

EXAMINER'S REPORT

BISHOPSTEIGNTON
NEIGHBOURHOOD DEVELOPMENT PLAN

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ABBREVIATIONS

The following are the abbreviations used in this examination:

HRA - Habitats Regulation Assessment
NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
TDC- Teignbridge District Council

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Bishopsteignton Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.
2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.
3. The Plan covers the whole of the Parish, which had a population just under 2,570 in the 2011 Census.
4. I have been appointed by Teignbridge District Council (TDC), in consultation with the Parish Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute
5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.
6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If SBC puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Council as the Local Planning Authority.

BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

Documents submitted by the Parish Council:

The Neighbourhood Plan submitted to TDC under regulation 15 of the Neighbourhood Planning (General) Regulations 2012,
Basic Conditions Statement, 10 November 2016,
Consultation statement, 10 November 2016,

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses
19 December 2016 to 10 February 2017

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)
Teignbridge Local Plan 2013-2033, adopted 6/5/2014

Other documents:

Letter from Environment Agency, Sustainable Planning Specialist of 22/2/2017 to D Kiernan of TDC

THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing.

12. I visited the Plan area on the 8th and 9th of March 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

13. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

14. The Parish Council is authorized as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the Council.

15. The whole Parish Council area was formally designated as Neighbourhood Area by the District Council on the 16th October 2012.

16. The Plan clearly states that it relates to the period 2013-2033.

17. The Plan does not include any provision about development that is “excluded development”³, such as minerals, waste disposal and major infrastructure projects.

18. I am satisfied that the plan does not relate to more than one neighbourhood area.

CONSULTATION

19. The Parish Council has submitted a Consultation Statement of 10.11.2016, which explains how they have carried out a programme of consultation as the Plan has progressed.

20. The Parish Council has through a dedicated team carried out a systematic and thorough programme of consultation aimed at residents, various community organisations and the business community.

21. The “Statement of Engagement” table identifies initiatives in the early stages of the plan preparation in 2012 which included a “drop-in” event open to all parishioners. This elicited local opinion on a range of topics and developed “awareness” and identification of “key themes”. Further efforts were made from April to June 2012 capture views from schoolchildren and parents, property owners and businesses not

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

³ as defined in Section 61K, of the Town and Country Planning Act 1990

reached by the initial “drop –in ‘ event. In 2013 there was a further drop-in event and a workshop to assess the provision of community facilities involving 40 organisations. The response form these events were captured on the dedicated Neighbourhood plan web site.

22.The Parish commissioned a housing needs survey in 2012 circulated to all households. This provided robust evidence on which to base housing policies.

23.A survey of businesses, April – June 2013, produced a good response of 58% from 72 local businesses and helped to inform the Plan of the particular needs of the business community.

24.This work provided a good basis on which to generate policy options which were aired at an event from 7th to 9th March 2014. This produced 300 responses.

25.The consultation statement highlights the care taken to use simple language to communicate complex issues which is particularly commendable.

26.The Parish Council sought professional advice and actively engaged District Council officers in the process.

27.A consultation on the pre-submission plan was carried out in Dec 2014- January 2015 which resulted in “significant” support form the community.

28.The Plan was submitted to District Council in November 2016 and then put through formal consultation in January and February 2017 prior to this examination.

29.I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation with the local community which has targetted all parishioners and appropriately targeted various organisations and members of the community.

BASIC CONDITIONS

30. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁴ This element of the examination relates to the contents of the Plan.

31. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies

⁴ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

contained in the development plan for the area,

d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,

e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the 'making' of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

32. The Parish Council has submitted a "Basic Conditions Statement", 10.11. 2016, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above

SUSTAINABLE DEVELOPMENT

33. The Parish Council highlight in the basic Conditions Statement that the Plan "is supportive, positive and aims to promote sustainable development of the community within the wider context of the Local Plan ." The vision and the "Community Strategic Aims" are a clear statement of the commitment to the ideals of sustainability as expressed in the NPPF incorporating economic, social and environmental factors.

34. The plan seeks to accommodate limited growth in a manner which protects the landscape character, ecology and environment of the area whilst promoting the economy and community facilities in the town.

35. The Plan effectively balances the protection of the sensitive environment and ecology with the need to provide for needs assessed affordable housing on deliverable "exception sites" beyond the settlement boundary. This is carefully circumscribed by the policy which stresses these developments are subject to a limitations on their environmental and ecological impact . This is also the case regarding employment provision and the regeneration of the derelict Bakers Yard site.

