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and examinations

Report on Rockbeare Parish Neighbourhood Plan 2013-2031

An Examination undertaken for East Devon District Council with the support of Rockbeare Parish Council on the January 2018 submission version of the Plan.

Independent Examiner: Bob Yuille MSc DipTP MRTPI

Date of Report: 13 June 2018

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Main Findings - Executive Summary

From my examination of the Rockbeare Parish Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Rockbeare Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Rockbeare as shown on Rockbeare Neighbourhood Plan Map 1;
- The Plan specifies the period to which it is to take effect – 2013 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Rockbeare Parish Neighbourhood Plan 2013 - 2031

- 1.1 Rockbeare is a largely rural parish set some 5 miles east of Exeter and immediately to the south east of Cranbrook, a major new town now under construction. The A30 runs across the parish, to the south of it is the A3052 and parts of it are under the flightpath of Exeter Airport situated to the south east. The combination of poorly drained clay soils and the number of streams in the parish leads to flooding in periods of heavy rain.
- 1.2 The Plan makes clear that Rockbeare is a parish that regards itself as being under threat¹ from development associated with Cranbrook and the Airport as well as from flooding. Consequently, it contains policies which seek to safeguard the parish's rural tranquillity, to protect important views and vistas², to influence the scale of development, to limit development options and to minimise flood risk³.

¹ Rockbeare Parish Neighbourhood Plan. Paragraph 2.8.

² Rockbeare Parish Neighbourhood Plan. Paragraph 2.11.

³ Rockbeare Parish Neighbourhood Plan. Paragraph 6.5.

- 1.3 Other policies in the Plan aim to protect and respect habitats, improve public access to the countryside, protect and improve community spaces and facilities, improve local sport and recreation opportunities, make walking and cycling safer and improve local business facilities.
- 1.4 Work commenced on the Plan in 2014 and it has been prepared by the Rockbeare Neighbourhood Plan Steering Group working on behalf of Rockbeare Parish Council (the Parish Council).

The Independent Examiner

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner by East Devon District Council (the Council), with the agreement of the Parish Council which is the Qualifying Body responsible for the preparation of the Plan.
- 1.6 I am a chartered town planner and former government Planning Inspector, with over 20 years' experience of conducting Hearings, Inquiries, Local Plan Examinations and, latterly, Neighbourhood Plan Examinations. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.7 As the independent examiner I am required to produce this report and recommend either:
 - (a) that the Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
 - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended)('the 1990 Act'). The examiner must consider:
 - Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a Qualifying Body, for an area that has been properly designated by the local planning authority;

- it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
 - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for the Plan. This requires that the Plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan 2013 – 2031 adopted in 2016. There are also three emerging plans. One is the East Devon Villages Plan. The Inspector's report was issued on 17 May 2018 and concludes that the Plan is sound and legally compliant, subject to main modifications. The other two are the Cranbrook Plan, which is due to be submitted for examination in January 2019 and the Greater Exeter Strategic Plan, which is due to be submitted for examination in March 2021. Although the Plan is not to be tested against the policies of these emerging plans it is expected to be complementary with them and the Council is expected to have worked collaboratively with the Parish Council to minimise conflict⁴.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the Submission Version of the Rockbeare Parish Neighbourhood Plan 2013 -2031, January 2018;
 - Rockbeare NP Map 1 which identifies the area to which the proposed neighbourhood development plan relates;
 - the Consultation Statement, January 2018;
 - the Basic Conditions Statement, January 2018;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Screening Opinion produced by the Council and dated September 2017;
 - the response by the Council (dated 23 April 2018) and by the Parish Council (under cover of emails dated 19 & 23 April 2018) to questions raised in my letter of 04 April 2018; and.
 - the response by Waddeton Park Ltd dated 10 May 2018 to questions raised in my letter of 04 April 2018.

(All these documents are to be found on the neighbourhood Plan web site⁵)

⁴ Planning Practice Guidance. Paragraph Reference ID: 41-009-20160211.

⁵ <http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/neighbourhood-plans/neighbourhood-plans-being-produced-in-east-devon/rockbeare/#article-content>

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 12 May 2018 to familiarise myself with it, and visit relevant areas referred to in the Plan and in evidence.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. There was no request for a hearing session and I considered one to be unnecessary as the consultation responses clearly articulated arguments for and against the Plan's suitability to proceed to a referendum.

