

**Examination into the soundness of the Plymouth and South West Devon
Joint Local Plan (JLP) 2014 -2034**

Post Hearing Advice

Introduction

1. At this stage we consider that the JLP is a plan which could be found sound subject to main modifications (MMs). However we have reached no final conclusions at this time. The MMs will be subject to consultation and we will reach our final conclusions taking any representations into account.
2. During the hearing sessions a number of potential MMs were discussed and a list has been maintained by the Councils. In addition we indicated at the hearings that there were matters on which we would need to deliberate before we would be in a position to advise the Councils as to whether any additional work or further MMs should be considered. This letter provides our views on this. It also sets out the administrative arrangements relating to all potential main modifications.
3. We are not inviting any comments about the contents of this letter, although we are seeking the Councils' response on the matters raised. We will detail our reasoning on these issues in our final report on the JLP.

Further potential main modifications

Housing

4. As discussed within the hearings we have concerns with regard to some allocations proposed within the TTVPA, in particular those which are located within an Area of Outstanding Natural Beauty (AONB).
5. It is stated in the NPPF that the AONB should be given the highest status of protection in relation to landscape and scenic beauty. The available evidence does not demonstrate that sufficient weight has been given to this requirement when allocating some sites for housing. Unless clear evidence is available now, sites within the AONBs should be deleted as housing allocations. Exceptions to this are TTV6 (Dartmouth); TTV13 and TTV15.2 (Kingsbridge); TTV29.1, TTV29.2 (Bere Alston) and TTV29.19, TTV29.20 and TTV29.21 (Salcombe) which should remain as allocations.

6. Those housing sites within the AONB where planning permission has been granted and has not lapsed should still be included as commitments in the housing trajectory but should not be included within the JLP as allocations.
7. In relation to Policy TTV30 the JLP appears to be reliant on the delivery of 650 dwellings within the sustainable villages. This should be clearly set out within policy. The addition and removal of villages from the Figure 5.8 list of sustainable villages must be set out as a MM. In addition some of the villages listed within Figure 5.8 are located within an AONB. Whilst paragraph 5.159 recognises this, the available evidence does not demonstrate that sufficient weight has been given to the AONBs when determining whether settlements are suitable for housing. Unless clear evidence is available now, settlements within the AONBs should be removed from Figure 5.8 and this should be set out as a MM.
8. In relation to Policy TTV24.5 (land at Kelly Preparatory College), the available evidence does not justify the allocation for extra care housing. The building is now listed and there is no evidence that the site could be put to such a use without damage to the characteristics which have attracted the listing. Unless there is evidence available to the contrary, the allocation should be removed from the JLP. Whilst a proposal for an alternative use for the site has been submitted we have already made it clear in previous correspondence that we are not considering alternatives or omission sites at this stage.
9. As a consequence to the changes set out above, relevant policies, tables and supporting text relating to housing supply will also need to be amended, including over the entire plan period and the five year supply.
10. Policy TTV31 deals with "Development in the countryside" and makes provision at point 1 for housing to meet essential, small scale, local development needs. However, the circumstances in which such provision may be made is not clearly defined within TTV31.1, and there was discussion at the hearings of the potential for a new policy on rural housing exceptions sites to cover the matter in the JLP. This should be set out as a MM. Furthermore Policy TTV31 and the proposed new rural housing exceptions site policy should be referenced in Policy TTV1.
11. Site allocations where the housing figures are proposed to be updated, such as for Policies PLY25 and TTV13, should be set out as potential main modifications.

