

**Plympton St Mary Neighbourhood Plan 2015 – 2035**

**Plympton St Mary Neighbourhood Plan Submission Version October 2018**

Final Report 8<sup>th</sup> February 2019 to Plymouth City Council of the Examination into the Plympton St Mary Development Plan 2015 – 2035

By Independent Examiner, Martin S. Lee, MA MRTPI AMInstLM MTCPA NPIERS NSI

**Martin S. Lee, MA MRTPI AMInstLM MTCPA NPIERS NSI  
Martin S. Lee Associates Ltd.**

**8<sup>th</sup> February 2019**

<b>Contents</b>	<b>Page</b>
1.0 Introduction and Role of the Independent Examiner	3
2.0 Basic Conditions	4
Appropriate Regard to National Policies and Guidance	6
Contribution Towards Achievement of Sustainable Development	7
General Conformity with Strategic Policies for Local Area	7
Compatibility with European Union Obligations	8
Habitat Regulations Assessment	8
Compatibility with Human Rights Requirements	9
3.0 Background Documents	9
4.0 Public Consultation and Consultation Statement	9
5.0 Plympton St Mary Neighbourhood Plan 2015 – 2035 Land Use Planning Policies	10
Housing	11
Leisure & Wellbeing	12
Transport & Getting Around	13
Economy	13
Environment	14
Heritage & Historic Environment	15
Education	15
6.0 Summary	17
Habitat Regulations Assessment	17
Public Consultation	17
Compatibility with Human Rights	18
Textual, Policy & Map Figure Revisions	18
7.0 Recommendations	18
Modifications to meet the basic conditions	18
Referendum Area	19
8.0 Conclusions	19

## **1.0 INTRODUCTION AND ROLE OF THE INDEPENDENT EXAMINER**

- 1.1** Neighbourhood Planning is an approach to planning which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Report sets out the findings of the examination of the Plympton St Mary Neighbourhood Plan Submission Version October 2018 (the Plan) which is intended to cover the period up to 2035.
- 1.2** Plympton St Mary is a Ward within the Plympton suburb of the City of Plymouth. Plympton contains two further wards, Plympton Maurice and Plympton Earle, and lies within the Plymouth City Council administrative area of the County of Devon, on the A38 between Saltash and Exeter.
- 1.3** The Plan refers to noteworthy history associated with its physical and social development, character, historic buildings and landscape setting, defining the composition of its population and housing stock.
- 1.4** The Plan advises that the population of the Ward in 2016 was 12,856 persons, of which 23% were over the age of 65 compared to the City average of 16.3%.
- 1.5** The Plymouth City Council Decision Report advises that Plympton St Mary Ward applied to Plymouth City Council on 6<sup>th</sup> October 2015 (whilst the application forms contained within it are dated 11<sup>th</sup> November 2015) to seek designation as a Neighbourhood Area and Plympton Executive Decision confirms this was approved on 6<sup>th</sup> January 2016 by Plymouth City Council (PCC). The Neighbourhood Forum have with the assistance of local residents, consultants, Officers and Members of the City Council undertaken progressive and extensive consultation exercises, conducted a number of separate, progressive consultation events, produced a Business Survey (December 2016) Local Green Space Assessment (October 2018) and prepared both the initial Draft (2017) and (following the requisite six-week pre-submission consultation) the revised Submission versions of the Neighbourhood Plan.
- 1.6** My role as an Independent Examiner, when considering the content of a Neighbourhood Plan, is limited to assessing whether the submission version of the Neighbourhood Plan meets the 'basic conditions', and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a Neighbourhood Plan or to examine other material considerations. Paragraph 8 of Schedule 4B to the Town & Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)], states that the Plan must meet the following 'basic conditions';
- have appropriate regard for national policy;
  - contribute towards the achievement of sustainable development;
  - be in general conformity with the strategic policies of the development plan for the local area;
  - be compatible with human rights requirements;
  - comply with the Conservation of Habitats and Species Regulations 2017(d) and
  - be compatible with EU obligations.
- 1.7** In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the Examiner must make a report on the submission version of the plan containing recommendations and reaching one of the following three concluding recommendations:

- (a) that the submission version of the Plan is submitted to a referendum, on the basis it meets all the legal requirements, or
- (b) that subject to modifications specified in the Examiner's report being made to the submission version of the Plan and that the modified submission version of the plan proceeds to a referendum, or
- (c) that the submission version of the Plan does not proceed to referendum on the basis that it does not meet the legal requirements.

**1.8** If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Plympton St Mary Neighbourhood Area, to which the Plan relates.

**1.9** I make my recommendations on all these aspects at the end of this Report. However, in doing so I do not (and am not required to) make any assessment in respect of the community actions which do not constitute planning policy as they do not relate to development management and are aspirational goals for the local community and/or Forum to discuss/resolve with the City Council.

**1.10** I am independent of the qualifying body, associated residents, business leaders and the local planning authority. I do not have any interest in any land that may be affected by the Plan and I possess the appropriate qualifications and experience required to undertake the Examination.

