INDEPENDENT EXAMINER'S REPORT ON THE HOE NEIGHBOURHOOD DEVELOPMENT PLAN

:

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SECTION 2

Summary

2.1 Policy and Legislative Context for the Examination

2.1.2 At the time of my examination the Development Plan for the NDP was: Plymouth and South West Devon Joint Local Plan (JLP) 2014- 2034 adopted March 2019. On the 25 June 2026 Plymouth City Council gave notice of its intention to commence the preparation of a new local plan, in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2026, regulations 19 and 44, however this is too early in the process to have any relevance to this examination. At present it is anticipated that the Adoption of the proposed Local Plan will be April 2029.

2.1.3 At the time of my examination of the Neighbourhood Plan, the relevant National Planning Policy Framework (NPPF) was the National Planning Policy Framework December 2024 (as amended in February 2025). This Framework made changes to national planning policy in a number of areas, most significantly in relation to housing. It introduced the revised Standard Method for calculating local housing need and placed increased emphasis on ensuring an adequate supply of housing.

2.1.4 On 17 August 2026 the Government published a revised National Planning Policy Framework (NPPF), following its consultation on proposed reforms to the Framework which commenced in December 2025. The revised NPPF replaces the December 2024 Framework and is now the current national planning policy framework. It makes a number of changes to national planning policy, including in relation to housing delivery, plan-making, development management and the role of neighbourhood plans. The revised Framework also introduces a clearer separation between policies relating to plan-making and national policies for decision-making on development proposals.

2.1.5 The revised NPPF contains transitional arrangements which are relevant to the examination of neighbourhood plans. The revised Framework provides that its policies apply to the preparation of neighbourhood plans from 17 August 2026, unless the neighbourhood plan proposal had been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before 17 August 2026. Where a neighbourhood plan had

reached Regulation 15 submission by that date, the December 2024 NPPF continues to apply to its preparation and examination.

2.1.6 I have therefore considered the transitional arrangements and the implications of the revised NPPF for the examination of the NDP. Where the NDP was submitted under Regulation 15 on or before 17 August 2026, I consider that the December 2024 NPPF remains the appropriate national planning policy framework against which the Plan should be examined. The publication of the revised NPPF does not, in itself, require such a Plan to be withdrawn and re-submitted. Nevertheless, the revised Framework is a material consideration in understanding the current national planning policy context and may be relevant to the future interpretation and application of the Plan following its making.

2.1.7 A significant feature of the revised NPPF is the introduction of a more comprehensive suite of national decision-making policies, sometimes referred to as National Development Management Policies (NDMPs). These policies are intended to provide a standardised national approach to matters which apply across England and to reduce unnecessary duplication or local variation in development management policies. The revised NPPF provides that plan-makers should avoid including local policies which duplicate, substantively restate or are inconsistent with national decision-making policies. The national decision-making policies took effect on 17 August 2026.

2.1.8 At the time of my examination, however, the Government has not exercised the statutory powers under the Levelling-up and Regeneration Act 2023 to formally designate separate statutory National Development Management Policies. The Government's December 2025 consultation expressly considered whether to introduce statutory NDMPs but concluded that it would not do so at that stage. Instead, the Government has adopted national decision-making policies within the revised NPPF, while retaining the possibility of introducing statutory NDMPs in the future.

2.1.9 The distinction is relevant to the examination of the NDP. The revised NPPF establishes that national decision-making policies should not be unnecessarily repeated or modified through local development plan policies. Consequently, where the NDP contains policies addressing matters now comprehensively addressed by national decision-making policies, consideration needs to be given to whether the local policy remains necessary, provides a locally specific policy response, or

unnecessarily duplicates national policy. This is particularly relevant to development management policies which address matters of general application rather than circumstances specific to the neighbourhood area.

2.1.10 The revised NPPF also confirms the continuing role of neighbourhood plans in shaping development at the local level. Neighbourhood plans may contain policies addressing local issues, including site-specific matters, infrastructure and community facilities, design requirements, local environmental improvements and the conservation of local heritage assets. However, they should not promote less development than is provided for in the wider Development Plan.

2.1.11 In considering the effect of the revised NPPF on the NDP, I have therefore had regard to both its transitional provisions and the distinction between national decision-making policies and locally specific development management policies. I have considered whether the policies of the NDP remain necessary and appropriate having regard to the current national policy framework and whether any policies would duplicate or conflict with national policy.

2.1.12 On 25 March 2026 sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force by virtue of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026. These provisions amend the statutory framework governing neighbourhood development plans, including their contents and the Basic Conditions against which they are tested.

2.1.13 In summary, the additional legal requirements introduced by sections 98 and 99 include requirements relating to the content and preparation of neighbourhood plans and orders, including requirements concerning climate change and local nature recovery strategies, where appropriate having regard to the subject matter of the plan.

2.1.14 The Basic Condition previously requiring a neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan has also been amended. The amended statutory framework introduces a requirement concerning the effect of making the neighbourhood plan on housing development proposed through the wider Development Plan. The examination therefore needs to consider the NDP in the context of both the revised statutory Basic Conditions and the transitional provisions applying to national planning policy.

2.1.15 These statutory amendments are distinct from the transitional arrangements applying to the revised NPPF and from the introduction of national decision-making policies. I have therefore considered separately the statutory requirements applicable to the NDP, the national planning policy framework applicable pursuant to the transitional arrangements, and the implications of the national decision-making policies introduced through the revised NPPF.

2.1.16 Having regard to the above, my examination of the NDP has been undertaken against the relevant statutory requirements and the national planning policy framework applicable pursuant to the transitional arrangements. I have also had regard to the revised August 2026 NPPF, including its national decision-making policies, where these are material to the consideration of the Plan and its prospects of remaining effective following its making.

