

Independent Examiners Report of the
Ivybridge Neighbourhood Development
Plan

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SECTION 2

Summary

As the Independent Examiner appointed by South Hams District Council to examine the Ivybridge Neighbourhood Development Plan, I can summarise my findings as follows:

- 1. I find the Ivybridge Neighbourhood Plan Area and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
- 2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Ivybridge Neighbourhood Development Plan go to Referendum.*
- 3. I have read the Ivybridge Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Neighbourhood Development Plan and its policies reflect the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
- 4. I find that the Ivybridge Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
- 5. At the time of my examination the Development Plan was the 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD), 2010 Development Policies Development Plan Document (DPD) and the 2011 Site Allocations Development Plan Document (DPD).*

SECTION 3

Introduction

1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Ivybridge Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Ivybridge Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Ivybridge Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Ivybridge Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the South Hams District Council website. I was satisfied that the written responses adequately clarified the issues and I concluded that it was not necessary to hold a Hearing.

2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body*
- Has been prepared for an area that has been properly designated for such plan preparation*

- *Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

- 1. The Plan can proceed to a Referendum*
- 2. The Plan with recommended modifications can proceed to a Referendum*
- 3. The Plan does not meet the legal requirements and cannot proceed to a Referendum*

3.1 I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Ivybridge Neighbourhood Development Plan go to Referendum.

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

- *the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004*
- *the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect*
- *the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.*

3.3 I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development; and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area.*

The Plan must also not breach, and otherwise be compatible with EU obligations and Human Rights requirements.

South Hams District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

The Report

1. Appointment of the Independent examiner

South Hams District Council appointed me as the Independent Examiner for the Ivybridge Neighbourhood Development Plan with the agreement of Ivybridge Town Council.

2. Qualifying body

I am satisfied that Ivybridge Town Council is the qualifying body.

3. Neighbourhood Plan Area

The designated Ivybridge Neighbourhood Plan Area covers all of Ivybridge Parish and part of the adjacent parish of Ugborough designated by South Hams District Council on 18th July 2013. The area of Ugborough parish included is subject to major development proposals in the Ivybridge Site Allocations Development Document as adopted by South Hams District Council in February 2011. The Basic Conditions Statement submitted with the Ivybridge Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Ivybridge Neighbourhood Development Plan.

4. Plan Period

It is intended that the Ivybridge Neighbourhood Development Plan will cover the period 2013-2034.

5. South Hams District Council Regulation 15 Assessment of the Plan.

Ivybridge Town Council, the qualifying body for preparing the Ivybridge Neighbourhood Development Plan, submitted it to South Hams District Council for consideration. South Hams District Council has made an initial assessment of the submitted Ivybridge Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

6. Site Visit

I carried out an unaccompanied site visit to familiarise myself with the area and the policy areas.

7. The Consultation Process

The Ivybridge Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of

the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

(a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;

(b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and

(d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

I have received representation that the scope of the consultation process was not wide enough and that it relied too heavily on community consultation carried out prior to the designation of the Neighbourhood Plan Area.

Having examined the documents and considered the focus of the Neighbourhood Plan I conclude that the consultation process was adequate, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

8.Regulation 16 consultation by South Hams District Council and record of responses.

The District Council placed the Ivybridge Neighbourhood Development Plan out for consultation under Regulation 16 from the 1st of December 2016 to the 12th of January 2017.

A number of detailed representations were received during the consultation period and these were supplied by the District Council as part of the supporting information for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

9. Compliance with the Basic Conditions

The Ivybridge Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Ivybridge Town Council. The purpose of this statement is for the Neighbourhood Plan Working Group to set out in some detail why they believe the Neighbourhood Plan as submitted does meet the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Ivybridge Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*
- 2. Contributes to sustainable development*
- 3. Is in general conformity with the strategic policies in the appropriate Development Plan*
- 4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*

Documents brought to my attention by the District Council for my examination include:

(a) The Ivybridge Neighbourhood Development Plan: This is the main document, which includes the policies developed by the community.

(b) The Statement of Consultation: This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Ivybridge Neighbourhood Development Plan and is supported by an evidence base which arose from the consultation.