## **2.0 BASIC CONDITIONS**

**2.1** I now consider the extent to which the Plan meets the "basic conditions". A Basic Conditions Statement (Plympton St Mary Neighbourhood Plan 2015-2035 Statement of Basic Conditions) was prepared in October 2018 by the Plympton St Mary Neighbourhood Forum. This Statement explains requirements the Plympton St Mary Neighbourhood Plan must meet under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 to satisfy the basic conditions tests, what these comprise and how the Plan meets these tests, including the contribution that the Plan makes towards the achievement of sustainable development and its general conformity with the strategic planning policies for the development of the area. This Statement has been supplied to me by Plymouth City Council, together with the other examination documents including the Submission Version of the Plan (October 2018), the Consultation Statement (October 2018) and its Appendix IX Response Report (summarising Pre-Submission Consultation Responses), replies to the Post-Submission Regulation 16 Consultation (January 2019) and Strategic Environmental Assessment Screening Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion (December 2017).

**2.2** The Basic Conditions Statement demonstrates how the Neighbourhood Plan conforms with provision made under sections 61E (2), 61J and 61L of the Town & Country Planning Act 1990, as amended by s38C(5)(b). I am content that the Plympton St Mary Neighbourhood Plan, has been submitted by a qualifying body in accordance with requirements and processes set out in the Town & Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 and is thus entitled to prepare a Neighbourhood Plan for its area.

- 2.3** Plympton St Mary Neighbourhood Plan covers the entire Ward of Plympton St Mary. I am content that the Plympton St Mary Neighbourhood Plan meets the requirements of The Town & Country Planning Act 1990, s61G in relation to the designation of the Plan area and that the proposed Neighbourhood Plan does not relate to more than one neighbourhood area and that there are no other Neighbourhood Development Plans in place within this neighbourhood area.
- 2.4** In relation to the Plan period it is essential that the Plympton St Mary Neighbourhood Plan contains explicit reference to its starting point as well as its end point. The front cover page and text of the Plan contains clear reference to its starting point as 2015 and end as 2035.
- 2.5** The "Introduction" to the Draft Plan should within it contain reference to the Community Actions in the Plan being actions that the local community wish to undertake and do not commit the City Council to either undertake any of those actions or change any of its own policies, to clarify the Plan relates to those elements controlled by the local community and not any (other) statutory body. In subsection "What the PSMNP aims to achieve" on Page 4 explains the primary aim in commencing Plan preparation in 2015 as being to provide "local policies and community actions to address local issues and concerns which, while covered in current policy at a Plymouth level, gives a local perspective". "A Vision for Plympton St Mary" at subsection "Plympton St Mary Vision" on Page 11 provides not only a clear Vision Statement but also expands that to provides clearly stated objectives.
- 2.6** The current adopted development plan for the area is the Plymouth Local Development Framework (LDF) which comprises:

**Adopted Development Plan Documents Adoption Date**  
*Plymouth's Core Strategy (including Criteria Based Policies) 04/2007*  
*North Plymstock Area Action Plan and Minerals Development Plan Document 08/2007*  
*Devonport Area Action Plan 08/2007*  
*Millbay and Stonehouse Area Action Plan 08/2007*  
*Waste Development Plan Document 04/2008*  
*Sutton Harbour Area Action Plan 07/2008*  
*Central Park Area Action Plan 09/2008*  
*City Centre and University Area Action Plan 04/2010*  
**Adopted Supplementary Planning Documents Adoption Date**  
*Planning Obligations and Affordable Housing SPD 2nd Review 07/2012*  
*Design SPD 07/2009*  
*Development Guidelines SPD (First Review) including Coastal Planning 04/2013*  
*Shopping Centres SPD 07/2012*

- 2.7** While the above is the current set of adopted documents, Plymouth City Council in concert with neighbouring South Hams District and West Devon Borough Councils have made significant steps in the production of the Plymouth and South West Devon Joint Local Plan (JLP). At the time of submitting the Draft Plan, the JLP was still at Examination. At the time of this Report's writing the Public Hearings had closed and the Inspectors Report was awaited. No dates appear currently indicated/confirmed for anticipated receipt of the Inspectors Report, publication of potential modifications to the JLP and/or subsequent formal adoption.
- 2.8** To some degree this plan has been developed using the emerging JLP and its evidence base which went through extensive consultation by Plymouth City Council (PCC). The Neighbourhood Plan is clearly in general conformity with the current adopted policies in PCC's Local Development Framework. Whilst some references to the JLP in this plan may need to be updated following adoption of the JLP, the objectives and policies of the

Neighbourhood Plan have been based on an up-to-date evidence base and extensive community consultation and any updates required are likely to be minor (updating references) and not affect the soundness of the Neighbourhood Plan.

**Appropriate Regard to National Policies and Guidance, including National Planning Policy Framework (NPPF)<sup>1</sup>**

- 2.9** Presumption in favour of sustainable development: NPPF 2018 advises that all plans should be based upon the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally. Paragraph 13 of the NPPF 2018 acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. Neighbourhoods are encouraged to develop plans that support the strategic development needs set out in Local Plans (including policies for housing and economic development) and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The Basic Conditions Statement asserts the Neighbourhood Plan is planning positively, enabling as opposed to prohibiting.
- 2.10** The Basic Conditions Statement identifies within the table in Appendix I on pages 11 to 17 inclusive how each of the Policies of the Neighbourhood Plan show due regard to the NPPF. The NPPF 2018 explains at paragraph 29, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.
- 2.11** The Plympton St Mary Neighbourhood Plan includes a statement within its second chapter establishing a very clear Vision for the Parish that has been guided by extensive and progressive rounds of community consultation and engagement. Clearly setting out the extent of consultation prior to the draft Pre-Submission version of the Plan the Consultation Statement contains the summary of responses received, their analysis and the minor changes made as a consequence. A further document sets out a schedule of those representations received as part of the Regulation 16 Consultation. There has been a very clear effort to translate the vision into a series of meaningful planning policies to plan for sustainable housing growth (and encouraging affordable housing provision), provide new health care and education facilities, protect the character of the area, increase opportunities for sustainable travel, foster business development, and to determine future planning applications as part of the Development Plan for the City and the wider Joint Local Plan area.
- 2.12** Paragraph 29 of the NPPF 2018 requires that non-strategic policies within Neighbourhood Plans should not promote less development than the strategic policies of the Development Plan or undermine those policies and (at footnote 16 that Neighbourhood Plans must be in general conformity with the strategic policies of the Development Plan). Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Provided that neighbourhood plans do not promote less development than set out in Local Development Plans, or undermine the strategic policies, neighbourhood plans may shape and direct sustainable development in their area.

