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**Ivybridge Neighbourhood Plan (2015 – 2031)**  
**Pre submission Draft Version July 2015**

**Local Planning Authority response to the Ivybridge Neighbourhood Plan: Pre-submission Consultation**

Thank you for sending the pre-submission Ivybridge Neighbourhood Plan (Regulation 14)\* to the Local Planning Authority (LPA) for comments. This will be referred to as the Draft Ivybridge Neighbourhood Plan (Draft INP) in this document.

The LPA fully supports the initiative for the Neighbourhood Planning Group (NPG) to produce a Neighbourhood Plan (NP) and recognises that much work has gone into the development of the INP with extensive community involvement. The LPA commends the Ivybridge NPG (INPG) for all the hard work already put into the Plan.

These comments have been provided to assist the Neighbourhood Planning Group (NPG) in producing a Draft Neighbourhood Plan (Regulation 15)\* and have been considered by key Members, under delegated authority, at the Council. The response is based on the information provided and available at the time of reviewing the Plan, which includes the pre-submission draft Ivybridge Neighbourhood Plan (July 2015), Sustainability Appraisal report and other consultation documents.

The scope of a neighbourhood plan and area is a decision for the NPG and this will depend on a number of factors. These will include what is already covered in the development plan and its status, the expected level of future growth for the area, the key issues for the community, what they wish to engage with and their preferred outcomes. It can be detailed, including allocating land for future growth, set general principles for development or focus on a few key issues. The LPA notes the focus of the Draft INP on the town centre and suggests that the INP clarifies that by not either acknowledging the adopted local plan or engaging with future growth it does not intend to undermine these. The community may wish to engage with future growth through a review of the neighbourhood plan or by alternative mechanisms the LPA may put in place as it prepares Our Plan.

The LPA has made a number of suggestions for further consideration prior to submission of a Draft Neighbourhood Plan to help ensure the Plan is successful at examination and contributes to a strong planning policy framework for Ivybridge. The Plan has some sound aspirations in what it wishes to achieve for the community but lacks some detail in respect of how these desirable things will be achieved and the evidence to support them. Few development opportunities are identified in the Plan to enable these aspirations which are reflected in the Plan's objectives to be realised and delivered. While neighbourhood plans need to be aspirational they also need to be realistic and deliverable.

The main areas of concern are:

- That the plan does not take up the government's challenge to local communities to help shape growth and allocate land for housing.

- The scope of the Draft INP in the context of an emerging local strategic development plan with a similar plan period. This could trigger an early review and/or prejudice the community's right to engage in shaping future development through a neighbourhood plan
- The relationship between the Draft INP and the adopted development plan for the South Hams, including the Ivybridge DPD (Feb 2011) and emerging Our Plan
- The need to look at ways to build on the town's unique identity and assets to support the Draft INP vision and objectives and reflect this in policy
- The definition of the town centre which does not accord with the National Planning Policy Framework (NPPF) and the existing development plan
- The relationship between the neighbourhood plan and the Ivybridge DPD (Feb 2011) where policy is not consistent, for example in respect of land to the east of the River Erme.
- The lack of development proposals and opportunities to deliver the NP policies
- Whether the NP policies are viable, deliverable and achievable
- The inclusion of some overly restrictive policies which may not contribute to the government's requirement for neighbourhood plans to positively support local development
- Policy requirements which could place undue burden on development and impact on the viability and deliverability of housing, including sites allocated in the Ivybridge DPD (Feb 2011). These sites lie within the neighbouring parish of Ugborough but within the designated Ivybridge NP area
- Policies which may not be CIL compliant
- The need for further evidence to justify many of the policy requirements
- The inclusion of a policy which requires a traffic and transportation study
- The need to look at travel in an integrated way, and to take account of public transport, including the railway, to build opportunities for Ivybridge
- The need to ensure that policies for sport and leisure reflect the South Hams Playing Pitch Strategy
- The need to fully consider the role of green infrastructure

- The relationship between the objectives in the Plan and the policies which take these forward to deliver these objectives; and
- The need for clear and precise policies to ensure they are effective and can be used by a decision maker determining planning applications.