(c) The Basic Conditions Statement: This is a statement setting out in detail how Ivybridge Town Council considers that the Neighbourhood Plan meets the Basic Conditions.

(d) Sustainability Appraisal Report: establishing a framework for sustainability relating to environmental, economic and social factors, and assessing the plan's policies against that framework.

e) The Ivybridge Neighbourhood Plan Strategic Environmental Impact (SEA) and Habitats Regulations Assessment (HRA) Screening Opinions – setting out the view of the local planning authority (South Hams District Council) that neither SEA nor HRA are required.

f) The Ivybridge Neighbourhood Plan Monitoring Framework – outlining a framework of performance indicators against which the effectiveness of the plan's policies can be assessed.

g) The Ivybridge Neighbourhood Plan Evidence Schedule – listing the key sources for evidence (other than community consultation) to underpin the plan.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Ivybridge Neighbourhood Development Plan does, subject to the

recommended modifications, meet the Basic Conditions.

10.Planning Policy

10.1. National Planning Policy

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”. Paragraph 16 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”.

The Ivybridge Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Ivybridge Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

10.2. Local Planning Policy- The Development Plan

Ivybridge is within the area covered by South Hams District Council. Currently the relevant development plan is South Hams 2006 Core Strategy including saved policies from the 1996 Local Plan, 2007 Sherford New Community Area Action Plan (AAP), 2008 Affordable Housing Development Plan Document (DPD) 2010 Development Policies Development Plan Document (DPD) and 2011 Site Allocations Development Plan Document (DPD).

For the purposes of the examination of a Neighbourhood Plan the relevant strategic policies are those of the currently adopted Development Plan not the policies of an emerging local plan. The situation however, is complicated by the fact that during the course of the preparation of the Ivybridge Neighbourhood Plan the District Council have been preparing a new Local Plan jointly with the neighbouring authorities of West Devon and Plymouth. This new plan has now reached the stage of submission for examination although a date for the Local Plan Examination has not yet been set and it is unlikely that it will be adopted before spring 2018 and could be later. At this stage it is not possible to be sure whether or not the strategic policies of the emerging plan will remain unchanged by the time of adoption. An additional complication is the age of the existing Development Plan, and the issues relating to out of date policies. The challenge for a Qualifying Body in these circumstances is to produce a plan that meets the Basic Conditions in relation to the strategic policies of the Development

Plan without creating a plan which becomes out of date at the point of adoption of a new local plan. I have considered the Strategic policies of the Development Plan and the Policies of the Ivybridge Neighbourhood Development Plan. By focusing the Ivybridge Neighbourhood Plan on the priorities identified by the community of town centre regeneration, traffic and transport, community facilities and the natural and historic environment and leaving the delivery of housing to the relevant development plan policies and where appropriate the NPPF I consider that the plan, subject to modification meets the Basic Conditions and should remain up to date upon adoption of the new local plan.

11. Other Relevant Policy Considerations

11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- *Natural England*
- *Historic England*
- *Environment Agency*
- *South Hams District Council*

The view of South Hams District Council was that a SEA (Strategic Environmental Assessment) or HRA (Habitats Regulation Appraisal) was not required (28/04/2017).

11.2 Sustainable development

The Ivybridge Neighbourhood Development Plan has been assessed by means of a Sustainability Appraisal and the conclusion of this process was that the principles of Sustainable Development required in the NPPF have been taken into account in the development of the plan and its policies and where issues have been identified they were addressed by revisions to the document prior to submission. I am satisfied that the Ivybridge Neighbourhood Development Plan subject to the recommended modifications addresses the sustainability issues adequately.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Ivybridge Neighbourhood Development Plan has done so.

I am therefore satisfied that the Ivybridge Neighbourhood Development Plan meets the basic conditions on EU obligations.

11.3 Excluded development

I am satisfied that the Ivybridge Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

11.4 Development and use of land

I am satisfied that the Ivybridge Neighbourhood Development Plan, subject to modification covers development and land use matters.

11.5 The Neighbourhood Plan Strategic Aims and Policies

The Ivybridge Neighbourhood Development Plan Vision

Ivybridge

A friendly mill town – along the river, beside the moor – offering healthy, creative, sustainable future lifestyles

I consider that the policies follow from the stated objectives and are consistent with achieving those stated Aims.