<sup>1</sup> Paragraph 214 of NPPF 2018 identifies the transitional arrangements in place to address circumstances where Neighbourhood and Local Development Plans are already in preparation prior to the replacement of NPPF 2012 with the current version NPPF 2018 that allow such plans to continue to be considered under NPPF 2012. It comments that plans submitted before 24 January 2019 will be examined on the basis of NPPF 2012.

- 2.13** It is clear from the Basic Condition Statement that the Forum and City Council believe the Plympton St Mary Neighbourhood Plan is in general conformity with the strategic policies of the current LDF and emerging JLP, striking a positive balance between the physical and policy constraints of the Ward and the requirement to secure community and economic development. Helpfully, the Basic Conditions Statement sets out how each of the thematic policies supports relevant policies contained in the LDF and JLP and conforms with the provisions of the Plympton St Mary Neighbourhood Plan on pages 11 to 17 inclusive in the table within Appendix I. The Submission Version of the Plan also clarifies from the outset that its life span has been matched to that of the emerging JLP (i.e. to 2035) so that it may reasonably rely on the evidential background documentation used in its preparation.
- 2.14** The Plympton St Mary Neighbourhood Plan also references both the LDF and JLP policies, together with its own assessments on Local Green Spaces and Businesses to support the strategic policies of both the adopted and emerging Plans.
- 2.15** The Plympton St Mary Neighbourhood Plan Basic Conditions Statement systematically sets out how the Submission Version of the Plan meets NPPF guidance based on the principal topic areas cross referenced to the LDF and JLP policies. There is combined reference within the Basic Conditions Statement to confirm that both NPPF 2012 and NPPF 2018 have been considered.
- 2.16** Subject to my comments in section 5 of this report, in relation to various policies of the Plan, I am generally satisfied that the Plan has adequate regard to both national guidance and the Development Plan.

### **Contribution towards Achievement of Sustainable Development**

- 2.17** The Plympton St Mary Neighbourhood Plan does not contain a clear definition of the three dimensions to sustainable development as being, economic, social and environmental (notwithstanding its Glossary definition which references the United Nations General Assembly definition of sustainable development). The Plympton St Mary Neighbourhood Plan should contain a brief statement within its Introduction which sets out the roles that the planning system is expected to perform in relation to each. The Plympton St Mary Neighbourhood Plan should also include an analysis of how it contributes to the achievement of sustainable development as defined within the NPPF.
- 2.18** I consider that this would then offers a clear analytical framework to test the credentials of the Submission Version of the Plan and how the Plan would properly contribute to the objective of sustainable development, subject to the various policy amendments that I have recommended below.

### **General Conformity with Strategic Policies for Local Area**

- 2.19** The statutory development plan currently relating to the Plympton St Mary Neighbourhood Plan area currently comprises those documents within the Local Development Framework listed in paragraph 2.6 above. The approach to the preparation of the Plympton Neighbourhood Plan has been to ensure general conformity with both saved and new Policies within the LDF and the emerging JLP to ensure that the Neighbourhood Plan remains relevant for the duration of the LDF and its replacement the JLP. This is demonstrated within the Basic Conditions Statement, Section 4.1 with regard to the NPPF

and Section 4.3 with regard to the strategic policies of the Local Plan, which sets out clearly how the Plympton St Mary Neighbourhood Plan conforms with each of the relevant strategic policies of both, referring to the considerable regard given to the evidence base of the emerging JLP.

- 2.20** I am, therefore, satisfied that the Neighbourhood Plan is in general conformity with the strategic policies in the LDF and JLP.

### **Compatibility with European Union Obligations**

- 2.21** In relation to the Plympton St Mary Neighbourhood Plan, Plymouth City Council provided a Screening Opinion which at page 4 of Section 2 confirms "*The conclusions of the above screening assessment on the 'Plympton St Mary Draft Neighbourhood Plan 2015-2034 (Draft) indicate that a Strategic Environmental Assessment will not be required.*" This opinion is then clarified by the table which precedes the statement showing the assessment undertaken in order to reach this conclusion, confirming the advice in the National Planning Policy Guidance (NPPG), February 2015, which clarifies where a SEA may be required for a neighbourhood plan.
- 2.22** The Regulation 16 consultations did not indicate any parties were discontent with the methodology or finding of the Screening Opinion issued in respect of the Plympton St Mary Neighbourhood Plan.
- 2.23** I therefore consider that a proportionate and focussed approach has been taken through the SEA process for the Plympton St Mary Neighbourhood Plan and that the assessment has been completed in a timely fashion at the appropriate stage of the Plan preparation.
- 2.24** The NPPG advises, at paragraph 030, that it is for the Local Planning Authority to ensure that the strategic environmental assessment requirements have been met and whether the neighbourhood plan proposal is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive).
- 2.25** I consider in relation to sustainability appraisal, including Strategic Environmental Assessment, the analysis undertaken is sufficient in a neighbourhood planning context and following on from the recent work undertaken in informing policy development for the emerging JLP that the Basic Conditions have been met in contributing to sustainable development and meeting this component of EU regulation.