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by the Parish Council which is a qualifying body for the Parish of Rockbeare as designated by the Council in September 2014.
- 3.2 It is the only neighbourhood plan for the parish and, subject to Proposed Modifications set out later in this report, does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2013 to 2031.

Neighbourhood Plan Preparation and Consultation

- 3.4 The Plan has been the subject of extensive public consultation by way of; public exhibitions, meetings and events; articles in the parish newsletter and on the Parish Council website; questionnaires; surveys and discussion with local businesses; direct contact with organisations; word of mouth; and correspondence. A Community Poll was carried out to establish whether or not there was local support for two particularly contentious policies, Policies Rock06 and Rock07.

- 3.5 Consultations required under Regulation 14 of the 2012 Regulations were carried out and the Plan was modified where it was considered appropriate. Further consultations were carried out under Regulation 16 of the 2012 Regulations and this resulted in 17 responses, all of which have been taken into account in preparing this report.
- 3.6 Taking into account the above points, I consider that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live and work or carry on business in the area and that consultation has taken place with those bodies whose interests may have been affected by the Plan. I am satisfied that a transparent, fair and inclusive consultation process has been followed for this Neighbourhood Plan that has had regard to advice in the PPG on plan preparation and is procedurally compliant in accordance with legal requirements.

Development and Use of Land

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.8 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.9 The Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Plan was screened for Strategic Environmental Assessment and Habitat Regulations Assessment by the Council, which found that neither was necessary. Natural England, Historic England and the Environment Agency have been consulted on the Plan at various stages and have raised no objection to the Screening Report⁶. From my independent assessment of the Plan I see no reason to disagree with these conclusions.

⁶ Rockbeare Neighbourhood Development Plan Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report, September 2017.

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Main Issues

- 4.2 Having dealt with a number of legal and procedural matters it is necessary to consider whether the Plan complies with the Basic Conditions insofar as it has regard to national policies and advice, it is in general conformity with the strategic policies of the Local Plan and contributes to sustainable development. I should say at this point that the purpose of the examination is not to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions.
- 4.3 From my reading of the Plan, the consultation responses and other evidence and from what I saw at my site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:
1. Whether Policy Rock06, which deals with the Green Wedge between the village of Rockbeare and the new market town under construction at Cranbrook, meets the Basic Conditions?
 2. Whether Policy Rock05 which deals with Important Views and Vistas meets the Basic Conditions?
 3. Whether Policy Rock07 which deals with Development Limits meets the Basic Conditions?
 4. Whether the remaining policies in the Plan meet the Basic Conditions?

Issue 1. Policy Rock06 Green Wedge

- 4.4 In order to consider this issue it is necessary to set out some background matters. The Local Plan (Policy Strategy 12) defines the boundary of the Cranbrook Plan Area which includes the village of Rockbeare and the northern part of its parish. It also defines the area for the initial phase of development at Cranbrook (Policies Strategy 9 and Strategy 12 - Cranbrook Phase 1) which lies to the north and west of the village outside its parish. Between the village and the Cranbrook Phase 1 area, the Local Plan defines a Green Wedge (Policy Strategy 8) which includes land in the north of the Parish⁷.
- 4.5 Policy Strategy 8 of the Local Plan states "*Within Green Wedges, as defined on the Proposal Map, development will not be permitted if it would add to existing sporadic or isolated development or damage the individual identity of a settlement or could lead to or encourage settlement coalescence*". The Green Wedge at Rockbeare is described in the supporting text of the Local Plan as "*Land separating the villages of Rockbeare and Whimble from the new community site*". The purpose of

⁷ See the maps provided by the Council in its response to my questions of 04/04/18.
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Green Wedges is identified in the supporting text as being to prevent the coalescence of neighbouring or adjoining settlements.