2.1.9 As the Independent Examiner appointed by Plymouth City Council to examine the Hoe Neighbourhood Development Plan, I can summarise my findings as follows:

1. I find the Hoe Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions and requirements of Sections 98 and 99 of the Levelling-up and Regeneration Act 2023 (LURA).
2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Hoe Neighbourhood Development Plan go to Referendum.
3. I have read the Consultation Statement and the representations made in connection with this subject I consider that the consultation process was adequate and that the Hoe Neighbourhood 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 also find that the additional period of consultation requested to address the changes to the Basic Conditions and legal requirements introduced by S98 and S99 of the Levelling Up and Regeneration Act (LURA) which came into force on the 25 March 2026 was conducted appropriately.
5. I find that the Hoe Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

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

The 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 not require clarification. This additional information is publicly available on the Plymouth City Council website and covered in my report within the relevant policy.

3.2. 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.

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “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.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my

examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. Policies in a plan which have elements which either seek to control things or which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or are overly onerous would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3.The Plan does not meet the Basic Conditions and 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 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 required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

1. Has regard to national policies and advice contained in guidance issued by the Secretary of State;

2. Contributes to the achievement of sustainable development;
3. The making of the Neighbourhood Development Plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made;
4. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and human rights legislation.
5. Any requirements imposed in relation to the Neighbourhood Development Plan by or under Part 6 of the Levelling Up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.
6. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

A further Basic Condition related to the new environmental assessment framework is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

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

Plymouth City 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 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

4.The Report

4.1. Appointment of the Independent examiner

Plymouth City Council has appointed me as the Independent Examiner for the Hoe Neighbourhood Development Plan with the agreement of the Neighbourhood Forum.

4.2. Qualifying body

I am satisfied that Hoe Neighbourhood Forum is a qualifying body and entitled to submit a Neighbourhood Development Plan (NDP).

Plymouth City Council, as the local planning authority, designated the Hoe Neighbourhood Forum as an appropriate qualifying body required under Regulation 11 of the Neighbourhood Planning (General) Regulations 2012 on 10 July 2017 and redesignated the Forum on 14 July 2022.

I am satisfied that the Neighbourhood Forum has been constituted appropriately and meets the legal requirements.

4.3. Neighbourhood Plan Area

The Hoe Neighbourhood Area covers the area designated by Plymouth City Council on 10 July 2017. There is no other Neighbourhood Development Plan in place within the Neighbourhood Area.

4.4. Plan Period

The Hoe Neighbourhood Plan states that the period it relates to is from 2025 until 2034. The period has been chosen to align with the adopted Plymouth and South West Devon Joint Local Plan, which covers the areas of Plymouth City Council, South Hams District Council and West Devon Borough Council.

4.5. Plymouth City Council initial assessment of the Plan (Regulation 15).

The Neighbourhood Forum submitted the draft Hoe Neighbourhood Development

Plan to Plymouth City Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations. Plymouth City Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and completed a legal compliance statement in January 2026, which can be viewed on the Council's website. Plymouth City Council was satisfied that all the legal compliance requirements of Regulation 15 were met including those relating to the consultation carried out by the Forum in preparing the Plan.

4.6 Site Visit

I carried out an unaccompanied site visit on the 2 August 2026 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The 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.

In their Regulation 16 comments Plymouth City Council have raised questions regarding the thoroughness of the consultation process carried out by the Hoe Neighbourhood Plan Forum. However, as stated in paragraph 4.5 Plymouth City

Council were satisfied that the legal requirements relating to the Forum's consultation process had been met.

My examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

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

4.8 Additional consultation

On 25 March 2026 sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force, by virtue of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, which were made on 2 March 2025.

As the Hoe Neighbourhood Development Plan was in examination on that date, I decided in the interests of natural justice, to provide an opportunity for interested parties to comment on the impact of these changes on the Plan.

I therefore requested that Plymouth Council place a notice on their website advising that the anyone with an interest in the examination could comment on the implications of the legal compliance and Basic conditions changes outlined above .

It was made clear that there was no need for respondents to repeat representations that had already been made in relation to any other matters (since the Regulation 16 representations stand as submitted). Similarly, it was not an opportunity to raise new matters that did not relate to these legal points.

A period of two weeks was provided to submit comments and Plymouth City Council contacted those who made representations at Regulation 16 to make them aware of this additional consultation. The two-week consultation period ran to 3 June 2026.

A total of two representations were received and made available to view on the Plymouth City Council website and made available to me.

I am satisfied that the consultation process was carried out appropriately and I have taken into account the content of those representations in reaching my conclusions.

In relation to neighbourhood plans, sections 98 and 99 amend the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 in respect of the legal compliance and the Basic Conditions requirements.

I am satisfied that the consultation process was carried out appropriately.

4.9. Regulation 16 consultation by Plymouth City Council and record of responses.

Plymouth City Council placed the Neighbourhood Development Plan out for consultation under Regulation 16 from 2 March to 13 April 2026.

A number of representations were received during the consultation period, and these were made available by Plymouth City Council as part of the supporting information supplied 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.

4.10. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also take an independent view as to whether or not the assessment as submitted is correct.

Due to the coming into force of S99 of LURA on 25 March 2026 there are new Basic Condition requirements.

The Basic Condition which required that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area has been replaced with the following:

- the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made.

A further Basic Condition related to the new environmental assessment framework is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

As a result of these changes, I have to determine whether the Neighbourhood Development Plan:

1. Has regard to national policies and advice contained in guidance issued by the Secretary of State;
2. Contributes to the achievement of sustainable development;
3. The making of the Neighbourhood Development Plan would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made;
4. The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations, and human rights legislation.
5. Any requirements imposed in relation to the Neighbourhood Development Plan by or under Part 6 of the Levelling Up and Regeneration Act 2023 (environmental outcomes reports) have been complied with.
6. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by Plymouth City Council for my examination included:

(a) The Hoe Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Hoe Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(c) Basic Conditions Statement.

