

PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN – SCHEDULE OF HEARING MODIFICATIONS (LIST SIX)

Ref	Provision	Draft modification	Type (LPA's view)	Why the modification is being put forward	Follow-up discussions
HM31	<p>Spatial Strategy – Policy SPT3 and consequential amendments to narrative and Annex 2</p> <p><i>(please note: this replaces M323 and M324 – see EXC10Ai)</i></p>	<p>Policy SPT3 Provision for new homes The LPAs will plan, monitor and manage the delivery of housing from 2014 to 2034 in accordance with the apportionment between Policy Areas, the spatial strategy and the site allocations set out in this plan. Housing provision will be made for at least 26,700 dwellings (net) in the Plan Area during the plan period 2014 to 2034, comprising the policy area totals and the related market housing and affordable housing provision as follows:</p> <ol style="list-style-type: none"> 1. Within the Plymouth Policy Area - at least 19,000 new homes, of which 4,550 should be affordable. 2. Within the Thriving Towns and Villages Policy Area - at least 7,700 new homes of which 2,050 should be affordable. <p>... The delivery and availability of housing land will be monitored annually. Any necessary adjustments will be made in order to deliver the overall local plan housing target and maintain a rolling 5 year supply of deliverable housing land, consistent with the policy area totals. The Policy Area housing requirements are separate and non-transferable. Only housing proposals within each Policy Area will be considered to contribute to meeting the housing requirement for that Policy Area. Any shortfall in the supply of housing sites in a Policy Area must be made up within that Policy Area, and cannot be remedied in the other Policy Area.</p> <p>Para 3.25 Local Plans must demonstrate that a five year land supply of specific deliverable sites is available at the point of adoption of the plan, measured against their housing requirements. The JLP sets out a housing requirement figure for the Plan Area as a whole as well as for the Plymouth Policy Area and the Thriving Towns and Villages Policy Area. It must therefore demonstrate a five year land supply against each of</p>	Main	<p>Matter 3.2(ii) hearing session. Although we believe that the policy wording and plan narrative modifications merely clarify how we had intended the plan to operate, we accept that the original wording may not have been sufficiently effective in realising this outcome. Reasons for the changes are fully explained in document reference: EXD52.</p>	<p>Further discussions have taken place with Mr Coxon of behalf of his client to seek common ground, but this has not been achieved given the significant differences between the two parties.</p>

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		<p>these targets. For the purposes of paragraph 49 of the NPPF, housing delivery will be monitored at the Policy Area level. Additionally, for monitoring purposes the five year land supply will be assessed at local planning authority level.</p> <p>Para 7.23 (3rd bullet) Each The LPAs will additionally monitor housing delivery along with policy area monitoring to ensure the requirements of paragraph 47 of the NPPF are being met, and set out a 5 year land supply for their area. This is to ensure that the requirements of paragraph 47 of the NPPF are being met, and is also to show how each LPA is contributing to delivering new homes as envisioned by the strategy and policies set out in the JLP, and chiefly to demonstrate that growth is taking place across the two policy areas as set out in the spatial strategy. LPA housing monitoring indicative requirements are set out as Indicator 11a in Annex 2 of the JLP.</p> <p>Annex 2, Indicator 11a Total homes consented and built (including brownfield and windfall) by Local Planning Authority area PCC: 13,200 WDBC: 3,200 SHDC: 40,300 5,800 in Plymouth Policy Area; 4,500 in TTV Policy Area</p>			
HM32	<p>Strategy for Plymouth Policy Area – Policy PLY37</p> <p>(please note: this replaces M80 – see EXC10A)</p>	<p>9. Upgrading of flood defences, maritime and harbourside infrastructure including:</p> <ul style="list-style-type: none"> i Replacement of Sutton Harbour Lock Gate and Bridge. ii Improvements to West Pier. iii Completion of flood defences around Millbay. iv and strengthening Monitoring the condition of the breakwaters and other structures within Plymouth Sound and, in case of deterioration, identifying strategies to ensure the current benefits provided at the coast during coastal storms are retained. 	Minor	<p>Matter 7.2(ix) hearing session. The original modification was made in response to a Statement of Common Ground with the Environment Agency and in response to the representations of the MoD (DIO). Even though it did not satisfy the MoD's objection, we felt that it was a reasonable response to their objection. We have sought to go further in responding to the MoD's concerns in this revised modification by making reference to the role of breakwaters rather than just the Plymouth Breakwater. The newly</p>	<p>Further discussions have taken place between MoD (DIO) and Environment Agency, in an attempt to address MoD concerns about the specific reference to Plymouth Breakwater playing a role in flood protection. However, we have been unable to achieve an agreement between the 3 parties. The latest modification is however agreed by both PCC and EA. MoD's objection would be addressed if the entirety of suggested sub-point iv is deleted. It's position is set out</p>