- 4.6 The Local Plan also states, at Policy Strategy 12 that, amongst other things, *"The Cranbrook Plan area also identifies land for the further expansion/intensification of Cranbrook to accommodate a further 1,550 houses and associated jobs, social, community and education facilities and infrastructure outside the designated Neighbourhood Plan Areas of Rockbears, Broadclyst and Clyst Honiton."* (Emphasis added). The point is made by respondents that the underlined words were added by Council members against the advice of officers. However, that has no bearing on the regard to be given to these words. They are part of a strategic policy in a Local Plan that was found sound following public examination and it is my duty to ensure that the Plan is, amongst other things, in general conformity with policies in the Local Plan. For the avoidance of doubt, I take this aspect of Policy Strategy 12 to mean that the search for land to accommodate the additional houses and jobs required will take place within the Cranbrook Plan Area but will exclude, amongst other places, the Rockbears Parish Neighbourhood Plan Area.
- 4.7 In the emerging Cranbrook Plan, however, the Council appears to have changed its stance and proposes to allocate land within the Rockbears Neighbourhood Plan Area – both within the Green Wedge and beyond – as *Rural Footpath Enhancement / Park / Allotment* and as *Residential*. Its reasoning is, in brief, that in landscape terms this will not lead to the coalescence of settlements.
- 4.8 Clearly it is not part of my brief to comment on the merits or otherwise of this approach and I will not do so but it is in this context that I must consider whether Policy Rock06 of the Plan meets the Basic Conditions.
- 4.9 Policy Rock06 states that *"Development proposals in the designated Green Wedge area (shown on map 5) will not be supported unless it can be demonstrated that no harm to the character or purpose of this area will occur and development is:*
i) for the purposes of agriculture, horticulture or forestry; or
ii) within an existing residential or employment site curtilage and
iii) proportionate to its location in scale and type."
- 4.10 It is suggested that Policy Rock06 of the Plan goes significantly beyond Policy Strategy 8 as there are substantial areas of land within the Green Wedge which could accommodate sustainable development without conflicting with that strategic policy. I do not agree that the two policies are out of step. Policy Strategy 8 does not simply seek to avoid settlement coalescence or damage the individual identity of a settlement but it also seeks to avoid adding to existing sporadic or isolated development. It is a very restrictive policy.

- 4.11 It appears to me that Policy Rock06 chimes well with the terms of Policy Strategy 8. It refers to not supporting development unless it can be demonstrated that there is no harm to the character and purpose of the area. I take this as referring to its character and purpose as a Green Wedge as defined in Policy Strategy 8. In this respect Policy Rock06 is clearly in general conformity with Policy Strategy 8.
- 4.12 To my mind there is little to suggest Policy Rock06 is significantly more restrictive than Policy Strategy 8. On the contrary, it acknowledges that there may be a need and justification for certain specified minor forms of development over and above that allowed in Policy Strategy 8. While the supporting text to Policy Rock06 refers to that policy as serving several functions not dissimilar to the purposes of Green Belt, the fact remains that the wording of Policy Rock06 is not that of a Green Belt Policy. I am satisfied, therefore, that, subject to the Proposed Modifications discussed below, Policy Rock06 is in general conformity with the strategic policies of the Local Plan, particularly Policy Strategy 8. In coming to this view, I have taken account of the fact that the Council has confirmed its opinion that the Plan, and hence Policy Rock06, meets the Basic Conditions and that this policy has widespread support among local people who responded to consultations on it.
- 4.13 It is true that Policy Rock06 appears to be in conflict with the emerging Cranbrook Local Plan but that plan has yet to be finalised and the question of whether the growth needs of Cranbrook can be accommodated without utilising land within Rockbeare parish is far from being resolved. This is a matter on which the Council and the Parish Council have been unable to reach agreement. Clearly this is unsatisfactory insofar as it runs the risk that Policy Rock06 could be superseded or overridden by policies in the Cranbrook Plan if and when it is adopted. However, it is not within my power to resolve that situation and in order to meet the Basic Conditions it is not necessary to test the Plan against the policies of an emerging plan.
- 4.14 Turning to the question of whether Policy Rock06 has regard to national policy, it is argued that this policy amounts to a blanket restriction on development and is thus beyond the scope of a Neighbourhood Plan. However, it is important to note that the Plan does not designate the Green Wedge, that was done in Local Plan Policy Strategy 8, it simply seeks to add an additional level of detail to it, something that it is legitimate to do.
- 4.15 Given that I have already concluded that Policy Rock06 would not undermine the strategic policies of the Local Plan insofar as these seek to promote the development of Cranbrook - which is where the bulk of the housing, economic, social and environmental development serving the

Neighbourhood Plan area will be located - it follows that this policy, subject to the Proposed Modifications set out below, plays due regard to the Framework (paragraph 17) which also seeks to drive and support such development.