This is a statement setting out how Neighbourhood Development Plan Steering Forum considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

4.11 S98 of the Levelling-up and Regeneration Act 2023(LURA)

As stated previously a short consultation period was conducted to allow anyone with an interest in the Plan to make representation on the issues raised by the introduction of Sections 98 and 99 of LURA.
Representations were received from Plymouth City Council and the Hoe Neighbourhood Forum.
These representations can be viewed in full on the Plymouth City Council website.
I have carefully considered the contents of these representations in recommending the modifications set out in the policy section of my report and in reaching on my conclusions regarding whether or not the Plan is compliant with S98 and 99of LURA.

Section 98 requires:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature

recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

The Devon Local Nature Recovery Strategy (LNRS) is the statutory nature recovery strategy for Devon, Plymouth and Torbay, published in May 2026. It was prepared by Devon County Council with support from the Devon Local Nature Partnership under the Department for Environment, Food and Rural Affairs framework established by the Environment Act 2021.
Having examined the Plan and its policies along with the submissions made by Plymouth City Council and the Hoe Neighbourhood Forum, I am satisfied that the Hoe NDP does meet these additional requirements in that:

- Policies H1, H4, H6, H8, BG, BG2, BG3, PT1 and the CIL priority list contained in DC1, Heritage and Design Community Aspirations, Blue and Green Environment Community Aspirations, Pedestrians and Transport Community Aspirations and Culture, Tourism, and Economy Community Aspirations are designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change.
- Policies BG1, BG2, BG3, CIL priority list contained in DC1, Blue and Green Environment Community Aspirations are designed to take account of the Devon Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

Comment on Documents Submitted

I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Hoe Neighbourhood Development Plan does, subject to the recommended modifications, meet the revised Basic Conditions and legal requirements.

4.12 Planning Policy

4.12.1. National Planning Policy

National Policy guidance is set out in the National Planning Policy Framework

(NPPF). In December 2024 (as updated in February 2025) the Government issued a revised NPPF which made changes to national policy in a number of areas, most significantly policy relating to housing, including the introduction of the revised Standard Method for calculating housing need.

To meet the basic conditions, the Plan must have "regard to national policies and advice".

Paragraph 30 of the December 2024 NPPF states:

"Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies."

The Neighbourhood Development Plan should not repeat national policy but must demonstrate that it has taken national policies and advice into account.

On 17 August 2026 the Government published a further revised NPPF. This replaces the December 2024 NPPF and introduces changes to national planning policy in a number of areas, including plan-making, housing delivery and development management. It also introduces national decision-making policies intended to provide a consistent national policy framework for determining planning applications.

The revised NPPF contains transitional arrangements for neighbourhood plans. It provides that neighbourhood plans which had been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before 17 August 2026 should continue to be prepared in accordance with the December 2024 NPPF. The Hoe Neighbourhood Development Plan was submitted to Plymouth City Council under Regulation 15 in January 2026 and therefore falls within these transitional arrangements. Accordingly, the December 2024 NPPF remains the applicable national policy framework for the examination of the Plan.

I have nevertheless had regard to the publication of the revised NPPF as a material

change in the national planning policy context. In particular, the revised Framework introduces national decision-making policies and places greater emphasis on the relationship between national policy, strategic policies and neighbourhood plans. The revised Framework states that neighbourhood plans should support the delivery of strategic policies and should not promote less development than is set out in the strategic policies for the area or undermine those policies.

I have considered whether the policies of the Neighbourhood Development Plan remain appropriate having regard to the current national planning policy context, including the introduction of national decision-making policies. Where the Plan contains policies addressing matters which are already comprehensively addressed by national policy, I have considered whether those policies provide a sufficiently locally specific response and whether any modification is necessary to avoid unnecessary duplication or conflict with national policy.

4.12.2. Local Planning Policy- The Development Plan

The Hoe Neighbourhood Plan Area lies within the area covered by Plymouth City Council. The relevant development plan is the Plymouth and South West Devon Joint Local Plan adopted 2019. The NPPF 2024 introduced the new standard method for calculating housing need. Because the Joint Local Plan is more than five years old and the new standard method produced a much higher figure than the adopted plan requirement, the authorities had to calculate their five-year supply against the standard method rather than the JLP requirement. This calculation resulted in an increase in annual housing need from 1,335 to 2,633 dwellings per year almost double the five-year housing requirement. The result of which means that the authorities could only demonstrate a 2.33 years' supply, well below the required five years. The loss of a five-year housing land supply has important consequences:

The Joint Local Plan's housing requirement (Policy SPT3) is treated as out of date for housing supply purposes because it is significantly lower than the standard method figure.

The authorities cannot demonstrate a five-year supply, meaning the presumption in favour of sustainable development in paragraph 11(d) of the NPPF applies when

determining planning applications, unless other policies provide a clear reason for refusal.

The Hoe Neighbourhood Plan Area contrasts densely developed housing with areas of great historic and cultural importance which are major constraints to new development.

Whilst the Hoe NDP does not allocate any housing sites to meet identified housing need I am satisfied that, subject to modification, it does not contain any policies which would frustrate the delivery of the proposed strategic housing allocations PLY27 and PLY28. It therefore meets the Basic Condition that requires that the making the neighbourhood plan must not result in the development plan providing less housing than would have been provided if the neighbourhood plan had not been made and supports the strategic growth of the Neighbourhood Plan Area, it therefore satisfies the legal requirement of S99 of LURA.

Because the Plan and supporting documents were written before the s98 and 99 came into force they address the issue of " general conformity " with the strategic policies of the development plan. Whilst this is no longer a relevant Basic Condition, I acknowledge that the Plan is in general conformity with strategic policies of the development plan.

4.12.3 Neighbourhood Plans should only contain non-strategic policies. The NPPF December 2024(updated February 2025) states:

“Non-strategic policies

29. non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

30. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver

sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies."