36. All the policies promoting development have proportionate overarching environmental and ecological protection criteria to be taken into account.

37. The policies restrict intrusion into the open countryside and provides that development relates well to the built form of the settlement and does not result in overriding environmental impacts.

38. The Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

39. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

40. The District Council made a Strategic Environmental Assessment (SEA) Screening Determination in November 2106 and concluded that an SEA of the emerging Neighbourhood Plan was not required. This was on the basis that “it is not considered likely there will be any significant effects arising from the Submission Bishopsteignton Neighbourhood Development Plan (November 2016) that were not covered in the Strategic Environmental Assessment and Habitats Regulation Assessment of the Teignbridge District Local Plan 2013-2033. ”

41. The Neighbourhood plan provides a level of additional detail compared with the local plan, but has only one site specifically allocated for development. The policies are reasonably distinct, and do not appear to have significant cumulative or synergistic impacts.

42. The Council in its screening opinion follows the process recommended in the European SEA Directive 2001/42/EC

43. The Plan does not increase the level of development provided for in the SBLP 2026 which itself was the subject of a positive sustainability assessment. Furthermore, the short list of allocated sites are not close to the few major, sensitive environmental receptors in the area and existing policies require appropriate mitigation of significant environmental impacts. The statutory consultees Natural England, Environment Agency and Historic England agree with this opinion.

44. I consider this screening judgment has been carried out properly. and is a valid conclusion

45. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation. The District Council carried out a HRA screening assessment on the 15th November 2016. This document includes a ‘Screening Matrix’ that assesses individual Bishopsteignton NDP policies for likely significant effects on the European wildlife sites in the area. Together, this Screening document and the Local Plan HRA constitute the Habitat Regulations Assessment Submission version of the Neighbourhood Plan. HRA is an iterative process and previous versions of the NDP have undergone HRA and revisions have been incorporated to enable subsequent versions to avoid potential impacts on European wildlife sites

46. Statutory consultees have been consulted. Historic England in an email of the 7/2/2017 raise no objections to these conclusions. Similarly, the Environment

Agency in a letter of the 22/2/2017 have not raised any requirement for an SEA

47. The parish has a rich natural environment which is nationally recognised as providing refuge to some of our rarest species of bats and birds. The parish encompasses the Little Haldon Heaths SSSI and the Great Haldon Heaths SSSI and contains some of the strategic flyways

48. The parish is within 10km of the Exe Estuary Special Protection Area (SPA), Ramsar site and European Marine site, and Dawlish Warren SAC. There are some of the strategic flyways associated with the South Hams Special Area of Conservation to the NW of the parish

49. The assessment based on draft English Nature guidance 2006 looked at the potential impact of the policies in the Plan on the above sites and utilising a traffic light indicator system did not identify any likely significant effects.

50. The District Council conclude that the Plan “is unlikely to have a significant effect on the integrity of any European wildlife site, when implemented in conjunction with the Teignbridge Local Plan 2013 -2033, Natural England’s South Hams SAC Planning Guidance and the Joint Approach for the Exe Estuary, Dawlish Warren and the Pebblebed Heaths. No further assessment of the November 2016 Final Submission version is required.”

51. Natural England in a letter of 9/2/2017 agree with the conclusions of the district Council relating to the SEA and the HRA.

52. It is not, therefore, considered that an “appropriate assessment” is required in terms of impact on habitats and the Plan complies with sections 102 of the Conservation of Habitats and Species Regulations 2010 and the associated European directive 92/43/EEC.

53. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different group potentially affected. Neighbour responses have been taken into account in a satisfactory manner during the processing of the plan.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

54. The “Basic Conditions Statement” provides a detailed analysis of the conformity of the Plan with national guidance and local strategic planning policies in the NPPF and the Local Plan respectively.

55. Tables I & 2 in the Basic Conditions Statement illustrate in considerable detail the manner in which the plan policies are in conformity with the NPPF and the District

Council's Local Plan 2013-2033. The Plan is commendable in its continual cross-referencing to NPPF and local plan policies and the lists under each policy heading of the relevant policies.

56. The plan does not reference national planning policy guidance (NPPG) in any detail but I am satisfied that the plan is in conformity with the broader advice in the NPPF and there is no conflict with NPPG. below.