- 4.16 Similarly, when it comes to considering whether Policy Rock06 makes a contribution towards sustainable development, one has to look to the Local Plan to provide an assessment of what amounts to sustainable development in this area. As it has been concluded that the Policy Rock06 would not frustrate the provision of sustainable development as set out in the Local Plan it follows that this policy does make a contribution to sustainable development.
- 4.17 There are however, two respects in which Policy Rock06 does not meet the Basic Conditions. Policy Strategy 10 of the Local Plan allocates land to accommodate the Clyst Valley Regional Park, the purpose of which is to provide high quality Green Infrastructure to complement planned growth in the area including the growth at Cranbrook. Part of the land so allocated extends across the western portion of the Green Wedge in the parish of Rockbeare. This park will provide, amongst other things, natural green space, natural ecosystems, it will take the pressure away from more environmentally sensitive areas, it will provide new wildlife corridors, enhance cycling and walking opportunities and conserve and enhance heritage assets. All of these uses sit well with the aims of Policy Rock06. In order to achieve general conformity with Policy Strategy 10, Policy Rock06 should refer to the Clyst Valley Regional Park as shown in **PM1**.
- 4.18 The policies of the Plan cannot relate to land outside the plan area. However, the designated Green Wedge to which Policy Rock06 refers does extend outside that area. As currently worded Policy Rock06 could be taken to apply to the whole Green Wedge. The policy should, therefore, be amended to correct that interpretation as shown in **PM2**.

Issue 2. Policy Rock05 Important Views and Vistas

- 4.19 Policy Rock05 identifies and seeks to protect a number of important views and vistas within the parish. These views were selected by members of the Rockbeare Neighbourhood Plan Steering Group who are familiar with the roads lanes and footpaths in the area. Consultations on the Plan indicate that there is public support for the five views selected and referred to in the Policy.
- 4.20 Having visited the parish and looked at all these views, I am satisfied that each of them is distinctive and important as they variously encompass vistas which include ancient woodland, listed buildings and footpaths and jointly they help to demonstrate how comfortably Rockbeare sits in its

predominantly rural landscape. I am satisfied, therefore, that there is sufficient evidence to warrant the selection of these sites.

- 4.21 It is suggested that Viewpoints C and D would conflict with the extension of Cranbrook into the Green Wedge proposed in the emerging Cranbrook Plan. When considering Policy Rock06 I set out at some length the reasons why such a conflict does not breach the Basic Conditions. Those arguments also apply to Policy Rock05. It is further suggested that Viewpoint E should be deleted principally because it looks across the site of the approved FAB Link Converter Station. However, that site is outside the Parish and, for reasons dealt with in the next paragraph, Policy Rock05 does not apply outside the parish. There is therefore, no reason to delete Viewpoint E.
- 4.22 As worded Policy Rock05 and its supporting text refer variously to views to and from the parish and to views beyond the parish. As has previously been established, the policies of the Plan cannot relate to land outside the plan area. Such references should, therefore be deleted as shown in **PM3**.
- 4.23 Policy Rock05 refers variously to the views and vistas not being 'harmed' or 'compromised' by development. However, any development could be argued to harm or compromise these views and it is not the aim of the policy to prevent all development. In the interests of clarity, the proviso that the harm or compromise is 'significant' should be added, as shown in **PM4**.
- 4.24 The supporting text to Policy Rock05 urges designers to take mitigation measures to minimise the visual impact of development. This is a sensible approach but not one which needs to be explicitly stated in the policy.
- 4.25 For all of the above reasons I am of the opinion that Policy Rock05 has regard to national policy insofar as it seeks to protect and enhance valued landscapes (paragraph 109 of the Framework) and that it is in general conformity with Policy Strategy 7 of the Local Plan which seeks to avoid the adverse disruption of a view from a public place which forms part of the distinctive character of the area. This policy, therefore, meets the Basic Conditions.