4.12.4 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.12.5 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.12.6 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

"Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

•whether the policy sets out an overarching direction or objective

•whether the policy seeks to shape the broad characteristics of development

•the scale at which the policy is intended to operate

•whether the policy sets a framework for decisions on how competing priorities should be balanced

•whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan

•in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan

•whether the Local Plan identifies the policy as being strategic"

I am satisfied that the policies in the Hoe Neighbourhood Development Plan are non-strategic.

4.13. Other Relevant Policy Considerations

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

14.13.2 Strategic Environmental Assessment

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.

The draft Hoe Neighbourhood Development Plan was screened by Plymouth City Council in April 2023, the screening concluded that a Strategic Environmental Assessment was not required. Natural England, the Environment Agency and Historic England were consulted as part of the screening process.

This view is confirmed by the statutory consultees.

14.13.3 Habitats Directive

A Habitats Regulation Assessment (HRA) screening of the Plan was undertaken in conjunction with the informal SEA screening. Plymouth City Council opinion was that an Appropriate Assessment under the EU Habitats Regulations was not required.

The Habitats Regulation Assessment screening complies with the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into effect on 28 December 2018. That is, "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".

14.13.4 Prescribed Matters

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as

amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

• the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied with the screening conclusion for HRA that there are no likely significant effects on any European site resulting from the policies in the Plan and therefore the Prescribed Matters in this connection are met.

4.13.5 Sustainable development

The Hoe NDP is accompanied by Basic Conditions Statement which sets out how the plan addresses achieving sustainable development and includes a sustainability checklist

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

4.13.6 European Convention of Human Rights and compliance with the Human Rights Act 1998.

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.

The Basic Conditions Statement includes the following statement:

"The Hoe Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Plan has been prepared with extensive input from the community and

stakeholders as set out in the accompanying Consultation Statement. Considerable care has been taken throughout the preparation and drafting of this neighbourhood plan to ensure that the views of the whole community were embraced to avoid any unintentional negative impacts on particular groups (as required by paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 sub-paragraph 2(f))."

I am satisfied that the Neighbourhood Development Plan, subject to modification meets the basic conditions on EU obligations.

4.13.7 Excluded development

I am satisfied that the 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.

4.13.8 Development and use of land

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

4.13.9 Neighbourhood Development Plan Policies

4.13.10 General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It 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. 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.

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."

In order to provide clarity and to ensure that the policies in the Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

• Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.

• A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

Where I have recommended policy modifications the supporting text to each policy should be modified where necessary to reflect those changes.

4.13.11 The Hoe Neighbourhood Plan Vision, Aims, Objectives and Policies

The Vision

The Hoe Neighbourhood Area will be a thriving and balanced community with a strong sense of identity – a place that takes pride in, protects, and enhances all its man-made and natural assets, now and in the future.

Objectives

- Protect, value, and make the most of heritage assets (designated and non-designated)
- Maintain and improve leisure and well-being and support a diverse, unique cultural offer for visitors and locals alike
- Protect, value, and improve the local environment, enhancing biodiversity and maintaining and improving access to blue and green spaces

- Support measures that address the Climate and Nature Emergencies
- Maintain and improve transport and infrastructure connectivity to meet the needs of people who live, work and visit the area, while supporting a low-carbon, low-emissions future
- Provide a sustainable and balanced mix of housing that serves all sections of the community
- Support a sustainable and fair local economy

COMMENT

I am satisfied that the NDP Vision and objectives were developed from the consultation process and that the policies within the plan reflect the vision and strategic objectives.

4.14 NEIGHBOURHOOD PLAN POLICIES

Policy H1: Integration with Character of the Area

The design of new buildings is expected to contribute positively to and reflect the richness of character and form of the historic area in which it sits.

1. Development proposals should have a sympathetic regard to the scale, siting, roof lines, materials, fenestration, and colour palette of neighbouring buildings.

2. Proposals that have an impact on views of the local cityscape, skyline, or landscape due to their height, scale, or location should take account of the character of the area and where appropriate be accompanied by accurate visualisations from surrounding key vantage points. Where appropriate a formal landscape and visual impact assessment should be submitted. In particular:

a. New development must respect the character-defining views and spatial openness of the Hoe Park and the waterfront.

b. Development along Armada Way and around the Hoe promenade should reinforce the ceremonial character of the area and protect the visual and movement axis to the waterfront.

3. New developments must demonstrate that their proposed proportions will not dominate their setting or have a negative impact on adjacent properties. Proposals for building heights above prevailing patterns need to be explained and justified in the Design and Access Statement and accompanied by a Planning and Tall Building Statement following the guidance provided in Historic England's Advice Note 4 - Tall Buildings.

COMMENT

Design and Access Statements are not planning policy but form part of the supporting documents for a planning application.

I have received a very detailed objection to the wording of this policy and Policy H2 from Plymouth City Council, I have taken this into account in my decision. I find that Policy H1 and H2 cover a number of the same issues and in some clauses are not sufficiently flexible. For clarity and to meet the Basic Conditions Policy H1 and H2 should be combined and modified as follows:

Policy H1 – Design and Character

Development proposals, including new buildings, extensions, alterations, renovations, and the redevelopment of historic buildings, should preserve and enhance the area's historic character, townscape, and maritime identity in accordance with national policy and the development plan and will be supported where they:

1. Are of high-quality design that responds positively to its context. Contemporary design and materials may be appropriate where they are of high quality and complement the historic townscape;

2. Respect the established character and identity of the area through their scale, height, massing, siting, roof form, proportions, materials, colour palette, detailing, and fenestration, preserving existing historic features such as stone walls, railings, cobbles, and other curtilage features wherever practicable. New development should respond positively to its surroundings and avoid adverse effects on neighbouring buildings or amenity;

3. Respect the character-defining views and openness of the Hoe Park and waterfront and protect the ceremonial character of Armada Way and the visual and movement axis to the waterfront. Where proposals may affect key views because of their height, scale, or location, they should be supported by accurate visualisations and, where appropriate, a Landscape and Visual Impact Assessment;

4. Justify proposals that exceed the prevailing building heights, having regard, where relevant, to Historic England's Advice Note 4: Tall Buildings;

5. Incorporate well-designed lighting, street furniture, boundary treatments, and service infrastructure, including screened bin and recycling storage, that respect the local vernacular, minimise visual clutter and light pollution, and contribute positively to the public realm.