Settlement boundaries

12. Policy TTV1 sets out the settlement hierarchy within the TTVPA. It also states that settlement boundaries will be identified for settlements in the main towns, smaller towns, key villages and sustainable villages and kept under regular review through SPDs. However the geographical illustration of policies cannot be established by SPD, as at the point of adoption of the plan this must be shown on the Policies Map.
13. We note that draft settlement boundaries are identified in the *Thriving Towns and Villages Settlement Boundary Topic Paper (TP2)*. However this topic paper is draft only and its purpose was to consult on the principles for reviewing the settlement boundaries and to ask what principles should be added or amended. Accordingly there is no finalised methodology that is before us and the draft settlement boundaries could be subject to considerable change.
14. Consequently, we suggest that the Councils have the following options:
 - Option a - To finalise the draft settlement boundary methodology and consult on the resultant settlement boundaries proposed from the process. This would require a suspension of the examination until the additional work and consultation is completed. It may also be necessary to hear evidence on this matter at a further hearing session. Inevitably this would cause a significant delay in proceedings.
 - Option b – To commit to providing settlement boundaries in a subsequent development plan and to a clear timescale and to make consequential changes to relevant policies within the JLP to ensure that decision makers have the tools to determine where development would be acceptable in the interim.
 - Option c – To re-draft relevant policies so they are not reliant on settlement boundaries. Instead the Councils could amend the policies to ensure they clearly define when development would be acceptable within the TTVPA, for instance by referring to the built up area.
15. Whichever option is chosen, it would be useful for any proposed modifications to make it clear that some settlement boundaries have already been defined or may in the future be defined within 'made' Neighbourhood Plans and that these will remain in place until they become superseded by new development plans.

Heritage assets and the historic environment

16. As discussed at the hearings Policy DEV21 on the historic environment is proposed to become a strategic policy and as such should be a MM. Several policies within the JLP require that development 'conserves and enhances' heritage assets, their settings or the historic environment overall. However it is not always appropriate to require conservation and enhancement. Indeed national policy does not require both. Therefore such policies should be amended to either include 'enhancement where it is appropriate' or 'conservation or enhancement'. These should be set out as MMs.

Strategic landscape areas (SLA) and countryside within the PPA

17. We have considered the evidence base for the designation of SLAs within the PPA, and the purpose of Policy DEV26 which is to designate and manage development within the SLAs. The Councils submitted a further note following the hearings to explain the approach taken in the JLP. We have two main concerns with this.

18. Firstly we are concerned that the designation of SLA is inconsistent across the JLP area. None are proposed within the TTVPA, yet some of the landscape character areas in the urban fringe extend into this area. Furthermore there is insufficient clarity on exactly how the areas for designation have been chosen and why a separate local landscape designation is justified within the PPA.

19. Our second concern relates to the management of development within other countryside areas within the PPA urban fringe. We note that paragraph 5.161 of the JLP states that policies for the countryside (TTV31 and TTV32 as set out in the submitted JLP) would also apply to 'limited areas of countryside not covered by greenspace and landscape designations within the Plymouth Policy Area, in urban fringe locations'. However Policies TTV31 and TTV32 are located within the 'Strategy for the TTVPA' section of the JLP, which in itself implies that the policies only apply to this Policy Area. In addition the different areas are not clearly shown on the Policies Map. Consequently it is not clear how the current approach is effective or justified.

20. The evidence suggests there are specific issues and matters relating to the urban fringe in the PPA which are not entirely relevant to the TTVPA countryside. In this respect some variance to the approach taken within the TTVPA may be justified within the urban fringe. We therefore invite the Councils to give further consideration to their suggestion of a separate policy for the PPA urban fringe and advise that the area to be covered by such a policy should be clearly defined on the Policies Map. We would

suggest reference is made to landscape character assessments to aid clarity and ensure effectiveness of any new policy.

21. Consideration should also be given by the Councils as to whether other countryside policies within the TTVPA section of the plan should also apply to the PPA urban fringe and if so whether these would be better located within the Development Policies section.

Local Green Space

22. At the hearings we requested the Councils' submit sample site assessments for the designation of Local Green Space (LGS) proposed within the PPA. Having considered this additional evidence we are concerned that the Councils' methodology and overall assessment for LGS designation has not been sufficiently rigorous to comply with national policy.
23. The NPPF sets a significantly high bar for LGS designation given that paragraphs 76-78 state that it "...will not be appropriate for most green areas or open space"; that on such sites new development is ruled out "other than in very special circumstances" and that they are to be managed in line with Green Belt policy. Accordingly LGS designation should be viewed as an exception rather than the norm. The approach in the JLP is to designate a significant number of sites across the PPA which results in the designation being commonplace rather than of a limited and special nature.
24. We recognise that many proposed LGS areas will be important to local communities. Open spaces will be used by local communities for informal recreational uses including dog walking. However these are inevitably commonplace activities within urban areas. Sites may also contain varying levels of wildlife, beauty and tranquillity. Nevertheless the available evidence does not sufficiently demonstrate why sites are 'special' and of 'particular local significance' to distinguish them from other green areas and open spaces and reach the high bar necessary for LGS designation.
25. A number of proposed LGS sites are already covered wholly or in part by other designations, including local nature reserves, county wildlife sites, conservation areas and tree preservation orders, or other policy protections including allotments, woodlands and biodiversity networks. Such areas are therefore already protected by national and local planning policies or through other legislation. The LGS assessment work did not adequately consider this.

