

Ipplepen Neighbourhood Development Plan

Independent Examiner's Report

March 2023

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Summary

I have been appointed by Teignbridge District Council to carry out an independent examination of the Ipplepen Neighbourhood Plan.

The examination was carried out between January and March 2023 and was undertaken by considering all the documents submitted to me, including the written representations. I visited the Neighbourhood Plan area on 19 January 2023.

Ipplepen is a rural parish on the southern edge of Teignbridge District in Devon and lies close to the larger urban areas of Newton Abbot, Totnes and Paignton.

Subject to a number of modifications set out in this report, I conclude that the Neighbourhood Development Plan Review meets the Basic Conditions and I am pleased to recommend that it should proceed to referendum.

I recommend that the referendum should be confined to the Neighbourhood Development Plan area.

Barbara Maksymiw

Independent Examiner

March 2023

1. Introduction

1. Neighbourhood planning was introduced by the Localism Act 2011 and enables local communities to develop planning policies to guide development in their area and help to shape the places where they live and work.

2. Ipplepen is a rural parish situated on the southern edge of Teignbridge District. It is close to the urban areas of Newton Abbot, four miles to the north, Totnes, five miles to the south and Paignton, six miles to the south east. It is mainly rural in character and is bisected by the A381 which runs north to south along its eastern boundary. With a population of over 2500 in 2011, most of its residents live in Ipplepen which is the largest village in Teignbridge District, with small groupings of homes in Dainton, Combe Fishacre and Red Post. The parish is primarily a working rural landscape with the backdrop of the Dartmoor hills to the west.

3. The neighbourhood plan has been prepared in the context of the Teignbridge Local Plan 2013-33 which was adopted in May 2014 and the emerging Local Plan Review 2020-40.

4. The purpose of this report is to assess whether the Ipplepen Neighbourhood Development Plan (NDP) complies with the relevant legislation and meets the Basic Conditions. Where necessary, the report makes recommendations about changes or modifications to the plan to ensure that it meets the legislative requirements.

5. The report also makes a recommendation about whether the NDP should proceed to the referendum stage. If there is a positive recommendation at referendum, the NDP can be “made” by Teignbridge District Council and so become part of the wider development plan and then used by Teignbridge District Council to determine planning applications in the plan area.

2. Appointment of the independent examiner

6. I have been appointed by Teignbridge District Council, with the agreement of Ipplepen Parish Council, to carry out this independent examination. I am a chartered town planner with extensive planning experience in local government and therefore have the appropriate qualifications and experience to carry out this examination. I am independent of the qualifying body and have no land interest in the area that might be affected by the plan.

3. The role of the independent examiner

7. The role of the independent examiner is to ensure that the submitted NDP meets the Basic Conditions together with a number of legal requirements.

8. In examining the NDP I am required, under Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990, to check ¹ that:

- the policies in the plan related to the development and use of land for a designated neighbourhood area; and
- the policies in the plan meets the requirements of Section 38 of the Planning and Compulsory Purchase Act (that is, it specifies the period to which it has effect, does not include provision about excluded development and does not relate to more than one neighbourhood area); and
- the plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.

9. I must also consider whether the NDP meets the Basic Conditions set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). A plan meets the basic conditions² if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- the making of the plan contributes to the achievement of sustainable development
- the making of the neighbourhood plan is in general conformity with the strategic policies of the development plan for the area
- the making of the neighbourhood plan does not breach, and is otherwise compatible with European Union (EU) obligations

10. Regulations 32 and 33 of the Neighbourhood Planning Regulations 2012 (as amended) set out two additional basic conditions. These are:

- the making of the neighbourhood plan is not likely to have significant effects on a European site ³ or a European offshore marine site ⁴ either alone or in combination with other plans or

¹ Set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act (as amended)

² Set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

³ As defined in the Conservation of Habitats and Species Regulations 2012

⁴ As defined in the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007

projects and

- having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this does not apply to this examination as it is not about a neighbourhood development order).