12. Ivybridge Neighbourhood Development Plan Policies

POLICY INP1:

Town Centre Regeneration

a. Developments which promote the vitality, viability and retail health of the town centre as defined on the Proposals Map are encouraged and will be supported.

b. New development in Ivybridge should, in addition to the provision of requirements necessary to support the development itself, contribute to initiatives which support the town centre regeneration. These might include:

- reversal of the traffic flow in Fore Street, so that it runs from west to east;***
- a town square and enhanced gateway entrances at either end of Fore Street;***
- improved public transport and parking provision;***
- improved access for all, street furniture, signs, lighting and public art;***

- **conservation and enhancement of historic buildings and features; and**
- **support for good local events and community initiatives in the town centre.**

Contribution can either be as part of the development proposal or in the form of a financial contribution.

COMMENT

I have received representation that the town centre area identified in the Neighbourhood Plan does not correspond to the town centre area identified in the Ivybridge Site Allocations Development Plan Document (February 2011). Whilst this is true, I do not consider that there is a conflict with the Basic Conditions. The Neighbourhood Plan policy for the town centre is seeking to encourage growth and regeneration, not restricting development opportunities. This is consistent with the National Planning Policy Framework, Ensuring the Vitality of Town Centres.

Whilst I understand the aims of section b of the policy, as currently worded I consider it not to be consistent with National Policy which clearly requires planning obligations to be restricted to those contributions which directly relate to the development and meet the following tests:

A planning obligation must be:

(i) relevant to planning;

(ii) necessary to make the proposed development acceptable in planning terms;

(iii) directly related to the proposed development;

(iv) fairly and reasonably related in scale and kind to the proposed development; and

(v) reasonable in all other respects.

In addition, at some time in the future South Hams District Council may adopt the Community Infrastructure Levy and this policy should be flexible enough to respond to this situation.

In order to meet the Basic Conditions and for clarity the policy should be modified as follows:

Town Centre Regeneration

a. Developments which promote the vitality, viability and retail health of the town centre as defined on the Proposals Map are encouraged and will be supported.

b. The following priorities for improvements to Ivybridge Town Centre have been identified;

- *reversal of the traffic flow in Fore Street, so that it runs from west to east;*
- *a town square and enhanced gateway entrances at either end of Fore Street;*
- *improved public transport and parking provision;*
- *public realm enhancement*
- *conservation and enhancement of historic buildings and features; and*
- *support for good local events and community initiatives in the town centre.*

New development in the town centre will be required, where appropriate to contribute to the achievement of these priorities either through a S106 obligation or CIL.

POLICY INP2:

Town Centre land east of the River Erme

The area east of the river is proposed for mixed use redevelopment, to include:

- a. a health and leisure hub***
- b. a hotel and restaurant, and***
- c. retail and office development.***

Development will be required to accord with an approved master-plan and provide for:

- d. a safe and attractive environment with enhanced public open space;***
- e. a better relationship to the River Erme, with improved access to the river including new and/or improved bridges;***
- f. improved resistance and resilience to flood risk; and***
- g. high quality design with safe and convenient access for all, including no loss of public car parking capacity and suitable parking and servicing arrangements for the development.***

COMMENT

The National Planning Policy Framework in paragraph 21 states that planning policy should not overburden development proposals with planning expectations. It is

necessary to consider the viability and deliverability of any development. For this reason and therefore meet the Basic Conditions the policy should be modified as follows:

Town Centre land east of the River Erme

Proposals for the mixed use development of the area east of the river (as shown on the proposals map) will be supported. Any application should be supported by a masterplan which includes proposals for the inclusion of the following uses, subject to viability:

- a. a health and leisure hub*
- b. a hotel and restaurant, and*
- c. retail and office development.*

Any application will be required to demonstrate how the proposal addresses:

- a. creating a safe and attractive environment with enhanced public open space;*
- e. creating a better relationship to the River Erme, with improved access to the river including new and/or improved bridges;*
- f. improved resistance and resilience to flood risk; and*
- g. high quality design with safe and convenient access for all, including no loss of public car parking capacity and suitable parking and servicing arrangements for the development.*

POLICY INP3: Glanville's Mill Site

Mixed use redevelopment and enhancement of the Glanville's Mill site is proposed. Development will be required to provide for:

- a. ground floor space and shopping frontages predominantly in retail use;***
- b. mixed uses including residential in other parts of the development;***
- c. a safe and attractive traffic-free shopping environment;***
- d. a better relationship to the River Erme, with improved access to the river including new and/or improved bridges;***
- e. improved resistance and resilience to flood risk; and***

f. high quality design with safe and convenient access for all, including suitable parking and servicing arrangements.

