals must also have regard to the following requirements:

- *Creating a positive visual frontage onto Woolacombe Road, as well as on to the adjacent Woolacombe Lane to avoid a remnant boundary being sandwiched between the road and housing.*
- *The preferred site access would be onto Woolacombe Lane/Road.*
- *Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- *Limit the height of development so that it is not prominent in the landscape.*
- *Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
Arrange the houses so that they centre on public open green spaces, to be provided within the development.
- *Include a children's play space.*
- *The application should be accompanied by a detailed Landscape Assessment of how it is proposed the potential impact of this development on the AONB, a Transport Assessment (which includes an assessment of the likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents. Any recommended improvements /remedial works will be controlled through legal obligation.*
- *Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may be required by legal obligation to provide or contribute towards wider and long term planning*

benefits reasonably associated with the alleviation of any such impacts.

COMMENT

I assume in referring to policies H06 and H07, there has been an error and the reference is actually to policies H6 and H7.

The proposal is likely to be considered major development within the AONB and as such any application will need to meet the tests set out in the NPPF.

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

Policy H3. Development considerations for Land to South of Woolacombe Road (Ref: WD_48_04_08/13)

This site is intended to provide some 20 new homes of an appropriate range, mix and type to meet local needs, over the period 2026-34. Its development is expected to be carried out in consultation with West Devon Borough Council (including the AONB Management Body) and the Bere Ferrers Parish Council. Any proposal, deemed major development in the AONB will be required to demonstrate the exceptional circumstances and public interest required by the National Planning Policy Framework.

Any application should be accompanied by a Landscape Visual Impact Assessment, a Transport Statement (which includes an assessment of the likely impact on the rail network), an approved Waste Water and Surface Water Drainage Strategy, an assessment as how the proposed development is intended to meet local housing needs, as well as other required documents.

The development should demonstrate compliance with the relevant policies of the adopted Development plan and policies H6 and Policy H7 of this plan. The proposals must also have regard to the following requirements:

- Creating a positive visual frontage onto Woolacombe Road, as well as on to the adjacent Woolacombe Lane to avoid a remnant boundary being sandwiched between the road and housing.*
- The preferred site access would be onto Woolacombe Lane/Road.*
- Include landscape treatment of the countryside edge, with an enclosing hedge and banks, as well as selected tree planting to assist the new development to sit down when viewed from a distance.*
- Limit the height of development so that it is not prominent in the landscape.*

- *Provide homes with sufficient space to meet basic lifestyle needs, and where appropriate include reasonably sized gardens.*
- *Arrange the houses so that they centre on public open green spaces, to be provided within the development.*
- *provide provision for children's play space in accordance with adopted Development Plan policy.*
- *Be designed to mitigate any potential adverse impacts upon existing residential and community interests - this development may require a legal obligation to provide or contribute towards wider and long term planning benefits associated with the alleviation of any such impacts.*

Policy H4. Unallocated Development

The Neighbourhood Plan will support proposals for minor developments, (defined as 6 or fewer dwellings), specifically intended to meet local needs on infill or redevelopment sites within the Parish, subject to:

- ***The proposals being in response to specifically identified local needs. Any such proposals will need to be supported by an objective statement of need, evidence concerning the consideration of alternatives, as well as supporting evidence concerning the avoidance of harm to the AONB and World Heritage Site. Any substantial harm to the World Heritage Site would be wholly exceptional. The justification of how any detrimental effects on the AONB and World Heritage environment could be moderated will need to show how the public benefits outweigh their harm.***
- ***The density and form of the development provides a character that is appropriate to the sites context, ensures the best use of land, is well designed and meets the relevant requirements set out in this plan and the Development Plan.***
- ***The development preserves open views, protects the residential amenity of neighbours, will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the parish, and that biodiversity is maintained or enhanced.***

COMMENT

I have not been provided with any specific evidence to support the 6 dwelling limit and as such consider that this is overly restrictive. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy H4. Unallocated Development

The Neighbourhood Plan will support proposals for minor developments, specifically

intended to meet local needs on infill or redevelopment sites within the Parish, subject to:

- The proposals being in response to specifically identified local needs. Any such proposals will need to be supported by an objective statement of need and evidence concerning the consideration of alternatives.*
- great weight being given to conserving landscape and scenic beauty in the Area of Outstanding Natural Beauty.*
- conformity with national and relevant adopted Development Plan policies relating to biodiversity and geological conservation, Designated and Non Designated Heritage Assets, having particular regard to the World Heritage Site.*
- The density and form of the development provides a character that is appropriate to the sites context, ensures the best use of land, is well designed and meets the relevant requirements set out in this plan and the Development Plan.*
- The development preserves open views, protects the residential amenity of neighbours, will not result in the loss of valuable trees, hedges or other natural features that form part of the character of the parish, and that biodiversity is maintained or enhanced.*