57. In some cases below I have suggested modifications to ensure the Plan meets basic conditions regarding Secretary of State advice and conformity with statutory local planning policies.

58. I am satisfied that subject to my modifications Plan has taken in to account the Secretary of States guidance and is in general conformity with local strategic development policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

59. I have made recommendations below in order that the Plan may conform to "basic conditions". Where I am suggesting modifications I have given reasons.

60. I have taken into account all the representations received during the Plan process. In most cases I have considered that these do not require specific reference as they do not relate to the need to conform to "basic conditions". In some cases due to the specific and detailed nature of a particular representation and its relevance to "basic conditions", for ease of reference, I have referred to the author of a representation by name.

61. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

General

62. A contents page and paragraph numbering would be helpful to provide reading and referencing parts of the Plan. A glossary explaining the main technical terms and acronyms would assist the public's understanding of the document. The NPPF definitions of various terms are a useful reference.

63. I have included some minor grammatical modifications in Recommendation 1 below.

64. The resolution of Map 1 on the electronic version of the Plan is unsatisfactory and requires improvement.

65.The use of links to the appendices is acceptable for online versions of the Plan but the hardcopy versions require the appendices to be printed out and part of the copy of the Plan.

66.The list of NPPF and Local Plan policies is worthwhile but each policy section requires a title to demonstrate that these are relevant policies to this type of development. Care needs to be taken to inform that the list is not exclusive as policies change over time. It is not clear from the lists what the number references, after “NPPF”, relate to. I have repeated the requirement to give a title where appropriate in each recommendation below.

RECOMMENDATION 1

Insert a contents page, paragraph numbers and a glossary of technical terms. Page2 2nd paragraph, insert “basic” before “conditions”.

Ensure hard copy versions of the Plan have all the electronic links printed out forming part of the Plan.

The resolution of Map 1 on the electronic format of the Plan should be improved

67.The following recommendations are based on the order in which subjects appear in the Plan.

68.A number of the recommendations relate to the need for greater clarity or precision in order to conform to the requirement in the NPPG (ref: ID: 41-041-20140306) that plans are clear and unambiguous.

POLICIES

Introduction

69.The reference to policy 23 of the Local Plan needs clarification

RECOMMENDATION 2

Insert after “Local Plan policy 23”, “which pledges the District Council “ will support parishes and towns to prepare Neighbourhood Plans which meet local needs and support community development, in general conformity with Local Plan policies”

Housing and Residential Policies (policy BSH)

70.The policy BSH1 duplicates Local Plan policy WE5 in part and is ,therefore, confusing and misleading as it does not encompass all the criteria for exception sites referred to in policy WE5. The policy is also relevant to policies WE3 and WE4.

71.It is necessary to explicitly cross-refer to these Local Plan policies which are directly relevant to exception sites and include only those extra aspects in the Neighbourhood Plan policy. The references to the detail of the Local Plan policy need to be as supporting text rather than policy itself. The Local Plan policy WE5 effectively covers the issues raised in the criteria in the draft plan policy BSH1.

72.The Local Plan policy does not refer to specific issues in the draft plan referring to protection of bats, dormice nor does it mention the Conservation Area Appraisal. However, these issues are effectively covered by the Local Plan in its generic reference to European Protected Species which is more appropriate as all protected species should receive the same level of protection.

73.The reference to the Conservation Appraisal is covered by the generic design policy BSC3 and does not require repetition in policy BSH1.

74.The five-year period in BSH1 needs to be defined more closely. Five years from the 2013 the commencement of the Plan or 5 years from when made ? I suggest from when the Plan is made which is the appropriate time to monitor progress of the policies.

75.The reference to design policy in this Plan, is misleading and could be interpreted that other plan and Local Plan policies do not apply.

76.Policies BSH3 and BSH4 should be related to other policies in this Plan and the Local Plan. In policy BSH3 it is not appropriate to relate conservation area policies to development outside of conservation areas.

77.Mr.Allsop, in the Regulation 16 response, is concerned that there does not appear to be a rationale for not including some properties on the south –eastern limits of the village within the settlement limits. The Plan has not considered amending the settlement limit as prescribed in the Local Plan and demonstrated that this is not necessary in meeting strategic development targets. I consider the properties in question are loosely related and can be read as forming part of the open countryside rather than the built form of the village.