### **Habitat Regulations Assessment**

- 2.26** A Habitats Regulations Assessment Screening Report has been incorporated within the SEA Determination Report to assess whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the Neighbourhood Plan Area and at Section 3 states "*It is considered that the PSMNP will not have a significant effect on a European site and that therefore further assessment under the Habitats Regulations is not required.*" This it bases on the assessment demonstrated in the table which immediately precedes the statement.
- 2.27** Due to the lack of evidence of any relevant designated sites likely to be impacted upon, I agree that the neighbourhood development plan is unlikely to have a significant effect on a

European site (as defined in the Conservation of Habitats and Species Regulations 2012) or any 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. I also consider the making of the neighbourhood development plan would not be likely to breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

### **Compatibility with Human Rights Requirements**

**2.28** An Equalities Impact Assessment (January 2016) provides the appropriate analysis required to demonstrate how it is considered the Plan's preparation has had due regard throughout to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and that requisite consultation complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I consider that assessment needed has been properly undertaken.

### **3.0 BACKGROUND DOCUMENTS**

**3.1** In examining the Plympton St Mary Neighbourhood Plan, I have had particular regard to the following documents which include the Submission Version of the Plan:

- a) National Planning Policy Framework, 2012 (superseded)
- b) National Planning Policy Framework, 2018 (revised)
- c) National Planning Policy Framework, Planning Practice Guidance, 2015
- d) Town and Country Planning Act 1990 (as amended)
- e) The Planning and Compulsory Purchase Act 2004 (as amended)
- f) The Planning Act 2008
- g) The Localism Act (2011)
- h) The Neighbourhood Planning (General) Regulations (2012)
- i) The Housing & Planning Act (2016)
- j) Plymouth City Local Development Framework & Associated Supplementary Planning Documents
- k) Plymouth & South West Devon Joint Local Plan (Emerging)
- l) Plympton St Mary Neighbourhood Forum Application Form
- m) Plympton St Mary Forum Final Constitution
- n) Plympton St Mary Designation of Plan Area Form
- o) Plympton St Mary Neighbourhood Plan Boundary
- p) Plymouth City Council Final Decision on Designation of Plympton St Mary Neighbourhood Area
- q) Plymouth City Council Decision Report
- r) Plympton St Mary Neighbourhood Plan Equalities Report
- s) Plympton St Mary Site Notice, Map and Representation Details
- t) Plympton St Mary Neighbourhood Plan 2015-2035 (Submission Version)
- u) Plympton St Mary Neighbourhood Plan Basic Conditions Statement
- v) Plympton St Mary Neighbourhood Plan Statement of Consultation
- w) Plympton St Mary Local Green Space Evidence
- x) Plympton St Mary Neighbourhood Plan Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Opinion
- y) Plympton St Mary Neighbourhood Plan Summary of representations submitted by Plymouth City Council to the Independent examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012

### **4.0 PUBLIC CONSULTATION AND CONSULTATION STATEMENT**

**4.1** Part 5 of The Neighbourhood Planning (General) Regulations 2012, "the Regulations", makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Section 15(2) of Part 5 of the Neighbourhood Planning (General) Regulations 2012, the consultation statement should contain the following:

- details of people and organisations consulted about the proposed Neighbourhood Plan;
- details of how they were consulted;
- a summary of the main issues and concerns raised through the consultation process, &;

- descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.

- 4.2** The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement is a fundamental requirement of the Neighbourhood Planning Regulations, the process of plan-making being almost as important as the plan itself. Such engagement with the community during the plan-making process has raised awareness and encouraged the community in the Ward area to understand/question both the proposed policies as well as the Plan's scope/limitations.
- 4.3** The Consultation Statement sets out in some considerable detail the events that took place to secure public engagement in the Plan area and with statutory consultees, with the assistance of officers of Plymouth City Council. The Consultation Statement charts the progress and activities to the point it was deemed ready for submission to Plymouth City District Council to undertake relevant Regulation 16 Consultation and then forward to an Independent Examiner.
- 4.4** I note that the Pre-Submission Plan Regulation 14 Consultation Period ran for the requisite six-week time-period and that during that period a proportionate programme of information dissemination about the draft Plan was undertaken together with further meetings to explain the emerging proposals. At the end of the consultation period, the detailed responses were analysed. The Consultation Statement demonstrates that comments received were on relatively minor details all of which were addressed by adjustments to the text prior to its finalisation and formal Submission to Plymouth City Council in October 2018.
- 4.5** The Consultation Statement records the Regulation 14 responses to the draft policies and reflects the views from the various parties and Plymouth City Council on draft policy formulation. Importantly, the Neighbourhood Plan Pre-submission Consultation Responses explains in a tabular form the actions taken in relation to the comments received with a view to responding to concerns with the intention of enhancing the quality of the Plan.
- 4.6** The Consultation Statement does not cover the Regulation 16 Consultation. However, a table providing a summary of representations received was submitted by Plymouth City Council to the Independent Examiner pursuant to Regulation 17 of Part 5 of The Neighbourhood Planning (General) Regulations 2012. I have taken these details into consideration in the examination of the Plan and in making my observations on the proposed policies (see below).
- 4.7** I am satisfied that the Consultation Statement in combination with the two tabulated form response summaries complies with Section 15(2) of part 5 of the 2012 Neighbourhood Planning Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act, in accordance with 15(1) of part 5 of the 2012 Neighbourhood Planning Regulations.