6. Incorporate design elements that celebrate and reinforce the maritime heritage and scenic setting of the Hoe where appropriate.

I have not renumbered the policies at this stage to avoid confusion.

Policy H2: High-Quality Design

The design of new buildings, renovations, or extensions is expected to contribute positively to and reflect the richness of character and form of the surrounding historic area.

1. Proposals should provide evidence of how the proposed design has respected its context and how it will reinforce and enhance the local identity, including the overall design, type of detailing (such as window proportions, mouldings, rustication, parapets), and functional elements (such as roofs, doors, windows, flues, chimneys, gutters, and flashings).

2. High-quality, durable materials that echo the historic setting should be used. Modern materials that complement the street scene may be appropriate where they enhance the local character.

3. Designs that celebrate the maritime heritage and scenic setting of the Hoe will be supported.

4. Proposals for boundary treatments that are common or complementary to the area and use high-quality materials will be supported. Existing curtilage features, such as stone walls, railings, and cobbles, should be preserved where possible.

5. Lighting schemes should be well designed, respect the local vernacular, use high-quality, energy-efficient fittings, and minimise light pollution.

6. The design and location of street furniture should complement the historic setting of the Hoe, be well designed, respect the local vernacular, and be robust.

7. New developments should incorporate facilities for bins and recycling that are appropriately screened and off the street, such as timber bin stores.

8. Redevelopment of historic buildings and key townscape features, particularly listed buildings, should be completed to a high standard that preserves and enhances Heritage Assets.

COMMENT

This Policy should be deleted, please see modified policy H1.

Policy H3: Protection of Iconic Views

Development proposals should ensure that key views of heritage assets, areas of landscape, the coastline, and green spaces can continue to be enjoyed. Proposals that may affect these views should submit a visual impact assessment appropriate to the size and scale of the proposal showing how the development will affect relevant views.

Proposals will be supported where there is no adverse impact on the following designated views:

1. South from Hoe promenade looking out at wide vista across Plymouth Sound

2. North from Hoe promenade looking towards city

3. West from west end of Hoe promenade across West Hoe, Millbay, and Devonport towards Cornwall

4. North from Citadel gates looking at broad vista of city skyline

5. Southeast from Hoe Cannons towards Cattedown and Mount Batten

6. North from Plymouth Sound towards the Hoe (from the water)

7. North from Hoe promenade looking towards complete terraces of Azure, Elliot Terrace, the Grand, and the Esplanade

8. South from Hoe Park towards Royal Citadel with monuments set in open green area against sky

9. East from Hoe promenade looking towards Royal Citadel

10. South towards Royal Citadel main gate defined against open sky

11. North from Hoe promenade looking down Elliot Street/Athenaeum Street towards Notte Street

12. North from Hoe promenade looking through stone gate posts down Lockyer Street towards city centre

13. East from Grand Parade towards the Hoe

14. North from West Hoe “Little Ships” towards Grand Parade

15. Southwest from West Hoe “Little Ships” towards Drake’s Island

16. West along Hoe Road looking towards Drake’s Island, Cornwall and Mount Edgcumbe with the Dome in the foreground

17. South from Hoe Road looking over Tinside Lido towards the Sound

18. North across West Hoe Park looking towards quarry wall and up to the Hoe

COMMENT

Plymouth City Council have made representation that there are the following errors on Figure 14. These errors should be corrected:

- **View 2 (in the description in the Appendix) discusses PLY28, but this site is not within the visual cone of this view.**
- **View 9 is stated as being from the promenade but the map located the view within the park.**
- **View 16 is missing.**

For clarity, the introductory paragraph to this policy should be modified as follows:

Development proposals should seek to preserve the key views of heritage assets, landscapes, the coastline, and green spaces identified in Figure 14 of this Plan. Proposals that may affect these views should be supported by a visual impact assessment proportionate to the scale and nature of the development, demonstrating how the proposal will affect the identified views and how any adverse impacts have been avoided or minimised.

Policy H4: Heritage Assets

1. Development affecting designated heritage assets and non-designated heritage assets on the Hoe Neighbourhood Area local list must show regard for the need to conserve and enhance their settings and any special architectural or historic features as appropriate to their significance.

2. When previously unknown heritage assets are discovered, they should be assessed to determine whether they are worthy of designation (listing or scheduling) or adding to the list of non-designated heritage assets or community heritage assets.

COMMENT

I have received detailed representation from Plymouth City Council in connection with the wording of this policy. I acknowledge the concerns raised regarding the inclusion of certain properties within the Hoe Neighbourhood Local List however both Designated and Non-Designated Heritage Assets are only protected by national policy in accordance with their significance. I accept that the community have drawn up the list based on the importance of a particular asset to the community, this may differ from its strict historic significance. However, the inclusion or ommission of an asset in a local list does not afford more or less protection than an assessment of its historic significance allows.

For clarity and to meet the Basic Condition requiring having regard to national policy, the policy should be modified as follows:

1. Development proposals affecting designated heritage assets or non-designated heritage assets including those identified on the Hoe Neighbourhood Area Local List, will be supported where they conserve and, where appropriate, enhance the significance of the asset, including the contribution made by its setting and its architectural, archaeological or historic interest.

2. Where proposals for development result in the discovery of a previously unidentified heritage asset, its significance should be assessed. Where justified by that assessment, the asset should be considered for Listing or inclusion on the Hoe Neighbourhood Area Local List as a non-designated heritage asset.

