

**Independent Examiners Report on the**  
**Exminster Neighbourhood Development**  
**Plan**

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## **SECTION 2**

### **Summary**

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

1. I am satisfied having regard to the Exminster Parish Council Consultation Statement and my examination of the representations made in connection with this subject that the Exminster Neighbourhood Development Plan meets the Basic Conditions in connection with the consultation process.
2. I find that the policies contained within the Exminster Neighbourhood Development Plan meet the Basic Conditions.
3. I find that the Exminster Neighbourhood Development Plan can proceed to a Referendum.
4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Exminster Neighbourhood Development Plan go to Referendum.
5. At the time of my examination the adopted local plan was the Teignbridge Local Plan 2013-2033.

## **SECTION 3**

### **Introduction**

#### **1. Neighbourhood Plan Examination.**

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Exminster 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 Exminster Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Exminster 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 in full under Section 5 of this document.

The Exminster 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.

This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification. Having read the plan and considered the

representations made I do not consider that I require any clarification on any aspects of the plan and therefore do not consider that a Hearing is necessary.

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

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 Referendum

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

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.

I am also 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.

Teignbridge District Council will consider the Examiner's report and decide whether it is satisfied with the Examiner's 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 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 plan then forms part of the Development Plan.

## **SECTION 4**

### **The Report**

#### **1. Appointment of the Independent examiner**

Teignbridge District Council appointed me as the Independent Examiner for the Exminster Neighbourhood Development Plan with the agreement of Exminster Parish Council.

#### **2. Qualifying body**

I am satisfied that the Exminster Parish Council is the qualifying body.

#### **3. Neighbourhood Plan Area**

The Exminster Neighbourhood Development Plan Area covers the whole of the Exminster Parish. The Basic Conditions Statement submitted with the Exminster Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area.

#### **4. Plan Period**

It is intended that the Exminster Neighbourhood Development Plan will cover the period 2013-2033.

#### **5. Teignbridge District Council initial assessment of the Plan.**

Exminster Parish Council, the qualifying body for preparing the Exminster Neighbourhood Development Plan, submitted it to Teignbridge District Council for consideration. Teignbridge District Council has made an initial assessment of the submitted Exminster Neighbourhood Development Plan and the

supporting documents and is satisfied that these comply with the specified criteria.

## **6. Site Visit**

As the Exminster Neighbourhood Development Plan does not include any site allocations I did not consider it necessary to make a site visit.

## **7. The Consultation Process**

I am required to check 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 Parish Council has submitted a document entitled the Exminster Plan Consultation Response. This document describes how and when the various elements of the consultation were undertaken and includes. The consultation included:

- Leaflet distributed to all households in the Parish, Publication on Parish websites, Notification in Scene in Exminster
- Distribution by TDC to Statutory Consultees and other interested parties organisations
- Distribution by Parish Council to local businesses and community

I have examined the consultation background document and I am satisfied that the consultations that took place were organised and conducted satisfactorily.

Both examination of the documents and representations submitted in connection with this matter have lead me to conclude that the consultation



process was thorough, well conducted and recorded.

The plan was subsequently advertised for the statutory 6-week period, which closed on the 4<sup>th</sup> of July 2014. There were responses received from individuals and statutory bodies. The comments made in these responses are recorded and amendments made as a result are tracked in the Consultation Summary.

A list of statutory bodies consulted is in the Consultation Statement. These seem satisfactory.

I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14. The Parish Council and Steering Group have undertaken a thorough consultation process.

I therefore consider that the Plan does meet the Basic Conditions in this respect.

## **8.Comment on Responses**

The District Council placed the Exminster Neighbourhood Development Plan out for consultation for the required period and the consultation period came to an end on the 12<sup>th</sup> September 2014. A total of 7 responses from Statutory Consultees were received and the action and amendments made as a result of these responses have been recorded and revisions to the relevant policies tracked. Whilst I have not made reference to specific representations in my report, I have taken them into consideration.

A total of 6 responses public responses were received and the action and amendments made as a result of these responses have been recorded and revisions to the relevant policies tracked. Whilst I have not made reference to specific representations in my report, I have taken them into consideration.

## 9. Compliance with the Basic Conditions

The Exminster Neighbourhood Development Plan working Group produced a Basic Conditions Statement on behalf of Exminster Parish Council on 23<sup>rd</sup> July 2014. The purpose of this statement is for the Parish Council to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiners 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 Exminster 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:

- 4.(a) The Exminster Neighbourhood Development Plan: This is the main document, which includes projects and policies developed by the community.
- 5.(b) The Consultation Statement: This is a statement setting out how the community and other stakeholders have been involved in the

preparation of the ENDP and is supported by an evidence base which arose from the consultation.

6.(c) The Sustainability Appraisal: This is an appraisal of how well the ENDP policies contribute to achieving sustainable development objectives.

I am satisfied that the conclusion of the Basic Conditions Statement is correct.

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Exminster Neighbourhood Development Plan does 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 Exminster Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Exminster Neighbourhood Development Plan Policies and consider that they do 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**

Exminster Parish is within the area covered by Teignbridge District Council. The relevant development plan is Teignbridge District Council Local Plan 2013-2033 adopted in 2014.

I have considered the Strategic policies of the Development Plan and the Policies of the Exminster Neighbourhood Development Plan and consider that the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Teignbridge Local Plan 2013-2033.