11. A further Basic Condition was added by legislation on 28 December 2018. The Neighbourhood Planning (General) Regulations 2012 para 1 states:

- In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act
- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

12. As independent examiner, having examined the plan, I am required to make one of the following recommendations:

- that the plan as submitted can proceed to a referendum; or
- that the plan with recommended modifications can proceed to referendum; or
- that the plan does not meet the necessary legal requirements and cannot proceed to referendum

13. If the plan can proceed to referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

14. Teignbridge District Council will consider the examiner's report and decide whether it is satisfied with the examiner's recommendations and will publicise its decision on whether the plan will be subject to referendum, with or without modifications. If a referendum is held and results in more than half of those voting in favour of the plan, the Council must "make" the neighbourhood plan a part of its development plan. The plan then becomes part of the development plan for the area and is a statutory consideration in guiding future development and determining planning applications in the area.

4. Compliance with matters other than the basic conditions

15. Ipplepen Parish was formally designated as a Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations 2012 on 8 July 2015. The designated area covers the whole parish and does not cover any other Neighbourhood Area.

16. The plan covers the period from 2020 - 2040, which aligns with the timespan of the Teignbridge Local Plan Review 2020 – 2040. This plan is currently subject to public consultation from Monday 23rd January until midday on Monday 13th March 2023. I deal with the timeframe of the NDP and overall compliance with the strategic planning context in more detail in paras 40 and 41 below.

17. The preparation of the plan has been led by a Steering Group made up of members of the local community, supported by professional planning consultants. The community had already been actively involved in Parish Plan work, so there was already good background knowledge about community concerns and ambitions which helped to shape the issues that the NDP needed to address.

18. I am satisfied that the Neighbourhood Development Plan includes policies that relate to the development and use of land and does not include provision for any excluded development. The Ipplepen NDP therefore meets the requirements set out in para 8 above.

5. The examination process

19. The documents which I considered during the course of the examination are listed in Appendix 1.

20. The general rule⁵ is that an examination is undertaken by the consideration of written representations only. Having considered all the information before me, including the representations made to the submitted plan (the Regulation 16 responses), I was satisfied that the Ipplepen NDP could be examined without the need for a public hearing.

21. During the course of the examination it was necessary to clarify several matters with Teignbridge District Council and Ipplepen Parish Council. These are set out in Appendix 2 to this report. I was provided with prompt and helpful responses to my questions and I am satisfied that I had all the information I required to carry out the examination.

⁵ PPG para 004 ref id 41-004-20140306

22. As part of the neighbourhood plan examination process, it is important for the examiner to understand the context of the neighbourhood plan in the wider area and its overall character, as these shape the issues and policies set out in the plan. I therefore made an unaccompanied site visit to the area on 19 January 2023.

23. The plan has been assessed against the guidance in the National Planning Policy Framework (NPPF) dated July 2021.

24. As part of this examination, my report includes a series of recommended modifications to ensure that the policies are expressed concisely and precisely in order to comply with the basic conditions. Where I have suggested modifications, these are identified in **bold text**. The recommended modifications relate mainly to issues of clarity and precision and are designed to ensure that the plan fully accords with national and strategic policies. I have considered the policies in the order they appear in the plan, by section and comment on all of the policies, whether I have suggested modifications or not. Where I consider that the supporting paragraphs need amendment to help explain and justify the plan policy, I have made comments to that effect.

6. Consultation

Consultation process

25. Effective consultation and engagement with the local community is an essential component of a successful neighbourhood plan, bringing a sense of public ownership to its proposals and helping to achieve consensus. The policies set out in the Neighbourhood Plan will be used as the basis for planning decisions – both on local planning and on planning applications – and, as such, legislation requires neighbourhood plans to be supported by public consultation.

26. In line with the Neighbourhood Planning (General) Regulations 2012⁶, the Steering Group has prepared a short Statement of Consultation for the NDP which sets out how the group approached public consultation.

27. Throughout the plan preparation process, the Steering Group has sought to consult and engage with the local community and feedback has been used to inform the content and scope of the plan. This included public displays and consultations held between 2015 and January 2021 and commissioning supporting evidence, such as the Ipplepen Character Assessment, the local Green

⁶ Regulation 15 of the Neighbourhood Planning (General) Regulations 2012

Space Study and a Custom and Self Build Housing Survey. The popular local Village Shows also provided an ideal opportunity to engage with the local community about the emerging neighbourhood plan.