Policy H5: Buildings of Negative Impact

1. Buildings that have been identified in this plan as being of negative impact must, if they are redeveloped, be replaced with buildings that make a positive contribution to the special character of the area, designed with regard to Policy H1: Integration with Character of the Area and Policy H2: High-Quality Design.

2. Buildings of negative impact must not be used as a precedent for new

developments or be considered in the assessment of the character of an area.

COMMENT

I have received detailed objection to the current wording of this policy from Plymouth City Council. I have carefully considered those objections in making my recommendation.

For clarity, this policy should be modified as follows:

Policy H5: Buildings of Negative Impact

Buildings identified in table 8 of this Plan as making a negative contribution to the character of the area will not be regarded as establishing the prevailing character of the area and must not be relied upon as a design precedent when assessing development proposals.

Policy H6: Heritage and Energy Efficiency Retrofit

The retrofitting of a historic building with energy-efficiency measures such as thermally efficient glazing, insulation, solar panels, heat pumps, or other technologies in line with Historic England guidance will be supported, providing it preserves the historic character and key features of the building.

COMMENT

I am satisfied that this policy addresses the requirements of S.98 of LURA in that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change".*

For clarity and to meet the Basic Condition requiring having regard to national policy, the policy should be modified as follows:

The sensitive retrofitting of energy efficiency measure in historic buildings including the installation of thermally efficient glazing, insulation, solar panels, heat pumps and other low-carbon technologies, will be supported where it is

proposed in accordance with relevant Historic England guidance and conserves the significance of the heritage asset, including its historic character, appearance and special architectural or historic interest.

Policy H7: Balconies and Roof Gardens

Development proposals that include balconies, roof gardens, or terrace areas that require planning permission will be expected to be in conformity with the Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (July 2020) paragraphs 13.22-13.28 and will only be supported if they do not have an unacceptable impact on the roofscape of the immediate or surrounding area or on the amenity of neighbouring residents by virtue of overlooking.

COMMENT

To ensure that the policy does not become out of date should the South West Devon Joint Local Plan Supplementary Planning Document (July 2020) paragraphs 13.22-13.28 be superseded the policy should be modified as follows:

Policy H7: Balconies and Roof Gardens

Development proposals incorporating balconies, roof terraces or roof gardens will be supported where they do not adversely affect the character and appearance of the surrounding roofscape or the amenity of neighbouring occupiers, including through overlooking.

Policy H8: Retail and Commercial Frontages

Development proposals for new, altered or extended shops or commercial premises, including applications for signage and lighting, should demonstrate high-quality design and preserve or enhance the character of the area within which they are located. In the Hoe area, good retail and commercial design means:

1. Using high-quality materials for signage

2. Retaining and restoring original shopfronts wherever possible

3. Protecting original architectural detail and, where appropriate, restoring it

4. Retaining existing or provision of new pilasters and cornicing where relevant and appropriate

5. Providing level access to retail and commercial entrances, where appropriate

6. Retaining public access around premises where it currently exists

7. Giving due consideration to the effects of potential light pollution on neighbouring properties

8. Minimising visual clutter by avoiding too many signs, poor-quality decorations, or too much furniture on the pavement

COMMENT

This is a statement rather than a policy which can be used in the determination of a planning application. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy H8: Retail and Commercial Frontages

Development proposals for new, altered or extended retail and commercial premises, including shopfronts, signage and external lighting, should reflect local character. Proposals will be supported where they:

Retain and, where possible, restore historic shopfronts and original architectural features that contribute to the significance and character of the building or streetscape.

Incorporate pilasters, cornices and other traditional shopfront elements where appropriate to the character of the building and surrounding area.

Provide inclusive and level access to entrances wherever practicable and

compatible with the conservation of any heritage significance.

Retain existing public access and permeability.

Ensure that signage and external lighting are proportionate in scale and design, do not result in unacceptable light pollution, and avoid harm to visual amenity, residential amenity or the significance of heritage assets.

Minimise visual clutter by avoiding excessive signage, unnecessary street furniture or other features that detract from the quality of the public realm.

Policy BG1: Local Green Space Designations / Development on Green Spaces

1. The following areas are designated as Local Green Spaces:

a) The Hoe (including Armada Way green area in front of Crowne Plaza)

b) Hoe foreshore

c) Citadel slopes (land off Madeira Road)

d) West Hoe Park

e) Millbay Park

f) Slopes off Hoe Road (land between higher and lower Lambhay Hill)

g) West Hoe Tennis Courts (including small park)

h) The Mound (area opposite Citadel gates)

2. Designated Local Green Spaces should be protected, and development will only be supported where:

a) It would enhance the value or function of the green or blue space.

b) No fundamental change to the character and function of the space would result.

c) Inclusive access would not be eroded.

d) Historic features and their setting would not be damaged.

e) Established public footpaths and rights of way would be protected, including access to the water via steps, paths and slipways.

f) Current primary function of the green space, such as for sports or recreation, would not be lost.

g) It would be in keeping with the visual character of the area.

h) Developer contributions, such as CIL and Section 106 monies, are used

proactively to repair damaged environments, re-use historic buildings, and

enhance the overall enjoyment of the area by visitors and residents.

COMMENT

Plymouth City Council have submitted detailed objections to this policy, I have taken these into consideration in reaching my recommendation. I have also received information from the Neighbourhood Forum that satisfies me that the Local Green Spaces proposed for designation have been the result of community involvement in the process of preparing the Plan.

I am satisfied that this policy addresses the requirements of S.98 of LURA in that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change".*

- Policies BG1, BG2, BG3, CIL priority list contained in DC1, Blue and Green Environment Community Aspirations are designed to take account of the Devon Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

I am satisfied that this policy is designed to take account of the Devon Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates

to all or part of the neighbourhood plan area.