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				submitted evidence EN40 'Better Understanding Coastal Flood Risk in Plymouth: Role of Plymouth Breakwater', demonstrates the benefits the breakwater provides during storm conditions in both reducing wave height within Plymouth Sound and the wave overtopping rate. This results in less erosive forces on the coastline and decreases hazards.	in an email to the City Council which says: 'Our suggested amendment is based on the fact that while MOD accepts that the Breakwater is key strategic infrastructure for MOD, for the safe harbouring of ships on the buoys in the Sound, and also that the Breakwater may have an effect at the Waterfront, it is not intended to contribute towards flood defence.'
HM33	Strategy for TTV Policy Area – Policy TTVI	<p>Policy TTVI</p> <p>Prioritising growth through a hierarchy of sustainable settlements</p> <p>The LPAs will distribute growth and development delivering homes and jobs in accordance with the following hierarchy of settlements, enabling each town and village to play its role within the rural area:</p> <ol style="list-style-type: none"> 1. The Main Towns - which will be prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area. 2. Smaller Towns and Key Villages - which will receive support for growth commensurate with their roles in supporting the small villages and hamlets. 3. Sustainable Villages - where development to meet locally identified needs and to sustain limited services and amenities will be supported. 4. Smaller villages, Hamlets and the Countryside - where development will be permitted only if it can be demonstrated that it fully meets the principles of sustainable development and sustainable communities (Policies SPT1 and 2) and positively contributes in all other respects to a sustainable and beautiful countryside. <p>In order to focus sustainable development into settlements that have the facilities to support and accommodate them, settlement boundaries will be identified for settlements in the top three levels of the settlement hierarchy are identified on the policies map. These will be and kept under regular review through supplementary planning documents and will</p>	Main	Matter 8.1(ii) hearing session. Having further considered the discussions at this session we agree that the settlement boundaries should be included on the policies map to make the implementation of TTVI effective. We will re-consult on the boundaries alongside further consultation on main modifications.	n/a

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		<p>be able to be updated through neighbourhood plans where consistent with the overarching principles for drawing settlement boundaries as established by the LPAs. Development outside of settlement boundaries will be considered with particular regard to Policy TTV31.</p> <p>...</p> <p>Para 5.5 Settlement boundaries tend to evolve over time as changes take place in towns and villages. Updates to the boundaries can be through the neighbourhood planning process provided that this is consistent with overarching principles for the drawing of settlement boundaries established by the LPAs. These principles, which were published in the JLP Settlement Boundaries Topic Paper, will be incorporated in the Thriving Towns and Villages SPD. A further opportunity for boundary review will be through the next review of the JLP. A Thriving Towns and Villages Settlement Boundaries Background Paper will be published alongside this local plan to consult upon potential changes to the currently defined settlement boundaries. The outcome of this consultation will be used to incorporate updated settlement boundaries into the Thriving Towns and Villages Supplementary Planning Document.</p> <p>...</p>			
HM34	Strategy for TTV Policy Area – Policy TTV6	<p>Land at Noss-on-Dart is allocated for mixed-use development including employment (Use Classes B1, and B2 and B8), commercial, education, a hotel, retail and enabling residential development. Provision is made for in the order of 100 130 new homes. A comprehensive redevelopment scheme should provide for the following:</p> <p>...</p> <p>3. Improved Provision of existing educational facilities.</p> <p>...</p>	Minor	Matter 8.2(iii) hearing session. The modification brings improved wording and updates the development quantum and mix based on the current planning permission.	The modification has been shared with Ms Juggins on behalf of her client; no response received at this time.

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		7. Careful Consideration and investigation of opportunities to ensure the future of retain un-designated heritage assets on site. 8. Demolition of buildings and remediation Remediation of land. ...			
HM35	Strategy for TTV Policy Area – Policy TTV8	Land to the east of Ivybridge is allocated for a residential led mixed-use development. Provision is made for in the order of 540 new homes and 10,400 4,600 sq m of employment space (Use Classes B1). ...	Minor	Matter 8.2(iii) hearing session. The modification updates the development quantum based on the current planning permission. A consequential amendment will be needed to figure 3.6 of the plan, which will be picked up with other similar consequential amendments.	The modification has been shared with Mr Stockall on behalf of her client; no response received at this time.
HM36	Strategy for TTV Policy Area – Policy TTV13	Land at The Quayside is allocated for mixed-use re-development, including employment, commercial, residential and community uses. Provision is made for in the order of 400 60 new homes and 200 sq.m. of employment floorspace (Use Classes B1). ...	Minor	Matter 8.5(i) hearing session. The modification reflects an update position based on masterplanning and consultation undertaken since the JLP was submitted.	Clarification of the changed position has been provided by the landowner, South Hams District Council. Further discussion to seek common ground has taken place with Kingsbridge Town Council. Whilst the proposed amendment goes some way to satisfy the concerns of KTC, it has not been possible to reach an agreed position.
HM37	Strategy for TTV Policy Area – Policy TTV29.20	30 20 homes; 2,000 sq.m. employment floorspace	Minor	Matter 8.5(i) hearing session. The modification reflects an update position based on masterplanning and consultation undertaken since the JLP was submitted.	Clarification of the changed position has been provided by the landowner, South Hams District Council
HM38	Development Policies – Policy DEV2 and supporting narrative (please note: this replaces M233 and M344 – see EXC10A and	Policy DEV2 Air, water, soil, noise, land and light pollution Development proposals which will cause unacceptable on- or off-site risk or harm to human health, the natural environment and or general amenity by unacceptable levels of soil, air, water or noise pollution or land instability, either individually or cumulatively, will not be permitted. Development should: 1. Avoid or mitigate against harmful environmental impacts and health risks for both new and existing development arising from soil, air, water, land, and or	Main	Matter 7.5(i) and 8.3(i) hearing sessions. Although the session to discuss DEV2 specifically has yet to take place, we have been asked to consider whether modifications need to be made to DEV2 in response to discussions at the Matter 7 and 8 sessions on land contamination and air quality. We have reviewed the policy in light of these discussions and with particular regard to the wording of the Framework. We have concluded that the policy does need some	Further discussion has taken place with Cllr Green in relation to the modifications relating to air quality. We have not reached full agreement on the wording with Cllr Green although some of the modifications proposed are agreed by both parties. The continued area of disagreement relates to point 2 of DEV2. Cllr Green would prefer that “avoid or mitigate” is replaced with “avoid or