28. The Consultation Statement demonstrates that the Steering Group engaged with the local community and kept people informed as the plan progressed. As a result, the community's vision and aim for the Town reflects the views and priorities of the community. This is :

Vision:

To provide a sustainable community - safeguard the past - improving the present - shaping the future

Statutory consultations and representations received

29. Preparing the NDP has involved two statutory six-week periods of public consultation. The Regulation 14 consultation was held between from 1 May to 15 June 2022. In all, seven representations were received – one was from a community organisation, four from statutory consultees and two from the local authorities.

30. The second consultation on the Submission Draft NDP was managed by Teignbridge District Council and took place between 31 October and 12 December 2022. This generated fourteen responses – five from statutory consultees and nine from members of the public.

31. Occasionally in this report I refer to representations and identify the organisation making that particular comment. However, I have not referred to every representation in my report. Nonetheless, I can assure everyone that each comment made has been looked at and carefully considered.

32. From the evidence in front of me, it is apparent that the Ipplepen NDP has been subject to all the necessary public consultation by the Steering Group. I am therefore satisfied that the consultation process which has been followed complies with the requirements of the Regulations.

7. Compliance with the basic conditions

33. In my role as independent examiner I must assess whether the Neighbourhood Development

Plan meets the Basic Conditions⁷ set out in the Regulations as described in paras 8-11 above.

34. I have considered the Ipplepen Neighbourhood Development Plan Basic Conditions Statement produced on behalf of the Steering Group to assist my assessment which is set out below.

National Policy

35. National planning policy is set out in the National Planning Policy Framework (NPPF) and in the supporting Planning Practice Guidance (PPG). At the heart of the planning system is a presumption in favour of sustainable development, which applies to all levels of plan making. For neighbourhood plans, this means that neighbourhood plans should support the strategic development needs set out in Local Plans and plan positively to shape local development. Planning Practice Guidance⁸ states that all plans should be prepared positively, be shaped by effective engagement with the local community and contain policies which are clearly written and unambiguous. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

36. Table 1 of the Basic Conditions Statement contains a comprehensive assessment of how each of the policies in the NP conform with the guidance in the NPPF 2019 (as amended). I therefore conclude that this Basic Condition is met.

Sustainable development

37. The qualifying body also has to demonstrate how a neighbourhood plan contributes to the achievement of sustainable development as set out in the NPPF⁹. Table 3 of the Basic Conditions Statement sets out an assessment of the sustainability of the NDP policies against economic, social and environmental factors. I therefore conclude that this Basic Condition is met.

Development Plan

38. The NDP also has to demonstrate that it accords with the strategic policies of the Development Plan. In this case, the adopted development plan is the Teignbridge Local Plan 2013-33 (TLP) which

⁷ Para 8(2) of Schedule 4B of the Town and Country Planning Act (as amended)

⁸ Planning Practice Guidance Paragraph: 041 Reference ID: 41-041-20140306

⁹ NPPF paragraph 16

was adopted in May 2014. The Basic Conditions Statement sets out in Table 2 which sets out how each of the NDP policies conforms with the relevant policy in the TLP.

39. The Teignbridge Local Plan Review 2020-40 is now under way and Planning Practice Guidance advises that when a Local Plan review is under way, its emerging policies should be taken into account. I note in particular that the NDP uses the same end date as the TLP Review and takes forward and allocates land to meet the housing requirement proposed in the plan review.

40. Public consultation on the Teignbridge Local Plan Review is currently in progress, running for a 7 week period from 23 January until 13 March 2023. While the Local Plan Review is well under way, the consultation has yet to be completed; the plan will also then be subject to a Local Plan Inquiry, and further modification before it is formally adopted. Teignbridge District Council's Local Development Scheme gives an expected timescale as follows:

- January 2023 – Regulation 19 Proposed Submission
- July 2023 – Regulation 22 Submission
- November 2023 – Regulation 23 - 25 Examination in Public
- May 2024 – Regulation 26 Adopt Plan

41. This means that emerging Local Plan Review does not have significant planning weight and therefore the NDP has to be examined against the policies in the adopted TLP. This has implications for the time horizon of the NDP which should be amended to 2020-2033. It also potentially impacts on the policies and land allocations proposed in the NDP and these are considered in more detail in Section 8 of my report, below.

- **Recommendation : Amend all references in the NDP to the NDP time horizon from “2020-2040” to “2020-2033”**

42. From my assessment of the plan's policies in the rest of my report, it is evident that the strategic policies of the adopted Teignbridge Local Plan 2013-33 have generally been carried through to the NDP. Therefore, subject to the recommended changes set out in Section 8 below, I conclude that the NDP is in general conformity with the strategic policies of the development plan and therefore this basic condition is met.