H4A. Bere Ferrers

The Neighbourhood Plan will support proposals for up to 6 dwellings over the plan period to 2034 (some of which have already been developed since 2011), on infill or redevelopment sites within the settlement boundary of Bere Ferrers, subject to:

- them being specifically intended to meet identified local needs.*
- meeting the requirements set out in Policy H4 as well as the other Policies in this plan.*
- the scale and form of the development being in keeping with the character of this 12th Century conservation village.*
- ensuring the development not harming the character of the AONB through further encroachment of the urban form into the open countryside.*
- not conflicting with the SSSI which is in close proximity to the village.*
- avoiding the flood risk areas, particularly in the lower lying areas around Bere Ferrers.*

COMMENT

I have not been provided with any specific evidence to support the 6 dwelling limit and

as such consider that this is overly restrictive. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy H4A. Bere Ferrers

The Neighbourhood Plan will support proposals for infill or redevelopment sites within the settlement boundary of Bere Ferrers, over the plan period to 2034 (some of which have already been developed since 2011), subject to:

- them being specifically intended to meet identified local needs.*
- meeting the requirements set out in Policy H4 as well as the other Policies in this plan.*
- the scale and form of the development being in keeping with the character of this 12th Century conservation village.*
- great weight being given to conserving landscape and scenic beauty in the Area of Outstanding Natural Beauty.*
- conformity with National Policy and relevant adopted Development Plan policies relating to biodiversity and geological conservation, in particular the SSSI which is in close proximity to the village.*
- avoiding the flood risk areas, particularly in the lower lying areas around Bere Ferrers.*

Policy H5. Rural Development

Development within the rural area will be in accordance with the NPPF paragraph 55, the West Devon Borough Council Core Strategy Strategic Policy 5, the emerging Plymouth and South West Devon Joint Local Plan and the general Permitted Development Order. The re-use of farm and rural buildings, outside the villages of Bere Alston and Bere Ferrers, for agricultural/horticultural/business purposes, or to provide dwellings for agricultural workers, will be supported subject to the following criteria:

- The proposed re-use would not have a significant or harmful impact on the surrounding rural landscape and is sensitive to its setting by means of size, mass and location.*
- The proposed re-use would not have an unacceptable impact on the local road network.*
The proposed re-use would not cause an unacceptable conflict with agriculture, horticulture and other land and water based economic and leisure activities.
- The proposals would not have any significant harmful impact on the amenities of neighbouring residents and other users.*

- ***The building concerned would not require substantial rebuilding or extension.***

COMMENT

The policy refers both to the existing Development Plan and the emerging JLP. In addition, the NPPF is being revised, paragraph 55 may not remain the same in the new version. There are elements of the policy which do not meet the Basic Conditions. In order to avoid confusion, ensure that the Neighbourhood Plan does not become out of date and meets the Basic Conditions, the policy should be modified as follows:

Policy H5. Rural Development

Development within the rural area which requires planning permission should be in accordance with National Policy and the relevant policies of the adopted Development Plan. The re-use of farm and rural buildings, outside the villages of Bere Alston and Bere Ferrers, for agricultural/horticultural/business purposes, or to provide dwellings for agricultural workers, will be supported subject to an assessment of the impact of the proposal on:

- ***the surrounding rural landscape and is sensitive to its setting by means of size, mass and location.***
- ***the local road network.***
- ***agriculture, horticulture and other land and water based economic and leisure activities in the vicinity.***
- ***the residential amenity of neighbouring properties.***

and providing that the building concerned would not require substantial rebuilding or extension.

Policy H6. Housing Density and Design

Viable residential development, as described in H1 to H5, will be supported

provided:

- ***It is of a high quality, inclusive and safe. Proposals which are accompanied by a Building for Life assessment are strongly encouraged. [see Volume 2, Appendix 6. "Sources of further information"].***
- ***It supports basic lifestyle needs. Proposals will be strongly encouraged to meet or exceed the minimum space standards for new property sizes as set out by the Royal Institute of British Architects. (RIBA 'Case for Space' refers).***