Issue 3. Policy Rock07 Development Limits

- 4.26 It is suggested in some representations that defining a Settlement Area Boundary for the village of Rockbeare as Policy Rock07, would arbitrarily restrict development from coming forward on the edge of the settlement. I do not agree. Settlement Area Boundaries - or Built Up Area Boundaries as they are sometimes known - are a widely used method of assisting the

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decision maker in determining matters such as what constitutes the built-up area of a settlement and what constitutes the countryside.

- 4.27 Built Up Area Boundaries are defined around other settlements in the district and there is no prohibition against so doing in national guidance. Furthermore, the Council has made no objection to the definition of a Built Up Area Boundary for Rockbeare. The policy does not seek to prevent all new building in the countryside, but rather seeks to direct development towards the village where it will enhance or maintain the vitality of this rural community. In so doing it has regard to the Framework (paragraph 55) which seeks to achieve the same end.
- 4.28 However, the Settlement Area Boundary for Rockbeare includes within it St Mary with St Andrew's Church at the northern end of the village. But that church is also within the Green Wedge boundary. The church would, therefore, be subject to both the restrictive approach to development taken in Policy Rock06 and the more permissive approach to development taken in Policy Rock07. Clearly it cannot be the subject of both policies. This anomaly would be removed by deleting the church from the Settlement Area Boundary **(PM5)**.

Issue 4. Remaining Policies

Natural Environment

- 4.29 The Plan contains a group of five policies dealing with the Natural Environment. Apart from Policy Rock05 which is dealt with above, these policies deal with Local Woodlands, Trees and Hedgerows (Policy Rock01), Devon Banks (Policy Rock02), Public Rights of Way and Bridleways (Policy Rock 03) and Flood Defence (Policy Rock 04). These policies are in general conformity with the strategic policies of the Local Plan insofar as these seek to conserve biodiversity (Policy Strategy 47), ensure that development does not harm the distinctive landscape, amenity and environmental qualities of the area (Policy Strategy 7) and reduce the risk of flooding (Policy Strategy 3).
- 4.30 Similarly these policies have regard to national policy as expressed in the Framework which seek to avoid the loss or deterioration of irreplaceable habitats (paragraph 118), protect and enhance valued landscapes (paragraph 109), protect and enhance public rights of way and access and take full account of flood risk (paragraph 17).
- 4.31 It is suggested that Policy Rock01 is inconsistent with Local Plan Policy D3 as it does not specifically mention ancient woodlands and veteran trees. However, the Plan does not fall to be tested against Policy D3 as this is not a strategic policy. In any event, policy Rock 01 specifies precisely the woodland to which it principally refers and there is no evidence that this

list excludes areas of ancient woodland in the parish. Moreover, I see nothing in the strategic policies of the Local Plan or in national guidance which requires Policy Rock01 to define the term appropriate replacement planting or to refer to the traditional orchards in the parish.

- 4.32 Policy Rock02 does not refer to the Hedgerow Regulations nor does it need to since those regulations will continue to apply. Policy Rock04 does not define the term 'improve river management' and I do not see anything in the strategic policies of the Local Plan or in national policy that requires it to do so. The implementation of this policy will require a degree of judgement by the decision maker and that judgement will no doubt be informed by DEFRA advice on Natural Flood Management. I see no requirement for the policy to refer to flood management schemes that have been proposed in the area in the past.
- 4.33 For the reasons set out above I am satisfied that Policies Rock01, Rock02, Rock03 and Rock04 meet the Basic Conditions.

Built Environment and Housing

- 4.34 The Plan contains four policies dealing with the Built Environment and Housing. Apart from Policies Rock06 and Rock07 which are dealt with above, these policies deal with Garden Development (Policy Rock08) and Flood Avoidance (Policy Rock09). I am satisfied that these policies are in general conformity with the strategic policies of the Local Plan insofar as these seek to ensure that development is compatible with the rural character of its surroundings (Policy Strategy 6) and reduce the risk of flooding (Policy Strategy 3). These policies clearly have regard to national policy as set out in the Framework which similarly seeks to resist the inappropriate development of residential gardens (paragraph 53) and ensure that development is appropriately flood resistant and resilient (paragraph 103).
- 4.35 For the reasons set out above I consider that Policies Rock08 and Rock09 meet the Basic Conditions.