Basic Conditions – conclusions

43. I have considered the Basic Conditions Statement, and the supporting evidence and

representations made to the Ipplepen NDP and I am satisfied that the Plan as submitted follows the general principles set out in national planning policy and contributes to the achievement of sustainable development. It sets out a positive vision for the parish and policies to protect its distinctive character while accommodating development needs.

44. At a practical level, however, some of the policies in the Submission NDP need some adjustment to ensure that they comply with the NPPF and the strategic guidance in the adopted Local Plan. I have therefore suggested a number of modifications in Section 8 below, to help ensure that the plan accords with national and strategic guidance and therefore meets the basic conditions.

European obligations and Human Rights Requirements

Strategic Environmental Assessment (SEA)

45. The SEA Directive aims to provide a high level of protection to the environment by ensuring that environmental considerations are included in the process of preparing plans and programmes. A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination is made by the responsible authority that the plan is not likely to have “significant effects”.

46. Teignbridge District Council employed Figura Planning to carry out the SEA screening of the Ipplepen Neighbourhood Development Plan. The screening takes account of the August 2022 draft version of the Neighbourhood Plan, prepared after a community consultation in September 2019 and then pre-submission consultation in May 2022 and subsequent minor policy drafting amendments. The report concluded that no significant environmental effects are likely to arise from the plan’s implementation and accordingly, no Strategic Environmental Assessment is required. In response to my query, Teignbridge District Council provided a copy of the Habitat Regulations Assessment of the Submission Version of the NDP. This concludes that a Habitats Regulations Assessment (HRA) is not required.

47. As the screening report prepared to support the NDP been done in light of the updated basic condition referred to in para 11 above, I conclude that the necessary legislative requirements have been met and that the basic condition is complied with.

Human rights requirements

48. The Basic Conditions Statement at para 6.1, briefly explains how the plan fulfils other EU obligations in relation to human rights.

49. I am satisfied, therefore, that the NDP is compatible with the requirements of EU obligations in relation to human rights and no evidence has been submitted to me to suggest otherwise. I am satisfied, then, that the Plan does not breach the European Convention on Human Rights obligations and therefore meets the Basic Conditions.

Other Directives

50. I am not aware of any other European Directives that would apply to this NP, and in the absence of any evidence to the contrary, I am satisfied that the plan is compatible with EU obligations.

8. Neighbourhood Plan policies

51. This section of my report considers the NDP policies against the basic conditions.

52. The Plan is well presented and illustrated with extensive photographs, tables and maps; it has a clear structure distinguished by separate sections. The plan's policies are set out on Chapter 5 to 8 and are grouped into four distinct topics. The policies are presented in a consistent way with an introductory section, a summary of the issue and objectives for the policy as well as additional explanatory text. The policy itself is shown as separate text box.

53. The plan is supported by a very comprehensive evidence base which is presented as Appendices to the NDP.

54. All of the policies relate to the development and use of land and none cover excluded development, such as minerals and waste, so the statutory requirements and guidance set out in Planning Practice Guidance¹⁰ are met.

Chapter 1 : Introduction

55. This section introduces the Neighbourhood Development Plan, explains why a NDP is being prepared and how the plan has been drawn together.

¹⁰ Planning Practice Guidance PPG para 004

Chapter 2 : Key information on the Parish of Ipplepen

56. This chapter contains background information about The Parish and sets out the Strengths, Weakness, Opportunities and Threats which the community faces.

57. In response to my query, the Parish Council has provided updated versions of Figures 15 and 16 to include keys and titles for both maps.

- **Recommendation : Add amended versions of Figures 15 and 16 to NDP as provided by Ipplepen Parish Council**

Chapter 3 : Vision, Aims and Objectives

58. This chapter sets out the overall vision, aims and objectives for the NDP and is structured in a very helpful way and is clearly linked to the policies which follow. A representation has suggested that reference to improving pedestrian and access to cycle provision should be added to the objectives, as the NDP includes policies on these issues.