78.Regarding the concerns from Mr. Austin it is clear the site at Forder lane is not specifically proposed at this stage as an exception site. His concerns can be addressed in the event a planning application is submitted in the future. In relation to the concerns regarding a “fallacious need for housing”, I am satisfied that the need is based on a robust housing needs survey and the Local Plan requires any future exception housing to be properly justified.

RECOMMENDATION 3

In “Our Aim is to” after the three bullet points insert the following text
“The Local Plan 2013-2033 contains detailed policies WE3,WE4 and WE5 which relate to the development and control of affordable housing and when it is provided on exception sites. These cover a range of issues including retention , design and the particular circumstances relating to exception sites.

Delete Policy BSH 1, including the paragraph not in bold font beginning “In accordance...” .

Modify the following policies as follows ;

“BSH1: Support the construction of 28 'affordable' residential units over the first five years, following the making of the Plan, on small 'exception sites' adjoining the “settlement limit”. Proposals should conform to the criteria in Local Plan policies WE3, WE4 and WE5 and other policies in this Plan.”

BSH2: The development of 'exception sites' should be in accordance with policies in this Plan and the Local Plan . In particular, these developments should reflect the character and scale of the village, particularly the traditional vernacular architecture in the conservation area and be physically integrated with it in terms of design, scale and pedestrian access.

BSH3: Support small-scale housing including conversion of buildings on sites within the ‘settlement limit’ which will be subject to the policies in this Plan and the Local Plan. Proposals will be expected to meet 'local demand' for smaller two and three bed units and the other needs identified in the Bishopsteignton Market Housing Report (Ref. A5).

Insert a title prior to list of NPPF and Local Plan policies as follows;
“List of relevant national and local policies (not exclusive)”

Delete policy BSH4

Enterprise and Economy(policy BSE)

79.Policy BSE 1 supports the redevelopment of the Bakers Yard site for employment use with the potential for some limited residential development to act as a catalyst to provide a viable development proposal. I note that the site is within an area designated as “undeveloped coast’ where the Local Plan establishes a presumption against this type of development in policy EN2.

80.However, basic conditions require “general conformity” with the development plan. The Local Plan policy EN2 is also concerned to protect, maintain and enhance this sensitive landscape which is currently despoiled by the derelict Bakers Yard. Local Plan policy S22 states development and investment will be managed to

provide attractive, accessible and biodiversity landscapes, sustainable settlements and a resilient rural economy. The sensitive redevelopment of the Bakers Yard site has the potential to improve the landscape setting by removing dereliction, create employment and provide residential accommodation to achieve a more sustainable community in line with the “overarching objectives” of the Local Plan and the NPPF.

81.I note that a substantial 85% of respondents to the Plan support the redevelopment of Bakers Yard and the District Council have no objections.

82.On the basis of the above reasoning, I consider that the policy BSE 1 can be regarded as in “general conformity” with the development plan and conforms to “basic conditions”.

83.The policy, however, requires some modification in the interests of clarity and precision.

84.I agree with the District Council that the reference to “local need” is imprecise and it is not clear how this could be factored into an assessment of a development proposal. Furthermore, there is insufficient evidence to indicate that restricting employment use to local need is viable or justified which conflicts with NPPF and NPPG. This reference should therefore be deleted.

85.The need to restrict to B1 business development to ensure compatibility with any residential development should be referenced in the policy.

86.The need to ensure that any live-work units are controlled so they are not split into separate residential and business units should be recognized in the policy to ensure compliance. This allows flexibility for any “independent” dwellings to remain as such.

86.The reference to ecological mitigation should be amended in accordance with Natural England’s recommendation which is more general in terms of ecological requirements. The specific references to bats and reptiles can be in the supporting text. Given the location of the Bakers Yard site and its current brownfield status I consider there is an adequate basis to achieve acceptable mitigation of any protected species.

87.The site development principles in appendix A8 should be referred to in the policy to enable them to be effectively implemented.

88.The supporting text is contained in a long paragraph which is more readable if split into more paragraphs.

89.The reasons for a travel plan should be explained in more detail within the policy to allow the policy to be effective in controlling transport issues.

90.The first paragraph under “our Aims and Objectives” sets the Local Plan context

for policy BSE2 but it needs further embellishment to emphasize the difference between proposals within the settlement (policy 21A) and in the countryside (policy 22).

91. Policy BSE2 needs minor rewording to clarify “small scale” by linking this assessment to the plan and local plan policies.