- *It is of a density that reflects the rural nature of the area, giving an impression of space and avoiding uniform house and plot layouts. The current density in Bere Alston is some 30 dwellings per hectare, which should be regarded as the maximum density for new developments.*
- *Building styles, design, materials and roofscape are in keeping with the individual character and reflect the local distinctiveness of the parish, making a contribution to the rural nature of the area. Development should also preserve, enhance and promote the existing good character found in the immediate vicinity of its location, so as to avoid an excessive variety of building form.*
- *New properties are designed to relate well to one another, as well as to existing adjacent buildings, being orientated to the front approach and avoid extensive blank walls.*
- *New properties are designed with an emphasis on low energy consumption, as well as a benefit from solar gain. Water efficiency devices are encouraged.*
- *Its design integrates a satisfactory road access, off street parking for at least two cars per unit and unallocated parking appropriate to the size of the development, while recognising that the new buildings, gardens and public spaces are the main focus of development.*
- *Developments on the periphery of the villages aim to improve, where appropriate, pedestrian access to the centre, recognising that safe access for children to school and play areas are a priority.*
- *Affordable housing requirements are properly integrated, ensuring they are catered for to the same level of access as private units.*
- *The development includes, where appropriate, properties with reasonably sized gardens, and green (soft-scaped) communal areas designed to promote a sense of place. Larger developments should include the provision of appropriate play facilities, except where it is within easy and safe walking distance of an existing play park.*
- *Boundaries are treated sensitively and, where appropriate, hedgerows should form an integral network of native and local species across the entire development promoting natural wildlife corridors.*
- *The use of above ground cables (power, telephone or internet) is minimised to avoid devaluation of the appearance of a development.*
- *In order to create safe and accessible environments, developments should demonstrate the following principles of Crime Prevention through Environmental Design, (referencing where these have been implemented), promoting places:*
 - *with well-defined routes with spaces and entrances that provide for convenient movement without compromising security;*
 - *that are structured so that different uses do not conflict;*

- *where all publicly accessible spaces are overlooked;*
- *that promote a sense of ownership, respect, territorial responsibility and community;*
- *that include the appropriate level of security features;*
- *where the level of human activity is appropriate to the location and creates a reduce risk of crime and a sense of safety;*
- *that are designed with management and maintenance in mind, to discourage crime.*
- *Developers will be required to make provision of appropriate measures to mitigate any adverse effects of development on designated European wildlife sites.*

COMMENT

The policy as currently worded is long, complex and confusing. I have not been provided with any evidence to require parking to be provided above the currently adopted parking standards. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy H6. Housing Density and Design

Viable residential development, as described in H1 to H5, will be supported subject to:

- *Being of a high quality, inclusive and safe. Proposals which are accompanied by a Building for Life assessment are strongly encouraged. [see Volume 2, Appendix 6. "Sources of further information"].*
- *It supporting basic lifestyle needs. Proposals will be strongly encouraged to meet or exceed the minimum space standards for new property sizes as set out by the Royal Institute of British Architects. (RIBA 'Case for Space' refers).*
- *It being of a density that reflects the rural nature of the area, giving an impression of space and avoiding uniform house and plot layouts. The current density in Bere Alston is some 30 dwellings per hectare, which should be regarded as the maximum density for new developments.*
- *Building styles, design, materials and roofscape which reflect the local distinctiveness of the parish, making a contribution to the rural nature of the area.*
- *New properties being designed to relate well to one another, as well as to existing adjacent buildings, avoiding extensive blank walls.*
- *New properties being designed with an emphasis on low energy consumption, as well as a benefit from solar gain. Water efficiency devices are encouraged.*
- *Its design meeting the relevant highway and parking standards as a minimum*

and where possible off street parking for at least two cars per unit and unallocated parking appropriate to the size of the development should be provided. Creating development which is not car dominated.

- Developments on the periphery of the villages should aim to improve, where appropriate and possible, pedestrian access to the centre, recognising that safe access for children to school and play areas are a priority.*
- Affordable housing requirements being properly integrated, ensuring they have the same level of access as open market units.*
- Including, where appropriate, properties with reasonably sized gardens, and green (soft-scaped) communal areas designed to promote a sense of place. Larger developments should include the provision of appropriate play facilities in accordance with relevant Development Plan policies, except where it is within easy and safe walking distance of an existing play park.*
- Boundaries being treated sensitively and, where appropriate, hedgerows should form an integral network of native and local species across the entire development promoting natural wildlife corridors.*
- The use of above ground cables (power, telephone or internet) being minimised.*
- The creation of safe and accessible environments; developments should demonstrate the principles of Crime Prevention through Environmental Design.*

Developers will be required to demonstrate that proposals are in conformity with national and relevant adopted Development Plan policies relating to biodiversity and geological conservation.

Policy H7. Housing Need

All residential schemes of 5 units or above are to provide a choice of housing, which includes a mix of housing size, type and tenure, that is informed by a housing needs assessment to meet the current and future demographic characteristics and requirements of the parish.