- **Recommendation : Add new Objective 1f “To improve pedestrian footways and access to cycle path provision”**

Chapter 4 : Accessibility , Parking and Highways

Policy P1 : Parking

59. Clause b) of this policy refers to Hot Spot areas where there are car parking issues in the village of Ipplepen, but the map has no key. In the interest of clarity, for future users of the plan, a key should be added.

- **Recommendation : Add a key to Figure 25**

Chapter 5: Character and Appearance

Policy 2 : Development in the countryside

60. I have no comments on this policy.

Policy 3 : Enhancing our Conservation Area

61. The NDP includes a reference to an Area of Archaeological potential in paragraph 5.21 and this is mapped in Figure 28. In response to my query, the Councils have confirmed that this is identified in the Ipplepen Conservation Area Character Appraisal. This should be referred to in Paragraph 5.21.

- **Recommendation : Amend second sentence of paragraph 5.21 to add “in the Conservation Area Character Appraisal (2009)” after “Archaeological Potential”**

62. Policy 3 requires some fine tuning to improve clarity for future users of the NDP.

- **Recommendation : In the title of Policy 3, delete “our” and substitute “Ipplepen”. Delete c). Reword final sentence of policy to read “Where an applicant proposes an alternative to meeting the requirements set out in Policy 3b), this must be clearly justified and demonstrate that the proposal would conserve the character and significance of the Conservation Area.”**

Policy 4: Development Design

63. Clause a)i of Policy 4 needs rewording so that it ties in with the introductory wording of the policy.

- **Recommendation : In clause a)i, delete “should be used”**

Chapter 6 : Our Community Resources and Infrastructure

Policy 5 : Community Facilities

64. This policy seeks to protect valued community resources and facilities and refers to a formal list of Assets of Community Value in paragraph 6.15. In response to my query, the Councils have confirmed that a number of such assets have already been identified in the Parish and they are listed on the Teignbridge District Council website. As Clause d) of Policy 5 relies on this information, this data source needs to be referred to in the supporting text. The policy itself also needs some rewording to improve clarity for future users of the NDP.

- **Recommendation: Add a new sentence at the end of paragraph 6.14 to read “ These are listed at <https://www.teignbridge.gov.uk/planning/neighbourhood-planning/community-right-to-bid/> (January 2021).”** In third line of Policy 5, change “one” to “any”. Delete “And” and all of clause d) ” in second half of policy. Add a new sentence to Policy 5 below clause c) to read “If proposals come forward for facilities which have been designated as

Assets of Community Value, these should be offered for purchase to the local community through the Assets of Community Value process.”

Policy 6 : Local Green Spaces

65. This policy lists five open spaces to be designated as Local Green Spaces. I saw from my site visit that LGS1 to LGS4 were all actively managed open green spaces that were well used by members of the local community. However, LGS5 (War Memorial), is a very small, paved triangular area in the centre of Ipplepen and its primary use is for car parking. This is acknowledged in paragraph 4.23 - 4.25 of the NDP and the proposals for its enhancement shown in initial draft form in Figure 27. I note also that the war memorial is a Grade II listed structure so it is already afforded protection under national, local and other NDP policies. It therefore does not meet the criteria for designation as Local Green Space as set out in NPPF paras 101-103 and should be deleted along with the last sentence of paragraph 6.23.

- **Recommendation: Delete LGS5 War Memorial from Policy 6, Figure 32 and the Policies Map. Delete the last sentence of paragraph 6.23.**

66. Policy 6 also needs some amendment to ensure that it complies with guidance in the NPPF and thereby meet the basic conditions.

- **Recommendation : Delete first two paragraphs of Policy Policy 6 and replace with “The following sites are designated as Local Green Spaces and are shown in Figure 32 and the Policies Map. Development proposals that result in their loss or harm to the characteristics underpinning their designation, such as their beauty, historic importance, recreational value, tranquillity or richness of wildlife will not be permitted, except in very special circumstances”**

Chapter 7 : New developments

67. Ipplepen is defined in the adopted Teignbridge Local Plan as a village and Policy S21 states:

These defined villages will be appropriate locations for limited development which meets their social and economic needs, protects their rural character and is consistent with the need to minimise travel. Emphasis will be on the provision of affordable housing, employment, services, facilities, environmental enhancements and to small scale development brought forward through Neighbourhood Plans.