RECOMMENDATION 4

The third paragraph on page 8 should be split into more paragraphs as follows;

Create a new paragraph beginning “Bakers Yard and ending in the fourth sentence which ends “is included(A8).”

Create a new paragraph beginning with “Bakers yard” which is currently the fifth sentence of the paragraph and ending in the current 11th sentence of the paragraph which ends “in the area”.

The remaining sentences of the existing paragraph form a new paragraph.

The supporting text should be amended as follows;

In the first sentence of the third paragraph on page 8 amend to “Bakers Yard should be redeveloped to help provide for local employment.”

In the ninth sentence of the third paragraph on page 8 amend to “ Residential use could be physically integrated with the employment use in live –work units”.

Insert an extra final paragraphs in the supporting text as follows;

“The site is considered to be a good ecological asset providing a habitat for European Protected Species’ including bats and reptiles. Any redevelopment proposal must demonstrate that these species are protected or any impacts satisfactorily mitigated.”

Proposals will also need to demonstrate that transport issues have been taken into account

Alter the policy BSE1 as follows:

BSE1: Support redevelopment of Bakers Yard to provide for employment use which is within Class B1 of the Town and Country Planning (Use Classes) Order 1987(or any subsequent relevant legislation) subject to the following criteria and policies in this Plan and the Teignbridge Local Plan :

- **The scheme complies with “site Development principles” illustrated in the map in Appendix 8 of this Plan; and**

- A development scheme can include housing to provide a viability incentive to assist redevelopment of the site; and
- The housing component shall be subsidiary in floor space to the employment component and not brought into use until the related employment element is constructed and ready for use; and
- Live-work units are encouraged. These units will be controlled to be permanently linked to the employment use to which they relate by planning conditions based on those in appendix 8 of this Plan. Housing which is unattached to an employment use may also be considered provided it can be demonstrated that it will not prejudice the operation of the employment use and the overall amount of housing is subsidiary in floor space to the employment use; and
- Proposals should be accompanied by a full ecological assessment of the site to show that any European Protected Species matters are satisfactorily addressed.
- Proposals should demonstrate via a travel plan how modes of transport other than the car can be encouraged to serve the site

Insert in the first paragraph under “Our Aims and Objectives “at the end of the third sentence “in accordance with Local Plan policy 21A”; Insert a new fifth sentence, as follows: “Local Plan policy 22 also allows employment related development outside the settlement limits but this must carefully respect various environmental factors including the impact on the landscape character”

Amend policy BSE 2 as follows :

BSE2: Support the provision of local business enterprise and employment within the Parish, which is of a scale and nature which is not detrimental to living conditions and complies with the relevant locational, design and environmental policies set out in this Plan and the Teignbridge Local Plan(policy 22).

Add policy 21A of the Local Plan to the list at the end of this section.

Insert a title prior to list of NPPF and Local Plan policies as follows; “List of relevant national and local policies (not exclusive)”

Tourism

92.The Local Plan policies EC11 and 12 are relatively detailed and different from those relating generally to employment development. This distinction needs to be emphasized in the supporting text.

93.The policy BSE3 is more a statement of support for the Local Plan policy than a policy in its own right. It creates confusion as it interprets the policy in part but lacks

the detail of the Local Plan policies. It should be included as supporting text and not a policy. The support and context of the Local Plan policies should be in the supporting text.

RECOMMENDATION 5

**In the supporting text paragraph insert a new second sentence as follows;
“ These policies establish different criteria for tourist related development to those relating more generally to employment related proposals in response to the particular relevance of tourism to the area.**

Turn the policy BSE3 into a second paragraph of supporting text, not in bold.

Telecommunications and Infrastructure

94.The first sentence in the policy is a statement about the nature of telecommunications infrastructure and does not need to be in the policy itself. The policy needs to cross-refer to the Local Plan policies which protect the landscape character and the ecology of the area.

RECOMMENDATION 6

Insert a second paragraph of supporting text as follows;

“Any solution to improving mobile phone coverage or filling in any gaps in high speed broadband provision may require the erection of one or more masts. These can be highly visually intrusive and will have to conform to Local Plan policies particularly those related to the protection of the landscape character in sensitive areas and the protection of habitats and encouragement of biodiversity.”

Delete the following paragraph;

“Any proposed development will be subject to the biodiversity policies and to the provisions of the Habitat Regulations, in particular LP policies EN10 and EN11 will apply.”

