

Braunton Neighbourhood Development Plan 2018-2031

**A report to North Devon Council on the
Braunton Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by North Devon Council in May 2023 to carry out the independent examination of the Braunton Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 22 May 2023.
- 3 The Plan includes a comprehensive range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Braunton Neighbourhood Development Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
6 July 2023

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Braunton Neighbourhood Development Plan 2018-2031 (the 'Plan').
- 1.2 The Plan has been submitted to North Devon Council (NDC) by Braunton Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. A plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a clear focus on safeguarding the character and appearance of the parish. It proposes the designation of a package of local green spaces and policies for Braunton village centre.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case, and that referendum results in a positive outcome, the Plan would then be used to determine planning applications within the neighbourhood area and will form part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by NDC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both NDC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have 40 years' experience in various local authorities at either Head of Planning or Service Director level and more recently as an independent examiner. I am a chartered town planner and have significant experience of undertaking neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Screening Report;
- the Design Code and Guidelines;
- the Local Green Spaces Supporting Document;
- the Equalities Impact Assessment;
- the Housing Needs Assessment;
- BPC's responses to the clarification note;
- the representations made to the Plan;
- the adopted North Devon and Torridge Local Plan 2011-2031;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 22 May 2023. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is addressed in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined by written representations and without the need for a public hearing.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 BPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (March to April 2022). A key success of the Statement is the way it summarises the processes undertaken in general terms with the details being captured in a series of appendices.
- 4.3 Section 3 of the Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They were both innovative and comprehensive. They also highlight the way in which BPC continued with the preparation of the Plan during the Covid pandemic.
- 4.4 The Statement also provides details of the way in which BPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Section 5 of the Statement provides details on the comments received during the consultation process associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submitted Plan. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that BPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

Representations Received

- 4.8 Consultation on the submitted Plan was undertaken by NDC and ended on 6 February 2023. This exercise generated comments from the following organisations:
 - Coal Authority
 - Heanton Punchardon Parish Council
 - Historic England
 - MMO
 - National Grid

- National Highways
- Natural England
- NHS Devon Integrated Care Board
- South West Coast Path Association
- Environment Agency
- North Devon Council

4.9 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Braunton. It is located within the landscape types Secluded Valleys, Estuaries, Marine Levels and Coastal Plain, Extensive Inter Tidal Sands, Dunes and Downland as defined by the Joint Landscape Character Assessment for North Devon & Torridge Districts (2023). Its principal settlement is the village of Braunton located five miles west of Barnstaple. The village of Knowle lies approximately a mile to the north. The parish also contains the hamlets of Saunton, Lobb, Nethercott, Winsham, Halsinger, Boode and Pippacott. Its population in 2011 was 8128 persons living in 3863 houses. It was designated as a neighbourhood area on 28 June 2016.
- 5.2 As the Plan describes the neighbourhood area is bordered on its western edge by the Atlantic Ocean, which meets the broad expanse of Saunton Sands and the sand dunes of Braunton Burrows. Its northern boundary runs from the seaward tip of Saunton Down, eastwards through Lobb, above Nethercott and towards West Down, where it encompasses Fullabrook Down. Running from this north-easterly extremity, the eastern parish boundary descends towards Ashford but turns west to exclude Heanton Punchardon, which lies just to the south. The boundary line proceeds in a south-westerly direction, skirting Braunton Marshes, to meet the Taw Torridge Estuary. It goes on to encircle Crow Point at the southern-most tip of Saunton Sands and the Burrows. The western part of the parish is in the North Devon Area of Outstanding Natural Beauty.
- 5.3 Braunton is the largest settlement in the parish. It has an attractive character and has developed around the junction of the A361 (Barnstaple to Ilfracombe) and the B3231 which runs to the west to Saunton. It caters both for its residents and the wider visitor and tourism trade.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the North Devon and Torridge Local Plan 2011 to 2031. It was adopted in October 2018. The Local Plan provides the wider context to the development of the neighbourhood plan. Policy ST06 provides a spatial strategy for North Devon/Torridge. In this overall policy context, Braunton is identified as one of a series of Main Centres where appropriate levels of growth will be supported which increase the town's capacities to be self-contained. Knowle is identified as one of a series of village (schedule B) in the policy and has its own settlement boundary.
- 5.5 Policy ST08 sets out the strategic growth required in the context of the settlement hierarchy. It identifies the need for 390 homes and 12 ha of employment land in Braunton/Wrafton. Braunton/Wrafton is one of a series of settlements which have Town Strategies in the Plan. Policy BRA comments that 'housing and employment growth to the south-east of Braunton and Wrafton will deliver a mix of high quality, sustainable family and affordable housing integrated with serviced employment land and key community infrastructure. Development will also make use of previously

developed land and retain and improve access to community facilities for the villages that delivers a greater sense of self-sufficiency. The high quality built and natural environments of Braunton and Wrafton and their separate identities will be respected and managed'