68. The Steering Group has undertaken housing need surveys and carried out a comprehensive assessment of potential housing sites, including public consultation, to meet the indicative housing figure of 100 dwellings up to 2040 provided by Teignbridge District Council. The NDP allocates two housing sites to meet these needs at Blackstone Cross (100 homes) and Blackberry Hill (14 custom and self build homes).

69. Planning Practice Guidance states:

A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing need evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.¹¹

70. The total housing requirement of 100 dwellings relates to the time horizon of the emerging Local Plan, rather than the adopted Local Plan, but is based on up to date housing need evidence from the emerging Local Plan Review. In addition, the Blackstone Cross Site is a large site and is to be developed comprehensively, so it is appropriate for it to be allocated in the Neighbourhood Development Plan. Both allocations meet the criteria set out in Policy S21 and therefore the basic conditions are met.

Policy 7 : Blackstone Cross site

71. The supporting justification to Policy 7 refers to 5 custom and self build plots being provided on the site, but there is no guidance in the policy itself. This should be added and references to the three constituent field parcels in the supporting text deleted. Paragraphs 7.41 should be amended accordingly.

- **Recommendation : Add new clause (o) to policy 7 to read “The site will provide custom and self-build plots in accordance with Local Plan Policy WE7” . Amend first sentence of**

¹¹ Planning Practice Guidance Paragraph: 009 Reference ID: 41-009-20190509

paragraph 7.41 to read “The policy sets out that the area must be developed comprehensively to realise the benefits of site development.”

72. A representation suggests that a green recreational space should be provided within the footprint of the development, such as a play park and gardens with seating. This would ensure that the guidance ties in with the strategic policies of the development plan - S2 Quality Development and WE11 Green Infrastructure – and thus meet the basic conditions.

- **Recommendation : Add a new clause (p) to Policy 7 to read “Provide an appropriate level of green infrastructure, in accordance with adopted local plan policies”**

73. Another representation has suggested that reference to creating new and improving access to existing cycle paths should be added to the policy.

- **Recommendation : Reword Policy P7(d) to read “Footpaths and cycle paths are created in and around the site to connect to the surrounding footpath and cycle network to provide safe pedestrian access to the village recreation ground and services”**

74. The Council has provided an updated boundary for the Blackstone Cross site. This should be shown in a revised version of Figures 34 and 38 and the Policies Map.

Policy 8 : Blackberry Hill custom and self build site

75. This site is allocated wholly for custom and self build plots and accords with TLP Policy WE7 Custom Build Dwellings. My only comment is that the reference to “properties” in clause a) is confusing and should instead refer to “plots”.

- **Recommendation : In second line of Policy 8a)i, change “properties” to “plots”**

Policy 9 : Definition of local connection

76. This policy sees to ensure that the custom and self build plots are available only to those with a local connection, by reason of residency or employment and only if these criteria cannot be met , will clause c) apply. The reference to an affordable home in the introduction to clause c) does not tie in with the rest of the policy. To ensure clarity for future users of the plan this should be changed to a custom or self build plot.

- **Recommendation : In paragraph above Clause c) of Policy 9, change “an affordable home” to “a custom or self build plot”**

The Settlement Boundary

77. Policy WE21A of the adopted Teignbridge Local Plan provides guidance on village settlement limits and the supporting text states that these can be altered through Neighbourhood Plans. For consistency, the references in the NDP should be changed from settlement boundary to settlement limit. A standalone policy for the settlement limit should be added to ensure clarity for future users of the plan.

- **Recommendation: Change title of section on page 73 and all references in paragraphs 7.69 to 7.76 and Figure 38 from “settlement boundary” to “settlement limit”. Add a new Policy 10 after paragraph 7.76 entitled “Settlement Limit” worded as follows “Within the settlement limit defined on the Policies Map, development will be permitted where it is consistent with other neighbourhood and development plan policies and Ipplepen’s role as a village, taking account of other material considerations.” Renumber subsequent policies accordingly.**

78. The amended settlement limit for Ipplepen is shown in Figure 38, although a different boundary is shown on the Policies Map on page 79.

79. In response to my query, the Councils have provided an updated Policies Map which incorporates the development allocations made in the NDP and the updated settlement limit. The Policies Map should also be moved so that it is an integral part of the NDP document, with appropriate supporting text. This is necessary to meet the basic conditions.