Amend the policy as follows;

Planning applications for masts to provide these services will be supported as provided they are sensitively sited, suitably screened, respect the ecology of the area and are in accordance with other policies in this Plan and Local Plan policies.

Insert a title prior to list of NPPF and Local Plan policies as follows;

“List of relevant national and local policies (not exclusive)”

Community Facilities (Policy BSF)

95. The desire for a new community hall at no fixed site should be an aspiration not a policy in the Plan. The intention is too vague to form a policy. The aspiration can still be referred to in the text. I could not locate the reference to Bishops Coombe on the plan M1.

96. The policy BSF2 is too vague and does not express how the support is to be manifested in decision-making. The need to retain community facilities is accepted and the evidence backs this up. However, there is need to acknowledge Local Plan policy WE12 relating to the “Loss of Local facilities” which sets out circumstances when it has to be accepted that facilities will be lost. For example, where a community facility is creating a planning problem or is not used or economically viable then it is not possible to justify its retention. The proposed policy, however, is a useful addition to policy WE12 as it lists local facilities considered to be valued. It can be reworded to address the issues referred to.

RECOMMENDATION 7

Delete policy BSF1 and replace it with the following paragraph not highlighted in bold.

“The Parish Council recognizes there is a need for a new Community Hall to serve the village. It is committed to working to secure this as explained below. This is currently an aspiration as there is no specific site identified.”

Amend the paragraph under “Our aim is to” as follows;

“Ensure that the Parish of Bishopsteignton has community facilities which are located and designed to meet the social, cultural and recreational needs of all age groups in the community both now and for the Plan period.(Ref.A6).

Local Plan policy WE12 requires that the redevelopment or loss of retail, leisure, community, and other key local community and commercial facilities for another use will not be permitted unless certain criteria apply. The policy is reproduced below in the list of relevant policies

The plan in Appendix 6 (A6) contains a list of local facilities which are considered valued and fall under the protection offered by Local Plan policy WE12

The Community’s highest present priority is to retain Branch Surgery facilities in the Village (LP Ref WE12). The Bishopsteignton Healthy Living Group is progressing with the Surgery Practice, a development proposal in the village to meet these needs. There are no proposals in this plan to reorganise or remove any of the existing facilities.”

Amend policy BSF2, as follows;

“BSF2 Support the retention of existing local facilities in accordance with Local Plan policy WE12. This policy will apply in particular to the uses listed in Appendix 6 (A6) of this Plan.”

**Insert a title prior to list of NPPF and Local Plan policies as follows;
“List of relevant national and local policies (not exclusive)”**

Access and infrastructure (policy BSA)

97.The evidence provided to demonstrate the parking problems is extensive and presented in detail, which is to be commended. The policy BSA1 needs to be referred more explicitly to the village core and the streets referred to in the survey in appendix 4. The policy is too rigid in its requirement that any development which will produce on-street parking is unacceptable, as arguably any development results in an element of on-street parking and redevelopment of a site may actually reduce a current demand for on-street parking. The policy therefore needs to be reworded to make it more clear and introduce flexibility to cater for a range of development outcomes.

98.Policy BSA2 requires compensatory public parking be made on development proposals close to the village core. The provision of spaces not related to the development they serve is only justified in cases of development which has the viability to accept this requirement. The policy should therefore be amended to reflect this.

99.Policy BSA3 refers to any planning application which is inappropriate as not all applications raise highway related issues. The requirements for signing the narrowness of roads and adjusting the speed of traffic will only be appropriate as proportionate planning requirements in limited cases. The policy needs to be reworded to reflect this.

100.Policy BSA4 contains a reference to improving the continuous pedestrian route along Forder Lane as indicated on Map 1. The key to map 1 shows Forder lane as an existing footpath a dotted purple line for which there is no reference on the key. This needs to be corrected and made consistent with the key to map2.

101.Policy BSA4 requires amendment to allow it to be more concise and relate to a requirement in the NPPF, paragraph 204, that planning obligations are

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

102.Policy BSA5 is acceptable

RECOMMENDATION 8

Amend policy BSA1, as follows;

BSA1: Any loss of parking, on or off street, within the streets in the village core referred to in Appendix 4 (A4) of this Plan must be compensated by providing an alternative which serves the site. Proposals which generate an increase in on-street parking in the village core will be resisted.