COMMENT

For clarity I recommend the following modification:

Proposals for the redevelopment and enhancement of Galnville's Mill for mixed use will be supported subject to the following:

a. the retention of ground floor space and shopping frontages predominantly in retail use;

b. mixed uses including residential in other parts of the development;

The design should be of a high standard reflecting the importance of the location of the site and include the following:

c. a safe and attractive traffic-free shopping environment;

d. a better relationship to the River Erme, with improved access to the river including new and/or improved bridges;

e. improved resistance and resilience to flood risk; and

f. safe and convenient access for all, including suitable parking and servicing arrangements.

POLICY INP4: North of Fore Street

Redevelopment and enhancement of the area on the northern side of Fore Street is proposed, and will be required to provide:

a. ground floor space and shopping frontages predominantly in retail use with mixed uses (including residential) above; and

b. high quality design with safe and convenient access for all, including suitable parking and servicing arrangements.

COMMENT

For clarity I recommend the following modification:

Proposals for the redevelopment and enhancement of the area on the northern side of Fore Street will be supported subject to the following:

a. ground floor space and shopping frontages predominantly in retail use with mixed uses (including residential) above; and

b. high quality design with safe and convenient access for all, including suitable parking and servicing arrangements.

POLICY INP5: Community Facilities

New development in Ivybridge will be required to contribute towards the provision or enhancement of community facilities for the town, in accordance with adopted standards and local priorities which include:

a. improved facilities for football, rugby, cricket, athletics and sport for all;

b. a 25m swimming pool;

c. improvements at Filham Park;

d. measures to support increased dual use of school facilities;

e. improved provision for young people;

f. improved facilities for the creative arts; and

g. improved cycle routes and links to national routes around the town.

Contribution can either be as part of the development proposal or in the form of a financial contribution.

COMMENT

Whilst I understand the aims of section of the policy, as currently worded I consider it not to be consistent with National Policy which clearly requires planning obligations to be restricted to those contributions which directly relate to the development and meet the following tests:

A planning obligation must be:

(i) relevant to planning;

(ii) necessary to make the proposed development acceptable in planning terms;

(iii) directly related to the proposed development;

(iv) fairly and reasonably related in scale and kind to the proposed development; and

(v) reasonable in all other respects.

In addition, at some time in the future South Hams District Council may adopt the Community Infrastructure Levy and this policy should be flexible enough to respond to this situation.

In order to meet the Basic Conditions and for clarity the policy should be modified as follows:

POLICY INP5: Community Facilities

The following priorities for the provision or enhancement of community facilities for the town have been identified:

- a. improved facilities for football, rugby, cricket, athletics and sport for all;*
- b. a 25m swimming pool;*
- c. improvements at Filham Park;*
- d. measures to support increased dual use of school facilities;*
- e. improved provision for young people;*
- f. improved facilities for the creative arts; and*
- g. improved cycle routes and links to national routes around the town.*

New development in Ivybridge will be required, where appropriate and where the requirement arises directly from the proposed development to contribute to the above priorities through a Section 106 obligation or through CIL, in accordance with adopted standards.

POLICY INP6:

Housing and Employment

a. Developments of 10 or more dwellings should include provision for mixed uses, including employment, offices, work space, affordable homes, accessible homes and life me homes at least to meet adopted policy.

Contribution on can either be as part of the development proposal or in the form of a financial contribution.

A travel plan will also be required in every case, particularly to address the need for

improved air quality management in Western Road.

b. All dwellings should at least meet and strive to surpass the latest adopted government housing standards.