- **Recommendation : Delete Policies Map on page 79 . Add new heading “Policies Map” after paragraph 7.76 and insert updated Policies Map as Figure 39. Renumber subsequent Figures accordingly. Add new paragraph 7.77 to read “ The Policies Map in Figure 39 shows local and national environmental designations, sites that have been allocated for specific land uses and the revised settlement limit.”**

Chapter 8 : Employment

Policy 10 : New employment provision

80. The description of this allocated employment site is different to that used for the sites allocated for housing under Policies 7 and 8; in the interests of clarity these should be consistent. The boundary of the site should also be shown on the Policies Map.

- **Recommendation : Change title of Policy 10 to “Site adjacent to Buttlands Industrial Estate” . At start of policy, delete “Site 3” and replace with “Site adjacent to Buttlands Industrial Estate” . Add site adjacent to Buttlands Industrial Estate to the Policies Map with a suitable annotation and key.**

Policy 11 : Protection of South Hams SAC

81. Natural England has commented that this policy needs to be strengthened to make clear that if a development site is within the South Hams SAC Landscape Connectivity Zone, development might have a significant effect on the South Hams SAC, so then it should be subject to a project level SAC. This policy thus needs to be amended to ensure that the policy complies with national and local strategic policies and thereby meet the basic conditions. I note, also, that there is no chapter heading to introduce the SAC policy and the policy has no reasoned justification to support it and this needs to be added.

- **Recommendation : In Policy 11, delete “Nothing in the NDP shall permit development to” and replace with “ No development should”.**
- **Add new chapter 9 entitled “South Hams SAC”. Add new paragraph 9.1 to read “Greater horseshoe bats are one of Britain’s rarest bats and are confined to South West England and South Wales. The South Hams Special Area of Conservation (SAC) has been designated to help conserve this population of greater horseshoe bats. SAC’s are designated under the EU Habitats Directive and UK Habitats Regulations. This legislation requires Local Planning Authorities and other competent authorities to assess plans or projects which may have a likely significant effect on a SAC, alone or in-combination with other plans or projects. Such plans or projects must be subject to Habitats Regulations Assessment (HRA). Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council have jointly produced the South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats Habitats Regulations Assessment Guidance October 2019 SPD which sets**

out the relevant guidance. Details are here :

<https://devoncc.sharepoint.com/sites/PublicDocs/Environment/Environment/Forms/AllItems.aspx?id=%2Fsites%2FPublicDocs%2FEnvironment%2FEnvironment%2FWildlife%20planning%20guidance%2F2019%20October%5FFINAL%5FSouth%5FHams%5FSAC%5FHRAGuidance%2Epdf&parent=%2Fsites%2FPublicDocs%2FEnvironment%2FEnvironment%2FWildlife%20planning%20guidance&p=true&ga=1>

Policies Map

82. See comments in para 76 above.

83. I note that there is no concluding section in the NDP setting out how the plan's policies will be monitored and reviewed. This is particularly important, in view of the Teignbridge Local Plan Review 2020 - 2040 which, once adopted, will provide an updated strategic context for the NDP. A new chapter with some short supporting text should be added to the NDP for clarity.

- **Recommendation : Add New Chapter 10 entitled “Monitoring and Review”, immediately before the Glossary. Add supporting text, with appropriate paragraph numbering as follows:**

x.x The Neighbourhood Plan looks ahead to 2033. During this time, it is likely that the circumstances which the Plan seeks to address will change.

x.x The Neighbourhood Plan will be regularly monitored. This will be led by Ipplepen Parish Council in conjunction with Teignbridge District Council as the local planning authority on at least on an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at the Parish level relevant to the delivery of the NDP will also be included.

x.x The Parish Council will formally review the NDP on a regular basis or to coincide with the review of the Teignbridge Local Plan

9. Conclusions and Recommendations

84. I have examined the Ipplepen Neighbourhood Development Plan and I have concluded that, subject to the modifications set out in my report, it meets the basic conditions and other statutory

requirements.

85. I am therefore pleased to recommend to Teignbridge District Council that, subject to the modifications set out in my report, the Ipplepen Neighbourhood Development Plan should proceed to referendum.

86. I am also required to consider whether the referendum area should be extended beyond the Ipplepen Parish Council area. I see no reason why it would be necessary to alter or extend the plan area for the purposes of holding a referendum, nor have I received any representations to that effect. I therefore conclude that the plan should proceed to referendum based on the neighbourhood area approved by Teignbridge District Council in July 2015.