## **5.0 PLYMPTON ST MARY NEIGHBOURHOOD PLAN 2015–2035 – LAND USE PLANNING POLICIES**

**5.1** I now turn to consider the land use planning policies of the Plympton St Mary Neighbourhood Plan. It was established in *R. (Maynard) v Chiltern District Council*<sup>1</sup> that it is wrong to consider each policy within a neighbourhood development plan examination, in the context of compliance with the strategic policies of the development plan and the NPPF, in relation to Basic Conditions a) and e), but rather it is the Plan as whole that needs to be considered in the context of such policy guidance, in terms of “general conformity”. In *Woodcock*<sup>2</sup>, paragraph 8(2)(e) of Schedule 4B of 1990 Act only required the LPA to consider whether the draft Neighbourhood Plan, as a whole, is in general conformity with the adopted Development Plan. It is not appropriate to consider whether there is a tension between one policy of the Neighbourhood Plan and one element of the Local Plan, Core Strategy or emerging Joint Local Plan. I have used this approach in assessing whether the Plan meets the Basic Conditions.

**5.2** However, I consider that it is still prudent from an implementation perspective, to briefly review each of the policies to ensure that they are genuine land use planning policies and that they will serve the Ward in the future for development management purposes, should the Plan be made. Before doing so, I would recommend that whilst each of the main sections of the Submission Version of the Plan is numbered that there is a practical requirement for each and every Sub-Section and all individual paragraphs of the Plan to be enumerated for greater ease of future reference and legibility by those endeavouring to make practical use of it for development management purposes in the future.

### **Housing**

**5.3** Plymouth City Council has confirmed that it can currently demonstrate the requisite housing supply after recalculations undertaken following the issue of NPPF 2018. There is, therefore, no essential requirement for the draft Plympton St Mary Neighbourhood Plan to propose new sites for housing development. The Plan makes clear, however, the community desire to plan for and accommodate sufficient growth required to support local services and focus new development in the most sustainable location by focussing on the redevelopment of brownfield land in any location subject to good design, so enabling new housing development to be considered more positively.

### **5.4 Policy PSM1: Other Housing Development (including specialist housing)**

*Permission will be granted for residential developments on previously developed sites subject to proposals being well designed and meeting relevant requirements as set out in other policies. Proposals which provide for affordable, independent, supported living and other specialist housing will particularly be encouraged.*

**5.5** The early use of the phrase “will be granted” in the first sentence amounts to prejudgement of any development proposal. In addition, the stated requirement later in the first sentence to comply with other policies of this Plan is an unnecessary reference as this is a given requirement for all development proposals and could equally apply to the policies of the LDF and JLP. The following changes to wording are suggested to simplify the structure and provide greater clarity to enable easier interpretation of the policy to enable more effective application for development management purposes:

<sup>1</sup> [2015] EWHC 3817 (Admin), *Holgate J*, 16th November 2015

<sup>2</sup> *Woodcock Holdings Ltd v Secretary of State for Communities and Local Government*, [2015] EWHC 1173 (Admin), [2015] JPL 1151, *Holgate J*, 1st May 2015.

**Policy PSM1: Other Housing Development (including specialist housing)**

**Proposals demonstrating good design will be supported for residential developments on previously developed sites. Proposals which provide affordable, independent/supported living and other specialist housing will be encouraged.**

**Leisure and Wellbeing**

**5.6 Policy PSM2: Provide New Health Care Facilities**

**Financial contributions will be sought from developers of new housing in Plympton St Mary to contribute to improved healthcare facilities where required to mitigate the impacts of the development.**

- 5.7** The policy reference to "in Plympton St Mary" is superfluous as the Plan cannot control developments outside its administrative boundary and so I recommend its removal to simplify the policy structure. "Impacts" are not defined and so I also recommend the addition of reference to existing services. Accordingly, the following rephrasing is suggested:

**Policy PSM2: Provide New Health Care Facilities**

**Financial contributions will be sought from developers of new housing to contribute to improved healthcare facilities where required to mitigate the impacts of any development upon existing community healthcare services.**

**5.8 POLICY PSM 3: High Quality Amenity Green Space**

**Housing developments will look to improve the quantity and quality of accessible green space and play space in Plympton St Mary. This should be in line with local targets and standards. This can be delivered through on-site provision or financial contributions to off-site provision within the Neighbourhood Plan area where appropriate.**

- 5.9** The use of "will look" is non-compelling and ineffective for development management purposes. The policy also contains unnecessary reference to "Plympton St Mary" and "within the Neighbourhood Plan area". The following wording would have greater strength by making it a requirement that all new development proposals improve green space:

**POLICY PSM3: High Quality Amenity Green Space**

**Housing development proposals shall improve the quantity and quality of accessible, green space and play space in line with current local development plan targets and standards, through on-site provision or financial contributions to off-site provision where on-site provision is impracticable or off-site provision will provide more substantial improvement.**

**5.10 POLICY PSM 4: Green Space on the Boringdon/Newnham Ridge**

**Opportunities will be sought with the Council and land owners, as appropriate, to secure enhanced access improvements and improved quality of the green space at the Boringdon/Newnham Ridge, as shown on the vision diagram.**