Local Green Space designation is a "restrictive and significant policy designation" equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2024 (updated February 2025) states:

**"*106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.*

107. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local

significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

108. Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework"**

Given that the Framework is not ambiguous in stating that a Local Green

Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" *Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."*

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for all the designations proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether I consider the proposed designations meet the NPPF tests.

I have carefully considered whether the proposed LGS designations meet the required tests and perhaps more importantly in this instance whether existing designations already offer significant protection to those areas. My conclusion is as follows:

a) The Hoe (including Armada Way green area in front of Crowne Plaza)

Nationally designated heritage assets within the site boundary total eleven Grade II listed buildings, two Grade I listed buildings, and two Grade II* listed buildings (including those mentioned above). The site is also within the setting of several heritage assets, including the Grade II* listed Esplanade (numbers 1-

8 and forecourt walls and railings) and Elliot Terrace(numbers 1-8 including 6A and walls and gate piers) which are directly observed from the Promenade. Additionally, the whole of the site forms part of The Hoe Registered Park and Garden (which is Grade II listed), and The Hoe Conservation Area.

As detailed above , this area already benefits from significant policy protection due to the number of listed buildings, The Hoe registered Park and Garden and The Hoe Conservation area. My conclusion, on balance is that this area would not benefit from an additional local designation.

b) Hoe foreshore

Heritage assets include nine Grade II listed buildings, The Hoe Registered Park and Garden (covering the central section of the site), and The Hoe Conservation Area (encompassing the entire Foreshore).
As detailed above , this area already benefits from significant policy protection due to the number of listed buildings, the Hoe registered Park and Garden and the Hoe Conservation area. My conclusion, on balance is that this area would not benefit from an additional local designation.

c) Citadel slopes (land off Madeira Road)

The Grade II listed 'War Memorial West of the West Baston of the Citadel' is within the western section of the site. From this location, there are also glimpses of the Grade II listed 'Smeaton's Tower' and the Grade II listed 'Tinside Lido and Changing Rooms' (as observed in photo group two and four, above). Additionally, the whole of the site forms part of The Hoe Registered Park and Garden (which is Grade II listed), and The Hoe Conservation Area.*

As detailed above , this area already benefits from significant policy protection due to the number of listed buildings, the Hoe registered Park and Garden and the Hoe Conservation area. My conclusion, on balance is that this area would not benefit from an additional local designation.

I am satisfied that the remainder of the proposed Local Green Spaces do meet

the NPPF requirements.

Paragraph 108 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 153-155 detail the policy framework for development affecting the Green Belt. Paragraph 153, in particular states;

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 154 of the NPPF 2023 sets out what types of development would not (my emphasis) be considered inappropriate.

The map showing the LGSs should be modified to reflect the modified policy.

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2024 and caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF:

Policy BG1: Local Green Space Designations / Development on Green Spaces

1. The following areas shown on Figure 17 are designated as Local Green Spaces:

a) West Hoe Park

b) Millbay Park

c) Slopes off Hoe Road (land between higher and lower Lambhay Hill)

d) West Hoe Tennis Courts (including small park)

e) The Mound (area opposite Citadel gates)

Inappropriate development on any of the areas listed above will not be supported except in very special circumstances.

BG2: Protection of Trees, Hedges and Biodiversity

New development will be expected to safeguard trees, hedges, and biodiversity and demonstrate 10% biodiversity net gain. Development affecting trees, hedges, or habitats will be supported where it demonstrates:

1. Protection of existing trees (including root zones), hedges, or habitats or robust justification and mitigation/compensation for any unavoidable loss

2. Replacement of end-of-life or diseased trees

3. New tree planting or hedge or habitat creation that adheres to the principle of 'right tree, right place'

4. Support for improvement in habitat biodiversity, including habitat enhancements for mammals, birds, and invertebrates

5. Biodiversity net gain will be provided within the Hoe Neighbourhood Area, where possible, and related to improvements identified in the management plans for the designated Local Green Space sites

COMMENT

I have received a detailed objection from Plymouth in relation to the wording of this policy and have taken this into consideration in reaching my recommendation.

I am satisfied that this policy addresses the requirements of S.98 of LURA in

that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change".*

I am satisfied that this policy is designed to take account of the Devon Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

For clarity and to meet the Basic Conditions the policy should be modified as follows:

BG2: Protection of Trees, Hedges and Biodiversity

New development will be expected to safeguard trees, hedges, and biodiversity and provide biodiversity net gain in accordance with national policy. Development affecting trees, hedges, or habitats will be supported where it demonstrates:

Protection of existing trees (including root zones), hedges, or habitats or robust justification for any unavoidable loss.

Replacement of end-of-life or diseased trees.

New tree planting or hedge or habitat creation that adheres to the principle of 'right tree, right place'.

Support for improvement in habitat biodiversity, including habitat enhancements for mammals, birds, and invertebrates.

Biodiversity net gain should be provided within the Hoe Neighbourhood Area, where possible.

BG3: Protection of Street Trees

1. Where trees may be adversely affected by the proposed development, the applicant is required to submit a tree survey in accordance with BS 5837 (Trees in relation to construction).

2. All development that could affect street trees must provide evidence that the trees have been assessed in accordance with the most up-to-date tree management principles.

3. Any potential impacts on street trees should be minimised and mitigated in accordance with the most up-to-date tree management principles.

COMMENT

I am satisfied that this policy addresses the requirements of S.98 of LURA in that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change".*

I am satisfied that this policy is designed to take account of the Devon Nature Recovery Strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

Policy PT1: Promoting Sustainable Mobility

1. New development should be designed to reduce the reliance on cars and promote a more sustainable local transport network. Proposals will be supported where they prioritise walking, cycling, and public transport as the favoured modes of transport. Cycle storage should be incorporated into the design of residential developments wherever possible.