26. In addition, a number of the proposed LGS sites in the JLP are of significant size with a number of sites amounting to some 10 hectares or more, with the largest being some 62 hectares. These sites represent extensive areas of land. Where several LGS sites are in close proximity to each other these could also reasonably be identified as extensive tracts of land.

27. The Planning Practice Guidance states that landowners should be contacted at an early stage about proposals to designate any part of their land as LGS and have opportunities to make representations. There is little available evidence demonstrating that such landowners were contacted during the LGS selection process and that their comments have been robustly addressed within the assessments.

28. Consequently, we suggest that the Councils have two options:

Option 1 - To remove the LGS designations from the Policies Map and make consequential changes to Policies SPT11 and DEV29. Taking the above factors into account the Councils could then undertake a comprehensive review of the LGS methodology and assessment process, either as a one policy review of the JLP, the production of a separate DPD or as part of the 5 year JLP review.

Option 2 - To re-visit the methodology and designations within the submitted JLP, taking on board the factors we have highlighted above. This would require a suspension of the examination until the additional work and consultation is completed. It may also be necessary to hear evidence on this matter at a further hearing session. Inevitably this would result in a significant delay to the examination.

Neighbourhood green spaces

29. Policy DEV29 point 2 refers to neighbourhood green spaces but these are not geographically defined on the Policies Map. For effectiveness of the policy they should be included on the Policies Map at the point of adoption. The areas are shown on Map 3 – Plymouth Green Space but this does not form part of the Policies Map. Such changes should be consulted upon at the main modification stage in a separate Policies Map schedule of proposed modifications.

Next steps

30. The Councils should now consider their options in relation to settlement boundaries and LGS and inform us of their decision by Thursday 30

August 2018. If the options to suspend the examination in order to carry out additional work now are chosen, then details of the work required and timescales necessary to undertake the settlement boundary and LGS reviews should be clearly set out in a work programme. This should be submitted to us through the Programme Officer by the above date.

- 31.If the other options are chosen the Councils should prepare the further MMs highlighted in this letter and incorporate them into a consolidated schedule of all the potential MMs. The Councils should also consider the need for any consequential changes to the JLP that might be required in connection with any potential MMs.
- 32.We will need to see the draft schedule and may have further comments on it. We will also need to agree the final version of the schedule before it is made available for public consultation. For clarity and to avoid an excessive number of MMs, it is best to group all the changes to a single policy together with any consequential changes to the explanatory text as one MM.
- 33.The Councils should also satisfy themselves that they have met the requirements for sustainability appraisal by producing an addendum to the Sustainability Appraisal of the submitted plan in relation to the potential MMs, as appropriate. We will need to see a draft of the addendum and may have comments on it. The addendum should be published as part of the future MMs public consultation.
- 34.The Councils have prepared a list of proposed *additional modifications* (AMs). We will respond on this list in due course. Except for those we consider should be defined as potential MMs, these AMs are a matter solely for the Councils. If the Councils intend to publicise or consult on them it should be made clear that such changes are not a matter for the Inspectors.
- 35.Advice on main modifications and sustainability appraisal, including on consultation is provided in *Examining Local Plans Procedural Practice*. Amongst other things this states that the scope and length of the consultation should reflect the consultation at the Regulation 19 stage (usually at least 6 weeks). It should be made clear that the consultation is only about the proposed main modifications and not about other aspects of the plan (except as outlined in para 12) and that the main modifications are put forward without prejudice to the Inspectors' final conclusions.
- 36.The *Procedural Practice* also states that the general expectation is that issues raised on the consultation of the draft main modifications will be

considered through the written representations process and further hearing sessions will only be scheduled exceptionally.

37. We look forward to hearing from the Councils with their decision as to which of the above options they wish to pursue. Whichever options are chosen the response should set out a timetable for any work that is required. If there are any queries or matters that require clarification please contact us through the Programme Officer.

Wendy Burden and Yvonne Wright

Inspectors

15 August 2018