- 5.11** The boundary of the Green Space of the Boringdon/Newnham Ridge is obscured completely along its northern edge by the orange line defining the boundary of the Plan area. This overlap should be corrected for the sake of clarity. It would also help if the Vision Diagram could along with any other diagrams or plans within the Plan be numbered (e.g. "Diagram 1") for further ease of reference. The location of the diagram referred to in this policy should also be made explicit for ease of reference, if not in the policy then clearly in the supporting text. In addition, the Vision Diagram uses an annotated base plan extracted from the emerging Plymouth & South Devon Joint Local Plan which includes allocation references which do not form part of this Neighbourhood Plan. Accordingly, these superfluous annotations should either be removed, or the title of the Vision Diagram

amended to recognise that these allocations are not proposed within the Neighbourhood Plan. Additionally, as it is currently phrased the policy is purely aspirational without being tied to development proposals it is meant to be related to. By introducing reference to 'development outside the boundary of the Green Space' the policy phraseology transforms from a purely aspirational community goal to a development control tool able to inform negotiations with developers (e.g. in relation to S.106 agreements). Supporting text may also need to be amended to provide even further clarity. Accordingly, bearing in mind alternative phraseology suggested by both the Forum and the Council, the following alternative wording is suggested:

***POLICY PSM4: Green Space on the Boringdon/Newnham Ridge***

***Opportunities will be sought, in relation to developments outside the boundary of the Green Space and through discussion and negotiation with the Council and landowners, to secure enhanced access improvement and improved quality of the green space at the Boringdon/Newnham Ridge, as shown on the Vision Diagram.***

**Transport and Getting Around**

**5.12 Policy PSM5: Increasing Opportunities for Sustainable Travel**

***New development proposals should give priority to and improve the attractiveness and safety of walking, cycling and public transport services and infrastructure by:***

- ***Supporting greater connectivity between the more out-lying areas of Plympton St Mary and the main bus network.***
- ***Monitoring and supporting the Park and Ride at Deep Lane and at Coypool if necessary.***
- ***Completing proposed strategic highway improvements at Deep Lane.***
- ***Supporting proposals for a new railway if viable.***

**5.13** The current wording of the policy is vague and therefore unwieldy and likely to be ineffective for development management purposes. I consider adjustment is needed to enhance effectiveness of the policy for development management purposes and accordingly suggest the following amended wording:

***Policy PSM5: Increasing Opportunities for Sustainable Travel***

***New development shall give priority to improving the attractiveness and safety of walking, cycling and public transport services and infrastructure by incorporating proposals which:***

- ***support greater connectivity between out-lying areas and the main bus network;***
- ***monitor and support Park and Ride at Deep Lane and Coypool;***
- ***enable completion of proposed strategic highway improvements at Deep Lane;***
- ***support proposals for a new railway connection, and/or;***
- ***improve links to and enhance the National Cycle Network.***

**Economy**

**5.14 Policy PSM6: Primary Shopping Areas**

***Change of use applications will be permitted in ground floor shopping areas where the use is deemed complimentary to that of the existing retail provision and preserves the diverse retailing role. Applications will particularly be supported for A1 and A2 use.***

**5.15** The use of "will be permitted" is prejudicial to the consideration of formal applications for planning permission. I consider adjustment is necessary to enhance preserve the positive intent but ensure the effectiveness of the policy for development management purposes and accordingly suggest the following amended wording:

***Policy PSM6: Primary Shopping Areas***

***Change of use applications will be supported in ground floor shopping areas where the use is deemed complimentary to that of the existing retail provision and preserves the diverse retailing role. Applications will particularly be supported for A1 and A2 use.***

### **5.16 Policy PSM7: Accessibility of Business Development**

*Business development will be supported where appropriate access and infrastructure (including adequate parking) are delivered as part of new development; this includes meeting the need for greater sustainable transport options.*

**5.17** There is no issue with the wording of the policy as proposed. Accordingly, no change is suggested.

#### ***Policy PSM7: Accessibility of Business Development***

*Business development will be supported where appropriate access and infrastructure (including adequate parking) are delivered as part of new development; this includes meeting the need for greater sustainable transport options.*

### **5.18 Policy PSM8: Advertisements and Signs**

*Proposals for the display of outdoor advertisements and signs will be permitted, provided that they do not have an adverse effect on visual amenity or public safety and are in keeping with the local area.*

**5.19** The use of "will be permitted" is prejudicial to the consideration of formal applications for planning permission. The use of "do" implies the advertisement or sign already exists and its replacement with 'would' covers proposed development as well as applications seeking retrospective permission for development already undertaken. In addition, a qualification to the "in keeping" reference would make it explicit that it is the 'visual character' which the policy seeks to protect. This would preserve the policy's positive intent whilst ensuring the effectiveness of the policy for development management purposes. Accordingly, I suggest the following amended wording:

#### ***Policy PSM8: Advertisements and Signs***

*Proposals for the display of outdoor advertisements and signs will be supported, provided that they would not have an adverse effect on visual amenity or public safety and are in keeping with the local area.*

### **Environment**

### **5.20 Policy PSM9: Development on Green Spaces**

*Plympton St Mary's green spaces will be protected from inappropriate development. Where the site is identified as Local Green Space on the vision diagram and in figure 1, only minor development will be permitted where it enhances the value of the green space.*

*Development will also not be permitted on green spaces where:*

- *There would be a fundamental change to the character and function of the urban edge of the city;*
- *Accessibility of current green spaces would be eroded;*
- *The local/historic environment and context would be damaged;*
- *The current primary function of the green space, such as for sports or recreation, would be replaced;*
- *The proposed development would be out of keeping with the character of the area.*