The LPA would welcome the opportunity to discuss these comments and further assist with the Draft INP if this would be helpful.

The LPA response is organised into two parts. Part 1 considers the Draft INP against the 'basic conditions' which the examiner will use to assess the Plan; whilst Part 2 provides a more detailed assessment.

South Hams District Council September 2015

Footnote: 14\* 15\* Neighbourhood Planning (general) Regulations 2012 (as amended)

## Part 1 – Local Planning Authority comments in relation to the ‘basic conditions’

An Independent Examiner will assess the Draft INP against the ‘basic conditions’, which can be summarised as follows:

- whether the neighbourhood plan has regard to national planning policy and guidelines
- whether the neighbourhood plan contributes to achieving sustainable development
- whether the neighbourhood plan is in general conformity with the Council’s own development plan
- whether the neighbourhood plan complies with EU and human rights obligations

Therefore, the Local Planning Authority (LPA) comments focus on considering the pre-submission INP against each of the ‘basic conditions’ criteria.

### Introduction

The government’s statutory purpose and role of neighbourhood plans (NP) is the framework for considering how the Ivybridge NP has approached this plan making task and met the requirements for preparing a neighbourhood plan.

Planning Practice Guidance (Neighbourhood Planning) states that:

*‘A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (see [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#))’.*

In other words, the INP once ‘made’ will form part of the statutory development plan for the area, alongside the local plan (Our Plan), national policy and guidance and any relevant European directives. Its policies must be fit for the purpose of determining applications for planning permission as they become part of the statutory framework for this decision making, unless as explained, material considerations indicate otherwise.

The Guidance continues:

*Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider*

*community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non land use matters should be clearly identifiable. For example, set out in a companion document or annex.*

Thus, there is scope within neighbourhood plans to include policies to help support wider community aspirations, but a clear distinction must be made in the neighbourhood plan between land use policy and other actions.

## **1. National Planning Policy Guidance (NPPG) and Framework (NPPF)**

The LPA is concerned that there appears to be some areas of potential conflict between the Draft INP and the National Planning Policy Framework (NPPF) and National Planning Practice Guide (NPPG).

### **Policy Wording**

The National Planning Practice Guidance (NPPG) sets out the requirements in relation to the wording of neighbourhood plan policies which 'should be clear and unambiguous'. In particular, it states that they:

*“should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence.” (para. 0.41)*

The general structure of the plan and approach to the policies is commended. The LPA recognises that the vision and objectives developed with the community to improve the town centre and bring wider benefits to the vitality, vibrancy and health and well-being of the town underpin many of the policies.

However, the LPA is concerned that some of the specific wording of the policies does not meet the requirements set out in the NPPG. In particular, some policies lack precision and detail, making them difficult to apply with consistency and confidence when determining planning applications. Part 2 of this report contains a specific analysis of each policy which provides more detail in relation to this issue.

While the Draft INP document includes the context behind the policies, it would strengthen the policies and provide sufficient information if the Plan was structured in such a way to provide reasoned justification as supporting text with each policy.

Each policy must have a clear rationale for informing how each policy should be implemented consistently and with confidence.

Policies must be deliverable and the LPA is concerned that without any identified new development opportunities these cannot be achieved.

## **Evidence base**

Generally, policies contained in the Draft INP appear to be largely supported by the results of consultation events and developed as objectives by the INPG (Ivybridge NP – Evidence Base: Community Based Evidence July 2015).

The NPPG requires that the neighbourhood plan is supported by appropriate evidence. The LPA is concerned that such evidence has not been presented at this stage. Therefore, the LPA advises that the INPG ensures that the Regulation 15 submission is supported by additional information setting out the background and justification for the policies which have been included in the document.

The 'Ivybridge Neighbourhood Plan - Evidence Base' (July 2015) provides links to various evidence at district, county and national level. In relation to district based evidence, the NPPF (para. 158) refers to the LPA using:

*'a proportionate ... adequate, up to date and relevant evidence base which underpins an understanding of the economic, social and environmental characteristics and prospects of the area for preparing Local Plans'.*

Thus, links can be made to district level, and higher level, evidence as the national and local context for the neighbourhood plan. However, there needs to be more specific reference to elements of this evidence to support the Draft INP and its policies.