Community Facilities and Activities

- 4.36 The Plan contains four policies concerning Community Facilities and Activities. These deal with Community Buildings (Policy Rock10), Allotments (Policy Rock11), Outdoor Recreation Space (Policy Rock12) and Cycle Routes (Policy Rock13). I consider these policies to be in general conformity with the strategic policies of the Local Plan insofar as these seek to secure community buildings and green infrastructure such as allotments (Policy Strategy 4), to provide open space (Policy Strategy 43) and promote and secure sustainable modes of transport (Policy Strategy 5B).

- 4.37 These policies also have regard to national policy as expressed in the Framework, which similarly seeks to plan positively for the provision of community facilities (paragraph 70), to plan positively for the creation, protection, enhancement and maintenance of green infrastructure (paragraph 114), to provide high quality open space (paragraph 73) and to give priority to pedestrian and cycle movements (paragraph 35).
- 4.38 For the reasons set out above I consider that Policies Rock10, Rock11, Rock12 and Rock13 meet the Basic Conditions.

Traffic and Transport

- 4.39 The Plan contains two policies concerned with Traffic and Transport. Policy Rock14 deals with Footpaths and Policy Rock15 with Traffic Management. I consider these policies to be in general conformity with strategic policy in the Local Plan which promotes safe and sustainable means of transport such as walking and cycling (Policy Strategy 5B) and to have regard to the Framework (paragraph 35), which seeks to achieve a similar end.
- 4.40 For the reasons set out above I consider that Policies Rock14 and Rock15 meet the Basic Conditions.

Business and Jobs

- 4.41 The Plan contains two policies concerned with Business and Jobs. Policy Rock16 sets out the conditions under which conversions or extensions to enable Home Working will be supported, while Policy Rock17 supports the provision of super-fast communication infrastructure such as broadband. These are in general conformity with strategic policies of the Local Plan which support people living close to their work (Policy Strategy 31) and which support improvements to electronic media links (Policy Strategy 30). These policies also have regard to the Framework (paragraphs 28 and 42) which seeks to achieve broadly similar ends.
- 4.42 For the reasons set out above I consider that Policies Rock16 and Rock17 meet the Basic Conditions and I also consider that cumulatively the policies of the plan (as amended) will contribute to the achievement of sustainable development.

5. Conclusions

Summary

- 5.1 The Rockbeare Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and some text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

Overview

- 5.4 Much thought and hard work has gone into the preparation of the Plan which clearly addresses a range of planning challenges which will be faced in the parish over the coming years. The Parish Council is to be congratulated for producing a plan that focuses on those challenges and which successfully treads the exacting path between having regard to national policy, being in general conformity with the strategic policies of the Local Plan and making a contribution to sustainable development, while producing a set of locally distinctive policies that seek to protect the rural tranquillity of the area.

R J Yuille

Examiner

Appendix: Modifications

| Proposed modification number (PM) | Page no./ other reference | Modification |
|-----------------------------------|--|---|
| PM1 | Policy Rock06. Page 21 | <p><u>ii) development that supports the objectives of the Clyst Valley Regional Park; or</u></p> <p>Re-number subsequent criteria.</p> |
| PM2 | Policy Rock06 Page 21 | <p>Development proposals in the designated Green Wedge area <u>within the Neighbourhood Plan area</u></p> |
| PM3 | <p>Policy Rock05 Page 18</p> <p>Paragraph 7.22 Page 18</p> | <p>...vistas and views within Rockbeare, or views to and from the parish that contribute....</p> <p>visual impact of a development proposal, whether it takes place in the Parish or beyond.</p> |
| PM4 | Policy Rock05 Page 18 | <p>.....that contribute to its rural character and the quality of the countryside, which should not be harmed by development.</p> <p>Development should not <u>significantly</u> compromise...</p> |
| PM5 | Rockbeare NP Map 6 Page 24 | Delete St Mary with St Andrew's Church from within the Rockbeare Settlement Area Boundary. |