**5.21** The NPPF 2018 sets out at paragraph 99 to 101 the requirements for the identification and robust evaluation of Local Green Space and that policies designed to manage development within them must be compatible with those for Green Belts. The policy seeks to provide protection to sites properly assessed as of local landscape, community and/or ecological value and thus its title should be amended to reflect this. The supporting documentation for the Draft Plan (Plympton St Mary Local Green Space

Evidence) enables me to conclude that the identification and evaluation process has been robust and thus that subject to certain textual adjustments the policy proposed will be compatible with those for Green Belts. In addition, the emerging Plymouth & South West Devon Joint Local Plan and Main Modification MM52 add a policy which states the Councils support for designation of Local Green Space through the Neighbourhood Plan process to protect them from inappropriate development in accordance with local and national policy for Green Belts. The first paragraph under Environment on page 10 of the Draft Plan should be updated to include reference to the new City Green Space designation to ensure greater coordination. Changes to the text are required to simplify the policy structure and ensure the policy is positively (not negatively) worded and becomes an effective development management tool. In addition, Figure 1 should be enlarged to at least the same scale as the Vision Diagram earlier in the plan to make it easier to determine the precise boundaries of each Local Green Space. Accordingly, the following is suggested as amended wording:

***Policy PSM9: Development on Local Green Spaces***

***Designated Local Green Spaces (as identified in Figure 1 below) will be protected and only minor development will be supported where:***

- ***it will enhance the value or function of the green space;***
- ***no fundamental change to the character and function of the urban edge of the city would result;***
- ***accessibility of current green spaces would not be eroded;***
- ***historic features and their setting would not be damaged;***
- ***current primary function of the green space, such as for sports or recreation, would not be lost;***
- ***it would be in keeping with the visual character of the area, and/or;***
- ***there would be harm to or loss of historic habitats (e.g. veteran/ancient trees) which would be inadequately mitigated.***

## **5.22 Policy PSM10: Mitigating Flood Risk**

***Proposals should be accompanied by relevant supporting evidence in order to ensure the development does not increase flood risk in the area and is appropriately flood resilient and resistant.***

**5.23** The positive policy aim is to support development which is not likely to increase local flood risk. Additional reference should, for the sake of clarity and coordination, be added from page 10 to 24 under Environment and Flooding Issues of the Draft Plan in relation to the City Council's Local Flood Risk Management Strategy (LFRMS), surcharged sewers and Critical Drainage Areas (CDA). As all flood risk assessment is based on theoretical modelling and thus it is not possible to categorically "ensure the development does not increase flood risk". Accordingly, the following amended form is suggested:

***Policy PSM10: Mitigating Flood Risk***

***Proposals should be accompanied by relevant supporting evidence in order to ensure the development is not likely to increase potential flood risk in the area and is appropriately flood resilient and resistant.***

## **Heritage and the Historic Environment**

## **5.24 Policy PSM11: Conserving and Developing the Historic Environment**

***New development will ensure the historic environment is protected and promoted as a key element***

***of local character and distinctiveness. If the site is already allocated in the JLP, it will have undergone a Heritage Impact Assessment and these findings should be considered in any planning application.***

**5.25** The use of "will" does not create a requirement. Its replacement with "shall" creates a stronger imperative. The final sentence is also a descriptive element which should be

removed to the supporting text as it only provides justification/explanation for the policy and does not form part of any policy requirements. Under Policies on page 25 the supporting text should be amended to include reference to Scheduled Ancient Monuments (SAMs). Accordingly, to make the policy more effective for development management purposes suggest the following amended wording:

***Policy PSM11: Conserving and developing the Historic Environment***

***New development shall ensure the historic environment is protected and promoted as a key element of local character and distinctiveness and, if the site is already allocated in the JLP, any proposals shall incorporate the findings of the Heritage Impact Assessment undertaken in relation to the site.***

## **5.26 Policy PSM12: Local Heritage Asset Signage**

***Advertisement applications which highlight local heritage and historical assets will be supported provided that they do not have an adverse effect on visual amenity or public safety.***

**5.27** The use of "applications" should be replaced with "proposals" to ensure it is clear that it is the effect of the proposed advertisement itself that needs to be assessed, in order to become an effective development management tool and so the following alternative is suggested as the best way to achieve this end:

***Policy PSM12: Local Heritage Asset Signage***

***Advertisement proposals which highlight local heritage and historical assets will be supported provided that they will not be likely to have an adverse effect on visual amenity or public safety.***

## **Education**

## **5.28 Policy PSM13: New School at Newnham**

***A new primary school at Newnham will be developed as part of the current allocation in the JLP (PLY52). If the site does not come forward, an alternative site in Plympton St Mary or within close proximity will be sought to meet educational needs.***

**5.29** This policy aims to support the provision of a new community education facility within an allocated development site but to encourage consideration of alternative options in the event development of the site does not secure same. Adjusted policy phrasing and replacement of "will" with "shall" would make the policy intent a binding requirement and increase its usability for development management purposes. Accordingly, the following alternative wording is suggested:

***Policy PSM13: New School at Newnham***

***A new primary school at Newnham shall be developed as part of the current PLY52 allocation in the JLP. In the event that no planning permission for the development of this site is secured which incorporates such provision on site, an alternative site in close proximity will be sought to meet the identified educational needs of the community.***