Particular regard should be had to the current need for more 1- or 2- bedroom properties, so as to meet the needs of the aging population and single people who wish to remain living on the Bere Peninsula.

A limited provision of 1-4 units for self-build plots will be looked on favourably.

The requirement to provide for affordable rent and shared ownership housing, to meet the continuing need for affordable homes, must be prioritised for local people.

A section 106 agreement should be provided for all social and affordable homes in any new development.

There is a need to avoid the land offered for development being divided into small parcels in order to circumvent the most recent government criteria for affordable homes.

A local letting policy should be applied to all social and affordable housing in any new development.

COMMENT

As set out in the Starter Homes written ministerial statement of 2 March 2015, there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that; contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1,000 square metres (gross internal area) in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.

On the basis of this ministerial statement and to meet the Basic Conditions the policy should be modified as follows:

Policy H7. Housing Need

All residential schemes of 5 units or above will be encouraged to provide a choice of housing, which includes a mix of housing size, type and tenure, that is informed by a housing needs assessment to meet the current and future demographic characteristics and requirements of the parish.

Particular regard should be had to the current need for more 1- or 2- bedroom

properties, so as to meet the needs of the aging population and single people who wish to remain living on the Bere Peninsula.

A limited provision of 1-4 units for self-build plots will be looked on favourably.

Affordable rent and shared ownership housing, to meet the continuing need for affordable homes, must be prioritised for local people.

There is a need to avoid the land offered for development being divided into small parcels in order to circumvent the most recent government criteria for affordable homes.

A local letting policy should be applied to all social and affordable housing in any new development.

Policy EC1. Small Scale Expansions

- ***Small scale expansion of existing retail and other business premises in the Bere Peninsula will be supported, subject to it respecting the established sense of place and local character of the existing buildings in the area of the development and the surrounding countryside.***

COMMENT

I have no comment on this policy

Policy EC2. Railway Goods Yard

At Bere Alston station development proposals will be supported for the redevelopment of the Goods Yard for employment uses that maximise the tourist potential of the site and linkages with the railway consistent with the location of the site in the Tamar Valley AONB, the Cornwall and West Devon Mining Landscape World Heritage Site and the Bere Alston Conservation Area. Any proposals should also:

- ***Maximise the linkages between the network of cycling and pedestrian routes serviced and promoted by the railway line AND/OR***
- ***Support the provision of facilities associated with increased use of the railway, and not prejudice the future delivery of railway infrastructure to enable the reinstatement of the line to Tavistock.***

COMMENT

I have no comment on this policy

Policy EC3. Home-Based Businesses

Small scale changes to residential properties to enable home working and home-based small businesses will be supported, subject to them respecting the established sense of place and local character of the existing buildings in the area of the development and the surrounding countryside.

COMMENT

I have no comment on this policy.

Policy T1. Sustainable Transport

All proposals for housing, business/commercial or other development will be encouraged to enable the use of sustainable modes of transport, e.g. by installing electric vehicle charging points at properties, provision of cycle paths where possible and facilitating access to public transport (ref. Policy DEV31 of the emerging Joint Local Plan).

COMMENT

I have no comment on this policy.

Policy T2. Public Transport

Ensure that access and infrastructure delivered as part of any development meets the need for walking, cycling and public transport connectivity both within the development and in the wider area (ref. Policy DEV31(8) of the emerging Joint Local Plan).

COMMENT

This is a statement rather than a policy. The reference to the policy in the emerging JLP should be removed. For clarity the policy should be modified as follows:

Policy T2. Public Transport

Subject to other policies in this plan support will be given to development proposals which, where appropriate, ensure that access and infrastructure delivered as part of any development meets the need for walking, cycling and public transport connectivity

generated by the development.

Policy T3. Bere Alston Gateway

Any proposals for residential development of the North Woolacombe Road site (ref WD-48-19-08/14) should consider incorporating a new, combined residential and bowling club access junction on the B3257 to avoid multiple access points on to the B3257, financed by S106 levy. This would also avoid the need for site construction traffic to use existing roads within the recent, adjacent development with the associated safety risks for residents, particularly children. However, if this does not prove feasible, an alternative access onto Woolacombe Road would be acceptable. Any such access/highway improvement must reflect the rural character of this sensitive location and avoid using lighting, signage, materials, boundary treatments/finishes and other ephemera that have an overly urbanising effect.

COMMENT

I have no comment on this policy.