COMMENT

Whilst I understand the aim of his policy I have reservations that there is insufficient evidence supporting the requirement for or the appropriateness of this requirement on all developments of 10 houses or more. The National Planning Policy Framework requires that local authorities do not place burdens on developers which can negatively impact on the viability of development proposals to the extent that they become undeliverable. In addition, Lifetime Homes standards are no longer part of the planning regime. In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY INP6:

Housing and Employment

All new dwellings should be designed to meet and if possible exceed the latest adopted government housing standards.

Proposals for the developments of 10 or more dwellings should include:

- a. A travel plan including an air quality assessment to address the need for improved air quality management in Western Road.*
- b. The provision for mixed uses, including employment, offices, work space, affordable homes, accessible home, where appropriate and viable.*

POLICY INP7:

Traffic and Movement

New development in Ivybridge will be required to contribute towards a traffic and transport study which should be carried out as a priority to determine the best transport solution to resolve current traffic issues in Ivybridge.

The study should propose an integrated travel plan, at least including appropriate means to address:

- improved access to and junction arrangements with the A38;*
- a relief road to address air quality in Western Road and town centre conges*

on; and

- *improved and safer cycling and walking throughout the town, especially along the river corridor and in Western Road and including provision of cycle racks.*

New development in Ivybridge will be required to contribute towards the design and delivery of the resulting transport solution.

COMMENT

I understand that the Transport Study referred to in this policy is now being undertaken by Devon County Council. Reference to the study should therefore be deleted from the policy. For clarification purposes and to meet the Basic Conditions the policy should be modified as follows:

POLICY INP7:

Traffic and Movement

Development proposals for Ivybridge should be supported by a Traffic Impact Assessment or Transport Statement relevant to the scale of the proposal.

For major development this should include:

- *details of the impact of the proposal upon the highway network within the plan area*
- *an air quality assessment and where necessary appropriate mitigation measures.*
- *proposals, where possible to include and/or improve cycling and walking opportunities throughout the town, especially along the river corridor and in Western Road, including provision of cycle racks.*

POLICY INP8:

Historic and Natural Environment

a. New developments will respect, complement, conserve and enhance the town's important and locally significant historic features and natural environmental assets, including improved interpretation and access to enhance their enjoyment by the public.

b. Woodlands and open spaces will be kept free from development other than that which is directly associated with their management, maintenance and enhancement.

Management of such areas will promote biodiversity.

c. Water quality in the River Erme and other watercourses will be protected. New developments should not damage but enhance the Erme's ecological status and should include open space adjacent to watercourses

COMMENT

The policy seems to seek protection for areas without any evidence based justification for that protection and with the respect to the woodlands and one large open space area, areas which fall outside the Neighbourhood Plan Area. A Neighbourhood Plan cannot include policies which seek the control of sites outside the Neighbourhood Plan Area and without evidence. The plan on Page 27 needs to be revised to show only the areas falling within the Neighbourhood Plan area and referenced in the policy.

The areas falling outside the plan area, but considered to be important to the future delivery of community aspirations could be included but should be treated in a separate section as part of community projects/aspirations.

In order to meet the Basic Conditions, the policy should be modified as follows:

POLICY INP8:

Historic and Natural Environment

a. New developments should demonstrate how the town's important and locally significant historic features and natural environmental assets will be respected, conserved and enhanced in accordance with National Policy and include proposals to improve interpretation and access to enhance their enjoyment by the public.

b. Proposals to develop the open spaces identified on page 27 will not be supported other than where the proposals are directly associated with their management, maintenance and enhancement. Management of such areas should promote biodiversity.

c. Water quality in the River Erme and other watercourses will be protected. Proposals for new developments affecting the river Erme should demonstrate how the proposals protect and enhance the Erme's ecological status and should, where possible include open space adjacent to watercourses

SECTION 5

Conclusion and Recommendations

1. *I find that the Ivybridge Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.*
2. *The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.*
3. *The Ivybridge Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.*
4. *The Sustainability Report, SEA and Habitats Regulations Assessment screening, meet the EU Obligation.*
5. *The policies and plans in the Ivybridge Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the South Hams Local Plan 2004.*
6. *I therefore consider that the Ivybridge Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.*

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NPIERS Examiner

CEDR accredited mediator

1st September 2017