APPENDIX 1: Background Documents

In undertaking this examination, I have considered the following documents:

- Ipplepen Neighbourhood Development Plan (2020-2040) and associated appendices : August 2022
- Ipplepen Neighbourhood Development Plan Basic Conditions Statement - LB Planning : August 2022
- Ipplepen Neighbourhood Development Plan Community Consultation Statement : August 2022
- Ipplepen Neighbourhood Plan SEA Screening for Teignbridge District Council - Figura Planning : October 2022
- Habitat Regulations Assessment of the Ipplepen Neighbourhood Development Plan Submission Version - Assessment undertaken by Teignbridge District Council September 2022
- Teignbridge Local Plan 2013-33 (TLP) : Adopted May 2014
- Teignbridge District Council - Local Development Scheme : October 2022.
- Teignbridge Local Plan 2020 - 2040 Proposed Submission (Regulation 19) : January 2023
- Teignbridge Local Plan 2020-2040 Settlement Limit Review : January 2023
- South Hams Special Area of Conservation (SAC) Greater Horseshoe Bats Habitats Regulations Assessment Guidance SPD - Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council : October 2019
- National Planning Policy Framework (NPPF) July 2021
- Planning Practice Guidance March 2014 and subsequent updates

Ipplepen Neighbourhood Development Plan Examination

Request for further information and questions from the Examiner to Teignbridge District Council and Ipplepen Parish Council

I have carried out a preliminary review of the Neighbourhood Development Plan and the evidence submitted in support of it and there are a few points where I need some clarification or further information. I would therefore be grateful if both Councils could assist me, as appropriate, in answering the following questions.

1. Figure 15

There is a map opposite paragraph 2.45 which seems to show woodlands in the parish, but there is no key or title for the map. Paragraph 2.47 then goes on to refer to a Figure 15 which shows the parish's position in relation to the SAC and the Landscape Connectivity Zone for the European protected species of Greater Horseshoe Bat, but this is not included in the NDP. I would be grateful for some clarification and an additional map if required.

2. Figure 16

This map has no key or title. Please can these be provided.

3. Area of archaeological potential

What is the purpose of designating an Area of Archaeological Potential, as described in para 5.21 and shown on Figure 28? There does not seem to be any reference or guidance about such a designation in the NDP policies.

4. Assets of Community Value

Paragraphs 6.15 to 6.17 refer to Assets of Community Value. Can the Councils confirm whether any such assets have already been designated? Policy IPP policy 5, as drafted, seems to require all community assets to be designated, if they are to be protected.

5. Blackstone Cross Site

Paragraph 7.41 refers to the site being made up of three constituent field parcels with guidance about the site being developed comprehensively, but there appears to be no such reference in Policy IPP7. Please can the Parish Council clarify? In addition, paragraph 7.60 says that 5 custom and self-build plots should be provided, but there is no reference in the policy.

6.Settlement boundary

Paragraphs 7.69 to 7.73 explain that a new settlement boundary is proposed as shown in Figure 38, to take account of the land allocations made in the NDP, although there is no associated planning policy. I have also noticed that the unnumbered Ipplepen NDP Policies Map on page 79 shows the original boundary. I would be grateful for both Councils' comments.

7. NDP timescale

The NDP covers a time horizon from 2020 – 2040, which aligns with the timescale for the emerging Teignbridge Local Plan Review, rather than the adopted Teignbridge Local Plan. I would be grateful for both councils' comments.

8.Regulation 14 representations

I have looked at the Consultation Statement and have not been able to find any record of the number of representations received at the Reg 14 stage, nor any commentary from the Steering Group about the changes that were made to the draft NDP as a result. Please can the Parish Council assist?

9.Habitat Regulations Assessment

Paragraph 5.1 of the SEA Screening Report refers to the separate HRA Screening Report. Please can this be provided?

Thank you for your assistance with these questions. Once I have received your responses, I may need to ask for further clarification or further queries may arise as the examination progresses.

Please note that these questions and requests for information is a public document and the answers and any associated documents will also be in the public domain. Both my questions and the responses should be placed on the Councils' websites as appropriate.

Barbara Maksymiw

13 January 2023