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	EXC10Ai)	<p>noise pollution or land instability.</p> <p>2. Where located in or impacting an Air Quality Management Area, avoid or mitigate its impact through positively contributing towards the implementation of measures contained within air quality action plans and transport programmes, and through green infrastructure provision and enhancements, building design and layout which helps minimise air quality impacts.</p> <p>3. Prevent deterioration of and where appropriate protect, enhance and restore water quality.</p> <p>4. Limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation.</p> <p>5. Where appropriate, remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land.</p> <p>6 Protect soils, safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources.</p> <p>7. Maintain and where appropriate improve the noise environment in accordance with the Noise Policy Statement for England (including any subsequent updates).</p> <p>8. Not cause an adverse effect on the integrity of a European Site (see Policy SPT11).</p> <p>6.9 The planning system plays an important role in protecting the environment and people from pollution and managing natural resources. Policy DEV2 considers air, water, land, noise and light pollution, alongside other natural resource issues such as land stability and the need to safeguard soils and agricultural land. Its implementation will be amplified in the Plymouth Policy Area and Thriving Towns and Villages SPDs.</p> <p>NEW Air Quality Management Areas (AQMA) highlight those areas where air quality presents a particular issue and challenge. In addition to avoiding unacceptable impacts to air quality in any event, Policy DEV2 seeks to ensure that the individual and</p>		<p>modification in order to be effective and fully consistent with the Framework, and would also benefit from some additional text in the narrative that follows the policy.</p> <p>In respect of the Framework, we would draw attention to the following provisions:</p> <ul style="list-style-type: none"> • Para 109 (bullets 1, 4 and 5) – relating to point 1, 3, 5, 6 and 7 and opening sentence of policy. • Para 112 – relating to point 6. • Para 123 – relating to point 7. • Para 120 – relating to opening sentence of policy. • Para 125 – relating to point 4. • Glossary – definition of ‘pollution’ which includes impacts on health, natural environment and general amenity – relating to opening sentence of policy and each of its points. <p>We have also had regard to Framework review (consultation draft), including where it identifies new content to the current Framework. This has informed further modifications proposed to point 2 (see para 179).</p>	<p>mitigate such that there will be no net deterioration”. He also suggests that “mitigate” should be defined so that it is clear that it doesn’t just mean that a minor contribution will be made to reducing the extent of worsening air quality that would otherwise result from the new development.</p> <p>Our view is that these changes are unnecessary. Point 2 needs to be read in the context of the opening sentence to the policy and the wording of point 1 is relevant too. The policy wording already safeguards against unacceptable risk or harm. Furthermore, there is no suggestion that ‘mitigation’ is referring only to minor contributions; it would clearly need to be appropriate and proportionate in relation to the impact.</p>

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		<p>cumulative impacts of development on AQMAs is appropriately considered and looks to Air Quality Action Plans and transport programmes in the first instance for appropriate measures to be implemented. The context and circumstances of an existing AQMA will inform the extent to which any impact is considered unacceptable. Any development, whether having an impact on an existing AQMA or not, that could have a significant cumulative impact on air quality, would normally be considered in the context of an Air Quality Assessment or Environmental Impact Assessment.</p> <p>...</p>			
HM39	<p>Strategy for Plymouth Policy Area – Policy PLY59.12</p> <p>(please note: this replaces HM22 – see EXD5v)</p>	<p>Revision to modification M103 (EXC10A) a iii Delivery of remedial work to the earthworks Taking account of the presence of Ernesettle Battery to facilitate its removal from the Heritage at Risk Register so as not to impact upon its setting or encroach on to land within its setting.</p>	Minor	Matter 7.6(i) hearing session. The further modification to the original modification proposed arises from more detailed land ownership information which establishes that the land concerned is in third party control.	This modification has been agreed with Historic England and with My Heynes on behalf of his client.