The NPPG states that in the case of neighbourhood plans evidence:

*'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'.*

In summary, the Draft INP, and in particular its policies should be supported by further detailed and appropriate evidence, including needs assessments. The LPA suggests this could include local housing needs and employment/business surveys for example.

## **Viability and Deliverability**

The NPPG states that a neighbourhood plan must not constrain the delivery of important national policy objectives:

The NPPF sets out a key national objective as the need to significantly boost the supply of housing (paragraph 47) and paragraph 173 of the NPPF requires plans to be deliverable and viable.

The NPPG also states that:

*"Local Plans and neighbourhood plans should be based on a clear and deliverable vision of the area." (para.005)*

And that it is necessary to consider:

*“what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery” (para 045)*

The LPA is concerned that there are no development proposals to support the policies in the Draft INP. While the vision and objectives of the Plan are clear in terms of what they aim to achieve, the plan lacks detail about how these things will be delivered and may place undue burden on existing allocations and future development. Identified development opportunities can set out what the community wishes to achieve to help realise their vision.

The proposals in INP2: Town Centre land east of the River Erme and INP3: Glanvilles Mill Site set out a number of policy requirements for the redevelopment of these sites without development opportunities which could help ensure they are viable, deliverable and attractive schemes.

The Draft INP also potentially places additional financial burdens on all new development (see Policies INP1: Town Centre Regeneration, INP5: Community Facilities, Policy INP6: Housing and Employment and INP7: Traffic and Movement).

Such obligations should not constrain the supply of new housing by undermining the deliverability and viability of proposals and therefore it is suggested that additional justification is provided to demonstrate that these obligations will not impact in this way.

The LPA also suggests that these obligations require further consideration to ensure they accord with the tests set out in Regulation 122 of the CIL Regulations 2010 and paragraphs 203 to 206 inclusive of the NPPF.

The contributions sought by the Council to support its priorities for affordable housing, employment and open space, sport and recreation will take precedence.

### **Monitoring**

To be effective neighbourhood plans need to be kept up-to-date. Policies will age and circumstances will change. Neighbourhood Plans will need to be reviewed at regular intervals to assess whether the entire plan or elements of it need updating and to assess the effectiveness of their policies. This may be a whole or partial review.

The Draft INP includes limited detail about monitoring and review and the LPA suggests that the INPG may wish to consider strengthening this part of the neighbourhood plan before it is submitted for examination.

Most Local Plans are likely to require updating in whole or in part at least every five years. Reviews should be proportionate to the issues in hand. Local Plans may be found sound conditional upon a review in whole or in part within five years of the

date of adoption. Neighbourhood Plans may have similar requirements for review subject to the scope of their plans and the status of the Local Plan

## **2. Sustainable Development**

The NPPF (para. 16) conveys that the application of the presumption in favour of sustainable development *'has implications for how communities engage in neighbourhood planning'*.

It states that neighbourhoods should:

- *develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan; and*
- *identify opportunities to use Neighbourhood Plans Orders to enable developments that are consistent with their neighbourhood plan to proceed*

The NPPG (para. 72) states that:

*"A qualifying body must demonstrate how its plan or Order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures).*

*In order to demonstrate that a draft neighbourhood plan or Order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or Order guides development to sustainable solutions."*

The majority of the policies in the Draft INP seek to support sustainable development and it is recognised that the SEA has informed the production of the Plan. However, in trying to achieve sustainable development some of the policies ( INP1: Town Centre Regeneration, INP5: Community Facilities, INP6: Housing and Employment and INP7: Traffic and Movement) may adversely impact on the viability and deliverability of new housing development. A neighbourhood plan or Order must not constrain the delivery of important national policy objectives for sustainable growth including meeting the housing needs of the area to help support a balanced community.

## **3. General conformity with the Development Plan**

The NPPF sets out that neighbourhood plans provide an opportunity for local people *'to ensure that they get the right types of development for their community'*. It also

states that ‘the ambitions of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area’.