Policy T4. Woolacombe Cross

Any proposals for residential development of the South Woolacombe Road site (ref. WD_48_04_08/13) should incorporate measures to improve sight lines at the Collytown crossroads (Woolacombe Cross) on the Bere Ferrers village route financed by S106 levy. Any such access/highway improvement must reflect the rural character of this sensitive location and avoid using lighting, signage, materials, boundary treatments/finishes and other ephemera that have an overly urbanising effect.

COMMENT

I have no comment on this policy.

COMMUNITY

Policy C1. Neighbourhood and Village Shopping

The Plan supports retail development to the recognised shopping core of Bere Alston that would satisfy clearly identified local needs and which are consistent with this plan.

The change of use of shops, post offices and public houses serving the local community to other uses will be supported, where it can be demonstrated there is no

significant harm to the level of service locally and where there is no reasonable prospect of the business continuing.

COMMENT

I have no comment on this policy

Policy C2. Open Space, Sport and Recreation

The following Local Green Spaces will be protected:

o Bere Ferrers Playing Fields

o Bere Alston Recreational Park

o Play Areas in Sarah Park and Pentillie View, Bere Alston

o The Community Allotments in Bere Alston and Bere Ferrers

o Public Slipway at Weir Quay

Any loss of these uses will only be permitted where satisfactory alternative provision can be made either within the existing settlement or in the nearby area.

New developments consisting of 5 or more dwellings, subject to viability and where possible, will make a financial contribution to enhance and upgrade Local Green Spaces.

COMMENT

This policy is confusing as it is not clear from the title that the intention of the policy is to designate Local Green spaces.

West Devon BC have commented that Weir Quay slipway is a man-made construction, constituting an area of concrete that provides access to the River Tamar and thus by definition cannot be considered as a Local Green Space. I concur with this conclusion and have modified the policy to reflect this.

It is only possible to require developer contributions in specific circumstances outside the control of the Neighbourhood Plan. Planning obligations, also known as Section 106 agreements (based on that section of The 1990 Town & Country Planning Act) are private agreements made between local authorities and developers and can be attached to a planning permission to make acceptable development which would

otherwise be unacceptable in planning terms. Planning obligations must be directly relevant to the proposed development. This policy should for clarification and in order to meet the Basic Conditions the policy should be modified as follows:

Policy C2. Local Green Spaces

- The following Local Green Spaces, shown on the Bere Peninsular Neighbourhood Plan Local Green Spaces maps are designated in accordance with paragraph 77 of the National Planning Policy Framework:*
- Bere Ferrers Playing Fields*
- Bere Alston Recreational Park*
- Play Areas in Sarah Park, Pentillie View and at the Parish Hall, Bere Alston*
- The Community Allotments in Bere Alston and Bere Ferrers*
- Bere Ferrers Quay*

New developments consisting of 5 or more dwellings, subject to viability and where possible, will be encouraged to make a financial contribution to enhance and upgrade Local Green Spaces.

Policy C3. Community Services and Facilities

Proposals to increase and enhance open space, sport, recreation, leisure, cultural, health and education facilities will be supported where they will contribute to the wellbeing of a community and improve accessibility to services. Any new facilities or open space provision should be as well related as possible to the settlement, ensuring that they are designed so as to be fully accessible, taking into account a range of diverse needs and circumstances.

Any Developer proposing to redevelop an existing service or community facility must provide evidence to demonstrate that there is no continuing need for that which is existing.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusion and Recommendations

1. *I find that the Bere Peninsula 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. *Due to the length of time it has taken for the Plan to reach examination the local policy context has changed in that, the emerging Plymouth and South West Devon Joint Local Plan (which will become the relevant Development Plan once adopted) has now progressed to examination stage and it is quite likely that it will be adopted either before this plan is Made (should it be successful at Referendum) or shortly after. At the time of my examination the Development Plan was the West Devon Borough Council's adopted Local Plan (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review), the preparation of the Plan and accompanying documents have been based on the Strategic Policies it contains- taking into account that some policies in the Development plan could be considered out of date. The Plan has also been developed to be in conformity with the strategic policies of the emerging JLP as far as possible to ensure that the Plan does not become out of date upon adoption of the JLP.*
3. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
4. *The Bere Peninsula Neighbourhood Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
5. *The SEA Report and Habitats Regulations Assessment screening, meet the EU Obligation.*
6. *The policies and plans in the Bere Peninsula 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 West Devon Borough Council's adopted Local Plan (specifically, the strategic aims of the Core Strategy 2011 and the saved policies of the 2005 Local Plan review).*
7. *I therefore consider that the Bere Peninsula Neighbourhood Plan subject to the recommended modifications can proceed to Referendum.*

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NPIERS Examiner

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25th May 2018