Amend policy BSA2 by deletion of the following

“Support the provision of additional public parking at the junction of Bishop's Avenue and Fore Street through traffic management and environmental improvement.

Should any suitable sites close to the historic village core be subject to future redevelopment the inclusion of additional parking, to help satisfy the general shortfall in residential parking will be pursued, when this is considered viable.”

Amend Policy BSA3 as follows;

“BSA3: All development proposals will be assessed in consultation with Devon County Council Highways, to ensure that they are effective in maintaining traffic flows, safety and reducing their impact on the environment. When appropriate in terms of the scale of the traffic impact, opportunities will be taken to require developments to

- Make clear, with appropriate signage, the narrowness of the streets and access difficulties.**
- Make the flow and speed of traffic appropriate to the rural and heritage nature of the Parish”**

Appendix 2a would be more logically inserted as part of appendix 4 and numbered appropriately.

Amend policy BS4 as follows;

“BSA4: When justified in terms of the advice in paragraph 204 of the NPPF, opportunities will be taken in considering development proposals to improve pedestrian and cycle safety, reduce vehicular speeds, address traffic bottlenecks and improve road alignments or junctions and pedestrian routes, as indicated on Maps M1 and M2 .”

Include in the list of the NPPF policies

“NPPF paragraph 204 planning obligations Planning obligations should only be sought where they meet all of the following tests:

- **are necessary to make the development acceptable in planning terms;**
- **directly related to the development; and**
- **fairly and reasonably related in scale and kind to the development”**

**Insert a title prior to list of NPPF and Local Plan policies as follows;
“List of relevant national and local policies (not exclusive)”**

Drainage

103. Policy BSA6 is acceptable.

Conservation and Environment (policy BSC)

104. Policy BSC 1 is worded in relation to the support of developments which will preserve the historic gardens. It is unlikely there will be developments proposed of that nature as most development of an historic garden will by its nature have an element of detrimental impact. The policy should, therefore, be worded in a manner which seeks to resist development which has a significant deleterious impact. The policy needs to relate to the gardens as shown on the map Ref; M1

105. Policy BSC 2 is properly evidenced and all the designated green spaces conform to the advice in the NPPF paragraph 77, relating to designation. There is a need to include some of the supporting text within the policy in bold font.

106. The District Council and others are concerned to ensure that those green spaces which form active recreation space are allowed to develop facilities which complement the recreational role of the sites. I consider that such ancillary developments are not precluded by the policy as worded

107. I note the suggestion by Mr. Day that “Happy Valley” should be included as green space. However, I note that this is quite a large area and contains buildings including dwellings which may generate a demand for some limited development which makes it inappropriate as green space. I am content that other policies in this plan and the Local Plan (“EN2 Undeveloped Coast “and “EN2A Landscape Protection and Enhancement”) concerned with restricting intrusive development in the open countryside can offer the protection this sensitive area demands.

108. There are a number of representations requesting the Huntly walled kitchen garden be included as green space. I note these gardens are given protection in policies BSC1 relating to “historic gardens’ and BSB4 relating to ‘Food Production”. This effectively amounts to the same level of protection as green space policies but recognizes the historic horticultural nature of the site.

109. The reference to the Conservation Area Appraisal is acceptable for development within the Conservation Area but its requirements cannot be translated to areas outside of the Conservation Area. This needs to be made clearer in the wording of

the policy.

110. Policy BSC4 refers to heritage assets identified as part of the Plan process and shown on map1 and others on the Devin County Council Historic Environment Records. The policy needs to refer more explicitly to both designations.

111. The supporting text to Policy BSC5 needs to relate to the wider context of landscape protection offered by Local plan policies “EN2 Undeveloped Coast “and “EN2A Landscape Protection and Enhancement”. The policy needs to be clearer about what constitutes the protection and positive impact on views.

112. Policy BSC6 seeks to protect the gap between Bishopsteignton, Teignmouth and Kingsteignton. The Local Plan in policy EN1 establishes protected “strategic gaps” where there are particular pressures for settlements to merge. It also establishes that “where a gap between settlements is already covered by a protective policy, for example the undeveloped coast policy, it is unnecessary to define these as strategic gaps as well. “The gaps referred to in policy BSC6 are covered by the undeveloped coast policy EN2 which offers sufficient protection. The policy BSC6, therefore, duplicates this and should be removed in the interests of clarity.