The NPPF (Para 84) sets out that neighbourhood plans should be in ‘*general conformity with the strategic policies of the Local Plan*’ and both ‘*reflect and plan positively to support them*’. It requires that neighbourhood plans and orders:

*‘should not promote less development than set out in the Local Plan or undermine its strategic policies’.*

The NPPG confirms this requirement;

*‘A neighbourhood plan should support the strategic development needs set out in the [Local Plan](#) and plan positively to support local development (as outlined in [paragraph 16 of the National Planning Policy Framework](#))’.*

One of the ‘basic conditions’ is for the neighbourhood plan to be in general conformity with the strategic policies contained within the Development Plan. The statutory Development Plan currently comprises the adopted Local Plan (ALP) for South Hams.

The adopted Local Plan for the South Hams comprises:

- Local Development Framework (LDF) which includes the Core Strategy (2006), Development Policies Development Plan Document (DP DPD) (July 2010), a series of allocation documents (SA DPDs Feb 2011) which contain sites for housing and employment for the period up to 2016 and beyond, the Affordable Housing DPD and a number of ‘saved policies’ from the South Hams Local Plan (1996)
- Adopted Supplementary Plans Documents (SPDs) provide further detail.

Following the introduction of the NPPF and the need to update the ALP to ensure it covers at least a 15 year plan period, the Council is in the process of preparing a new Local Plan. The new local plan will form an important part of *Our Plan* which will, once adopted, be the single overarching strategic plan that sets out the vision, objectives and activities of South Hams District Council.

Whilst the basic condition requirement stipulates conformity with the ALP, the examiner’s report for the Tattenhall and District Neighbourhood Plan highlights that:

*“... it makes good sense for neighbourhood planners to understand and have a mind to how the neighbourhood plan fits with the emerging strategic policies of the development plan and be able to clearly explain the rationale for any significant differences, should there be any”.*

Therefore, it is advisable to ensure that, if possible, the Draft INP is also aligned with emerging Local Plan policies. However, at this stage there is not enough detail in the emerging new Local Plan to enable the Draft INP to fully engage with it. The emerging *Our Plan* cannot yet be treated as part of the Development Plan.

The NPPG (para. 044) states that a neighbourhood plan should not undermine Local Plan strategic policies (also see paragraph 16 and paragraph 184 of the NPPF) and nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

The Ivybridge DPD (Feb 2011) proposes sites to the east of Ivybridge which lie within the designated neighbourhood plan area and a central allocation in the town centre. These proposals (Proposal I1; East of Ivybridge and I2: Ivybridge Central Area) must be supported, and not frustrated or undermined, by the Draft INP.

Based on the approach of aligning the neighbourhood plan with the emerging Local Plan, the LPA has some concerns that some policies in the Draft INP could constrain the delivery of the allocated sites in the Ivybridge DPD (Feb 2011). The INPG should give careful consideration to this prior to submission of the neighbourhood plan. It is recommended that the INPG discusses this with the LPA who must ensure that the Draft INP does not prejudice the status of these allocations.

The Draft INP proposes a number of policies for the town centre. The NPPF places emphasis on the role of town centres as the heart of their communities. At paragraph 23, it explains how it expects LPA's to;

*“define the extent of town centres and primary shopping centres, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations”.*

The ALP includes SHDC 23: Shopping in Towns, a saved policy from South Hams Local Plan (Part 1: General Policies) 1989 – 2001 (April 1996). The LPA has concerns that the Draft INP is not consistent with the ALP, or the NPPF, in respect of its proposals for town centre regeneration. This includes the extent of the area shown on the Site Proposals Map and the lack of inclusion of any residential element which could be seen to hinder the delivery of the *‘strategic development needs set out in Local Plans, including policies for housing and economic development’* (NPPF para.16). In this respect the Draft INP could be seen to *‘promote less development than set out in the Local Plan or undermine its strategic policies’* (NPPF para 84).

#### **4. European Obligations and human rights requirements**

##### **Strategic Environmental Assessment**

One of the key elements of this basic condition relates to Strategic Environmental Impact Assessment (SEA), which is required where a neighbourhood plan is likely to have significant environmental effects. The LPA has screened the Draft INP and determined that a SEA in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 is not required. The Draft INP is supported by a Sustainability Appraisal and Scoping Report (June 2015) and has been informed by the SA work undertaken, which is stated as having incorporated the legal requirements of the SEA Directive.