2. Proposals for on-street/curb-side public electric vehicle charging points or mobility hubs in suitable locations will be supported, provided they are sited appropriately, do not reduce the overall number of existing parking places, and do not impede pedestrian or cyclist safety.

COMMENT

I am satisfied that this policy addresses the requirements of S.98 of LURA in that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate*

change".

For clarity and to avoid repetition of national policy the policy should be modified as follows:

New development should be designed to support a more sustainable local transport network. Proposals will be supported where they provide for walking, cycling, and public transport. Cycle storage should be incorporated into the design of residential developments wherever possible.

Proposals for on-street/curb-side public electric vehicle charging points or mobility hubs in suitable locations will be supported, provided they are sited appropriately, do not unreasonably reduce the availability of existing parking places, and do not impede pedestrian or cyclist safety.

Policy PT2: Parking

1. Where appropriate, development proposals should provide sufficient parking to meet and manage demand. This would help protect residential amenity (such as street parking, trees, access, and light), meet the needs of people with mobility issues, and ensure the safety of the highway network.

2. Where appropriate, development proposals should be supported with a travel plan.

3. Proposals that creatively respond to the complex challenge of managing parking demand and addressing climate change (e.g., through shared mobility schemes) will be supported.

COMMENT

I am satisfied that this policy addresses the requirements of S.98 of LURA in that it does seek to *"secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change".*

For clarity and to avoid repetition of national policy the policy should be modified as follows:

Policy PT2: Parking

1. Where appropriate, development proposals should provide sufficient parking to meet and manage local parking demand to help address local parking pressures.

2. Where appropriate, development proposals should be supported with a travel plan.

3. Proposals that creatively respond to the complex challenge of managing parking demand and addressing climate change (e.g., through shared mobility schemes) will be supported.

Policy HS1: Housing Mix, Accessibility, and Environmental Standard

Development proposals for dwellings should demonstrate how the applicant has sought to meet locally assessed needs as identified in The Hoe Housing Needs Assessment.

Specifically, the Hoe Neighbourhood Forum will support proposals for:

1. A mix of housing sizes (including one-, two- , three- and four-bedroom units) and tenures (including affordable rent and intermediate home ownership) that seek to provide suitably designed homes for singles, various types of families, and older people

2. The conversion of flats back into family homes

3. Developments that exceed the “accessible and adaptable dwellings” requirements in the Building Regulations Part M4(2) to meet the lifetime needs of residents

4. New developments and conversions that meet or exceed low carbon targets and best practice energy performance requirements.

COMMENT

I have received objection to the wording of this policy from Plymouth City Council. In particular objection to the use of the phrase " dwellings should demonstrate how the applicant has sought to meet locally assessed needs as identified in The Hoe Housing Needs Assessment" in the introductory paragraph , which is considered too restrictive when considering the wider housing needs of the city. I accept that the Hoe Housing Needs Assessment may be considered out of date however I consider that the phrase is only requires an applicant to demonstrate how the applicant "has sought" to address rather than "must" address the local housing need. For clarity and to meet the Basic Conditions, the policy should be modified as follows:

Policy HS1: Housing Mix, Accessibility, and Environmental Standard

Development proposals for new dwellings should demonstrate how the applicant has sought to meet the most up to date assessment of local housing need.

Specifically, the Hoe Neighbourhood Forum will support proposals for:

1. A mix of housing sizes (including one-, two- , three- and four-bedroom units) and tenures (including affordable rent and intermediate home ownership) that seek to provide suitably designed homes for singles, various types of families, and older people

2. The conversion of flats back into family homes

3. Developments that exceed the "accessible and adaptable dwellings" requirements in the Building Regulations Part M4(2) to meet the lifetime needs of residents

4. New developments and conversions that meet or exceed low carbon targets and best practice energy performance requirements.

Policy DC1: Developer Contributions

1. All eligible development will be required to make a Community Infrastructure Levy (CIL) payment and/or an agreed contribution through a Section 106 Agreement to mitigate the impacts of development, meet the needs of the growing population, and support the delivery of infrastructure enhancement and spatial improvements.

2. Allocation of CIL and Section 106 spending in the Hoe Neighbourhood Area should, as a minimum, prioritise the infrastructure and improvement requirements identified in the area by the community in line with the Hoe Neighbourhood Plan. Specific needs and opportunities identified during consultation include:

a) Establishing a flexible community space for use by local Forums.

b) Extending and improving the existing footpath and cycleway networks to provide better connectivity within the local vicinity and to Plymouth as a whole.

Such opportunities include sites where planning permission is granted for development near existing networks.

c) Ensuring that all new movement routes are accessible for wheelchair users, pushchairs and prams, and those with limited ability for walking.

d) Directing spending and/or mitigation towards blue and green space amenities that would be under additional pressure from a proposed development to support improvements identified in the relevant management plans for the designated Local Green Space sites.

3. Biodiversity net gain contributions arising from developments within the Hoe Neighbourhood Area, should, where possible, be directed towards improvements identified in the management plans for the designated Local Green Space sites in the area (see also policy BNG2.5)

COMMENT

This is not a policy but a CIL priority List. It can be included in the Plan but not as a policy.

SECTION 5

Conclusion and Recommendations

1. I find that the 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. (As amended)
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 Neighbourhood Forum was designated appropriately and meets the statutory requirements.
4. The 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.
5. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.
6. The policies and plans in the Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and guidance, meet the legal requirements and would not result in the development plan for the area of the authority proposing that less housing is provided by means of development taking place in that area than if the neighbourhood development plan were not to be made. In reaching my conclusions I have been mindful that the courts have consistently treated "having regard to" as a less demanding legal test than conformity. It requires genuine and rational

consideration of national policy, rather than automatic compliance. Because the NPPF itself contains policies that require planning judgment and balancing, I have exercised judgment rather than mechanically comparing the Plan against individual paragraphs of the NPPF.

7. I therefore consider that the Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

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