## **6.0 SUMMARY**

- 6.1 In accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10(6), b), I set out the summary of my findings below.
- 6.2 I am satisfied that the qualifying body is entitled to submit a Neighbourhood Development Plan for the designated plan area and that this area is one which is appropriate for designation as a Neighbourhood Area. Formal designation was confirmed by Plymouth City Council on 25<sup>th</sup> January 2016.
- 6.3 The policies proposed within the Plympton St Mary Neighbourhood Plan relate to development and use of land within the designated Neighbourhood Area.
- 6.4 The plan period of the Neighbourhood Development Plan is 2015 to 2035 and it does not contain policies relating to "excluded development" as defined s61K of the Town & Country Planning Act 1990 (as amended).
- 6.5 I am also satisfied that the Plympton St Mary Neighbourhood Plan 2015 – 2035 only relates to one neighbourhood area and there is no other NDP in place within its area.
- 6.6 The Plan has been examined against current national and adopted local planning policy.
- 6.7 The Plan has also been subject to an Assessment in compliance with EU Directive 2001/42 on Strategic Environmental Assessment to inform the consideration of the Submission Version of the plan. The policies within the Submission Version of the Plympton St Mary Neighbourhood Plan appraised well against the relevant sustainability framework. This gives confidence that the Plan, if made, should make a positive contribution to sustainable development within the Plan area.

### ***Habitat Regulations Assessment***

- 6.8 A Habitats Regulations Assessment Screening Report has been undertaken by Plymouth City Council officers to determine whether the Neighbourhood Plan was likely to impact on the integrity of European protected sites within and surrounding the district. The lack of any evident protected sites likely to be affected by the allocation proposals contained within the Plan means it appears evident no further screening or further assessment was required. I agree therefore that the neighbourhood development plan is unlikely 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. I also consider the making of the neighbourhood development plan would not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(d).

### ***Public Consultation***

- 6.9 As to public consultation, the process and management of the community consultation appears thorough and I am confident that the Consultation Statement outlining the terms of reference and actions, the supporting evidence from the workshops, consultation correspondence and feedback leading to the formulation of draft policies, subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2), Part 5 of the Neighbourhood Planning (General) Regulations 2012.

### ***Compatibility with Human Rights Requirements***

- 6.10 The Equalities Impact Assessment provides confirmation that the Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the requirements of Regulations 14 and 15(2) of the Neighbourhood Planning (General) Regulations 2012. I am satisfied the Plan is otherwise compatible with EU obligations and will contribute to achieving sustainable development within the Plympton Neighbourhood Plan area.

### ***Textual, Policy & Map/Figure Revisions***

- 6.11 I confirm that I have noted the various representations received from interested third parties (such as, Natural England, Devon & Cornwall Police, Plymouth Cycling Campaign, Woodland Trust and Plymouth City Council) and where relevant to Development Management policies I have made appropriate suggestions for amendments. I have not considered representations relating to Community Actions as they fall outside of my remit as they are not Development Management related and remain a matter for the local community, Forum and City Council to discuss/resolve separately.
- 6.12 I am satisfied that subject to the recommended policy revisions being accepted, that the draft Plympton St Mary Neighbourhood Plan 2015-2035, has given adequate regard to the policies in the current National Planning Policy Framework (NPPF2018) and other relevant national planning guidance and would be in conformity with the strategic policies of the adopted Plymouth City Local Development Framework and Core Strategy as well as those of the emerging Plymouth & South West Devon Joint Local Plan.
- 6.13 If these recommended changes are accepted (and the necessary associated modifications are made to the supporting text to ensure consistency and legibility within the document) I believe that the Plympton St Mary Neighbourhood Plan 2015-2035 will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst conserving the natural and historic environment within the designated area.

## **7.0 RECOMMENDATIONS**

### ***Modifications to meet the basic conditions***

- 7.1 For the reasons set out above and subject to the modifications indicated in the preceding sections of this examination report being accepted and incorporated into a revised version of the Plan, I consider that the Plan would meet the basic conditions in terms of:
- having appropriate regard to national planning policy;
  - contributing to the achievement of sustainable development;
  - being in general conformity with the strategic policies in the development plans for the local area;
  - being compatible with human rights requirements;
  - compliance with Conservation of Habitats and Species Regulations, and
  - being compatible with European Union obligations.

7.2 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this report are made to the Plympton St Mary Neighbourhood Plan 2015-2035 and that the Submission Version of the Plan as modified may be submitted to a referendum.

**Referendum Area**

7.3 It is the Independent Examiner's role to consider the referendum area appropriate should event that the Neighbourhood Forum wishes to proceed to the referendum stage.

7.4 In the event that it is decided to proceed to the referendum stage with this Plan, I consider that the referendum area should extend to the full extent of the originally designated Plan Area, as confirmed on 25<sup>th</sup> January 2016 and identified edged red on the first (yet to be enumerated) figure on page 3 of the Plympton St Mary Neighbourhood Plan 2015–2035.

**8.0 CONCLUSIONS**

8.1 I conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.

8.2 In accordance with the Town and Country Planning Act 1990, Schedule 4B 10 (2) (b), I recommend that the modifications specified in this report are made to the draft Neighbourhood Plan and if accepted, the Plympton St Mary Neighbourhood Plan 2015 – 2035 is submitted to a referendum.

*Report Prepared by*

**Martin S. Lee**  
**MA MRTPI AMInstLM MTCPA NPIERS NSI**  
**Independent Examiner**  
**8<sup>th</sup> February 2019**