The LPA wishes to raise a number of specific issues regarding the SA which should be subject to further consideration in relation to the government's SEA guidance in order to ensure that the requirements of this EU obligation have been satisfied.

There is an issue of timing that needs to be adequately addressed. The SA as submitted used the objectives from the 2006 SHDC Core Strategy as a means for assessment. This is our current adopted plan, although we know that this plan expires in 2016, and that Our Plan will be the planning document that the Ivybridge NP will sit underneath. This is referenced in paragraph 15. The risk in using an increasingly out-of-date Core Strategy is that it acknowledges that another SA will need to be performed in the future to ensure that the INP can still be considered consistent with adopted policy. The question arises as to whether this undermines bringing forward the Ivybridge NP at this time.

Currently Our Plan has no weight or status, but there are draft objectives in the emerging Our Plan that could be used to inform an SA process.

Schedule 2 (6) of the The Environmental Assessment of Plans and Programmes Regulations 2004 requires that the assessment identifies positive and negative impacts. The scoring matrix identified in paragraph 16 of the submitted SA does not seem to identify any way to measure negative impacts, just various degrees of positive impact. The LPA would recommend using the same scoring matrix as deployed for the draft Our Plan work:

The matrix will record the findings of the assessment by using the following:

Score	Significance
++	Major positive effects to achievement of the SA objective
+	Minor positive effects to achievement of the SA objective
0	No effect (either positive or negative) to achievement of the SA objective
-	Minor negative effect to achievement of the SA objective
--	Major negative effect to achievement of the SA objective
?	Impact on the SA objective is uncertain

The SA suggests that previous findings from the Princes Foundation 2011 and the Ivybridge Town Team 2013 have been included within the consultation statement. The LPA is not convinced that any work undertaken prior to the NP area being designated is permitted to be used in support of the neighbourhood plan. The way that the community engaged with a conceptual masterplanning exercise run by the Princes Trust may vary greatly to the way that the community engaged with an options appraisal to inform a neighbourhood plan.

The LPA is unable to agree with some of the assessment of the policies, as the policies are not tangible enough in some cases to clearly determine impacts. For example, it is difficult to see how commissioning a transport survey could have an impact without any commitment or strategy for implementing the findings? Likewise the issues not addressed such as identifying housing figures or allocating land for future housing cannot be assessed even though they have a role to play in the sustainable development of a balanced community.

## ***Habitats Regulation Assessment***

The screening decision and report for the Draft INP confirms that a HRA is not required.

## ***Human rights requirements***

No detailed assessment appears to have been made in relation to human rights legislation (Human Rights Act 1998). This should be covered in the basic conditions statement. It may be appropriate for the INPG to consider if an equalities impact assessment of the draft neighbourhood plan is appropriate to assess the positive and negative impacts on groups with protected characteristics. The LPA can provide further advice in this regard.

## **Supporting documents**

A draft basic conditions statement has been provided as a supporting document for this consultation. Appendix 2 of the document (which will indicate how the INP policies are in general conformity with the Development Plan) is not included. The LPA acknowledges that the submission of a basic conditions statement is not a requirement at this stage but advises that this is required when the Draft INP is submitted (Reg. 15).

It is recommended that the completed basic conditions statement is either reviewed by the LPA or via a NPIERS Healthcheck prior to the submission of the INP. The statement will need to include detailed information on how the INP complies with all aspects of the basic conditions requirement, including how it contributes to sustainable development.

It is recommended that the 'Ivybridge NP – Evidence base' should either provide more detail and/or the Draft INP should include specific supporting evidence to give reasoned justification to its policies.

## **Conclusion**

The LPA is committed to supporting the neighbourhood planning process and in assisting the INPG in producing their neighbourhood plan. To that end, the LPA is raising a number of concerns about the pre-submission version of the Draft INP and associated supporting documents. These are highlighted in the introduction to Part 1 of these comments with further detailed comments given in the following Part 2.