## **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 Office.

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

- Natural England
- English Heritage
- Environment Agency
- Teignbridge District Council

English Heritage and the Environment Agency did not comment on the need for a Strategic Environmental Assessment.

Natural England commented as follows:

“Thank you for consulting us on your screening for the Exminster Plan. I confirm that we agree with the screening opinion that no SEA nor Appropriate Assessment is required for this plan as any significant effect is already mitigated against in the overarching Local Plan.”

The view of Teignbridge District Council was as follows:

“Therefore it is the view of the Local Planning Authority that there is no requirement for a Strategic Environmental Assessment of the Exminster Neighbourhood Development Plan.”

Having considered the contents of the Exminster Neighbourhood Development Plan and the comments received I concur that no Strategic Environmental Assessment is required.

### **11.2 Sustainable development**

The Exminster Neighbourhood Development Plan has been assessed by means of a Sustainability Checklist 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 Exminster Neighbourhood Development Plan 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 Exminster Neighbourhood Development Plan has done so.

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



### **11.3 Excluded development**

I am satisfied that the Exminster 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 Exminster Neighbourhood Development Plan covers development and land use matters.

### **11.5 The Neighbourhood Plan Strategic Aims and Policies**

The Exminster Neighbourhood Development Plan sets out the issues and objectives to be covered in the plan as:

**Maximising the benefit to the whole Neighbourhood Development Plan Area from the proposed Matford settlement development: Provision of accessible, community, sports and leisure facilities.**

**Maintaining the visual landscape quality and contribution of the rural setting of Exminster village: Promoting the distinctive and much-loved 'village feel' by enhancing and protecting the quality and contribution of surrounding green space; maintaining a natural 'buffer zone' between Exminster village and the settlement at Matford.**

**Helping the Matford settlement to establish its own identity: Promoting sensitive development, which protects and enriches the rural landscape and setting of the built environment.**

**Involving local people as fully as possible on an ongoing basis in the process of developing the Plan and vision delivery for the Neighbourhood.**

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

## **12. Exminster Neighbourhood Development Plan Policies**

### **Policy EXM1 – Community Sports & Leisure Facility:**

**“Prior to the implementation of the Community infrastructure Levy, S.106 Contributions secured towards community recreation and sports provision from the Matford Home Park and other new developments within Exminster Parish should be primarily directed to the provision of new, communal, public facilities (within the Matford settlement, south of the A379) with a view to providing a facility capable of maximising potential use by those in the existing and proposed residential communities of Exminster village and Matford settlement respectively. The facilities should be developed in a location, to a design and in a manner that will avoid any Likely Significant Effect on the Exe Estuary Special Protection Area.”**

[I have no comment on this policy.](#)

### **Policy EXM2 - Open Countryside:**

**“The siting, scale, form, layout, design, materials and landscaping of any development, which may be permitted within the areas of Exminster Parish, outside the Settlement Limits as defined for Exminster village and the proposed South West of Exeter urban extension (the Matford settlement) within the Teignbridge Local Plan, should pay particular respect to the need to conserve and enhance wherever possible the rural nature, existing visual landscape quality, wildlife and heritage value of the open countryside of the Parish. Any development should**

**also respect the important contribution the open countryside makes to the setting and visual quality of Exminster village and will make to the setting and visual quality of the new urban extension.”**

[I have no comment on this policy.](#)

**Policy EXM3 - Quality of Design:**

**“All new development within the Neighbourhood Development Plan area should be of a high standard of design and wherever possible enhance local character. Any development within the Exminster village Settlement Limit should be in harmony with existing high quality development in the village and respect the rural setting of the village. The proposed South West of Exeter urban extension (the Matford settlement) should be designed in a way that respects its rural backdrop and protects and enhances heritage assets including the style and setting of individual existing buildings of character, which will be incorporated within it (especially the main building of the Devon Hotel) or affected by it. The new urban extension should have its own distinctive neighbourhood identity and reflect local traditional building materials with housing delivered in accordance with the principles set out in the latest version of the guidance produced by the Building for Life Partnership**

[I have no comment on this policy](#)

**Policy EXM4 – Use of Community Infrastructure Levies:**

**“Any Community Infrastructure Levy generated by development within the boundary of Exminster Parish and paid over to the Exminster Parish Council should, subject to having no likely significant effect on protected European Sites, be used to:**

**Deliver community sports and leisure facilities identified in policy EXM1; Deliver projects or achieve objectives identified from the Exminster Community Plan, adopted in November 2012 by the Parish Council, and this Neighbourhood Development Plan; Purchase and maintain existing or new public green open spaces within Exminster Parish; and, Support other infrastructure necessary to address the demands that development places on the area, such as education, health, transport and movement, green infrastructure, recreation and other necessary facilities and promote sustainable links between Exminster village and the new settlement of Matford.”**

**I have no comment on this policy.**

## **SECTION 5**

### **Conclusion and Recommendations**

1. I find that the Exminster Neighbourhood 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 Development 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 Exminster 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 Appraisal, which also covers the Strategic Environmental Assessment requirement, and the amended Habitats Regulations Assessment screening, I find to meet the EU Obligation.
5. The policies and plans in the Exminster Neighbourhood Development Plan would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the Teignbridge Adopted Local Plan 2013-2033, the Development Plan.

6. I therefore recommend that the Exminster Neighbourhood Development Plan can proceed to a Referendum.

Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD

Planning Consultant

CEDR accredited mediator

28<sup>th</sup> October 2014