113. Policy BSC7 duplicates in a similar manner and should be removed.

114. It is however informative in the context of the Conservation and Environment policies to retain supporting text which cross-refers to these important policies.

RECOMMENDATION 9

Amend policy BSC1 , as follows;

“Development which has a significant detrimental impact on the character of the historic gardens shown on map M1 in the appendix to this Plan will be resisted.”

Amend policy BSC2 by including the following paragraph in bold font as part of the policy;

“ Development on Local Green Spaces will be only supported where it preserves and enhances its special qualities and reasons for designation.”

Amend the second sentence in policy BSC3 as follows:

“Development elsewhere in the Plan area will be expected to demonstrate that it responds to the traditional contextual design of the area and utilizes materials and detailed design which responds positively to the areas character”.

Amend policy BSC4;

Bishopsteignton Parish is fortunate in the rich variety of heritage assets that it

possesses from the earliest times up to the modern era. These heritage assets are shown on plans M1 and M2 and also referred to in Devon County Council Historic Environment Monument Records in appendix M. The protection of these assets should be a material concern in considering future planning applications in order to preserve them for future generations and where necessary, for research and recording to be undertaken.

Amend the second paragraph in the supporting text after policy BSC4 as follows;

“Currently identified historic assets are shown on Plans Ref. M1 and M2, and in the Devon County Council Historic Environment monument records in appendix reference list B9 (i) and(ii).Additional assets could be included in future revisions to the NP following research.

In the supporting text paragraph immediately before policy BSC5 insert a new last sentence as follows;

“ The Local Plan policies “EN2 Undeveloped Coast “and “EN2A Landscape Protection and Enhancement” provide a context for protecting this sensitive landscape. The following plan policy highlights important views where the policy will be particularly relevant.

Amend policy BSC5 as follows;

“ Development shall respect the landscape character of the area and comply with Local Plan policies “EN2 Undeveloped Coast “and “EN2A Landscape Protection and Enhancement” . Particular attention will be given to the need to protect the views identified on maps 1& 2 and ensure development is not intrusive and relates sympathetically to natural and built features in the landscape.”

Delete policies BSC 6 and 7 and the supporting text in the two paragraphs which relates to them.

Biodiversity, Sustainability and Climate Change

115. These policies are based on robust evidence and it is clear the area provides unique habitats for some protected species. However, I support Natural England's suggestions in their Regulation 16 response, for a minor alteration to clarify that impacts have to be significant before schemes can be rejected. On the basis of the Plans references in the supporting text, it is also necessary to include in protection for greater horseshoe bats within policy BSB1.

116. Policy BSB4 needs to be related to the NPPG advice that protection of agricultural land in the interests of food production should relate to the best and most versatile land as demonstrated by the agricultural land classification system explained in the NPPG (Reference ID: 8-026-20140306).

117. The reference in Policy BSB5(f) to “carbon reduction plan” for major development is an unnecessary repetition of Local Plan policy EN3 and should be deleted from the policy. I consider there is value in referring to it as supporting text but there needs to be a definition of “major development”.

Include “Greater Horseshoe Bats’ in the title to policy BSB 1. In the policy after “grey long eared bat” insert “greater horseshoe bat”.

Amend the last sentence of policy BSB1 as follows; “Proposals resulting in significant negative impacts will be resisted and enhancements for the species will be sought (Ref A2b)”.

Amend the last sentence of policy BSB2 as follows; “Proposals resulting in significant negative impacts will be resisted and enhancements for the species will be sought (Ref A2b)”.

In policy BSB3, last sentence, insert “the maps” before reference A2b

At the end of the first sentence of policy BSB4 insert “ or is lower grade in terms of productivity or versatility”.

In the second sentence after Huntly walled kitchen garden, insert “as shown on map M1”

Delete criterion f) from BSB5

In Paragraph 6 on page 20 insert a final sentence as follows; “Major developments are classified in the Town and Country Planning (Development Management Procedure) (England) Order 2010 as those for 10 or more dwellings or with 1,000 square metres or more of floor space.”

SUMMARY

118. I have completed an independent examination of the Neighbourhood Development Plan.

119. The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

120. I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the National Planning Policy Framework and local development plans policies.

121. Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

122. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

123. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension.

124. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area as they are currently defined.

125. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by Teignbridge Council.

126. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum. I see no reason why the area for the referendum should be altered or extended.