- 5.6 Policy BRA is underpinned by a series of detailed policies in the Local Plan. Policies BRA01/02/02A apply to Wrafton. Policy BRA03 defines local green spaces and safeguards Braunton Great Field.
- 5.7 The Plan contains a series of environmental policies including the Coast and Estuary Strategy (Policy ST09). This policy has a particular impact on the western side of the neighbourhood area. The following other policies have been particularly influential in the preparation of the submitted Plan:
- Policy ST11 Delivering Economic and Employment Development
 - Policy ST12 Town and District Centres
 - Policy ST14 Enhancing Environmental Assets
 - Policy ST15 Conserving Heritage Assets
 - Policy ST22 Community Services and Facilities
 - Policy DM04 Design Principles
 - Policy DM14 Rural Economy
- 5.8 The submitted Plan has been prepared within its wider adopted development plan context. In doing so, it has relied on up-to-date information and research that has underpinned existing planning policy documents in North Devon. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 22 May 2023. I approached the neighbourhood area from Barnstaple to the south. This helped me to understand the way in which it sat in the wider landscape and connected with the strategic road network.
- 5.10 I looked initially at Saunton. I saw the concentration of buildings on the B3231 around the entrance to the Saunton Sands Car Park. I saw the ongoing enhancement of the facilities at the Saunton Sands Hotel/Spa. I took the opportunity to take in the view of Saunton Sands.
- 5.11 I then drove to Knowle. I saw its relationship to the A361 and the industrial units to the west of the A361. I took the opportunity to walk down to Castle Lane and then followed the pathways up to the wooded area adjacent to the River Caen. I followed the footpath back into the village via the industrial units. During this part of the visit, I saw the route of the former railway between Barnstaple and Ilfracombe.
- 5.12 I then drove to Braunton. I parked by the Fire Station and walked into the village centre along the route of the former railway. It offered a quiet and relaxed walk away from the main road. I saw the recently-planted trees and the attractive wild flower meadow planting. I also saw the Bowling Club and the School playing field.

- 5.13 I then took the opportunity to look at the village centre. I saw the range of retail and commercial facilities and the ways in which they were catering for residents and visitors alike. Given the nature of the policies in the Plan I paid particular attention to the primary shopping area and the car parks.
- 5.14 I then walked to Velator Quay along the excellent local footpath network adjacent to the River. In doing so I saw the retained sections of railway lines and the restored signal. I saw that Velator Quay was exactly as described in the Local Green Spaces Audit. I saw several groups of people were enjoying informal recreation in this interesting and historic part of the town.
- 5.15 I retraced my steps back into the village centre and then walked back to the Fire Station along the A361 so that I could look at the Memorial Gardens. Their significance to the local community were self-evident. In this part of the visit, I also saw the Parish Council Offices, the Library, and the Vivian Moon Community Centre.
- 5.16 I finished the visit by looking at Saint Brannock's Church and Church Street. I saw that this part of Braunton had a very different character from the remainder of the village.

6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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 in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are relevant to the Braunton Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted North Devon and Torridge Plan 2011 – 2031;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of its role in the settlement hierarchy. The Basic Conditions Statement maps the Plan's policy against the appropriate sections of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. Most of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and environmental. I am satisfied that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. It includes policies which address each of the three dimensions. BPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in North Devon in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modification in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

Strategic Environmental Assessment

- 6.14 The Neighbourhood Planning (General) (Amendment) Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement NDC prepared a Screening Assessment for the Plan (November 2022). The resulting report is thorough and well-constructed. The assessment concludes that no likely significant effects will occur as a result of the Plan. The assessment finds many of the policies are in conformity with the local plan policies which have a full SA/SEA and which identified no likely significant effects will occur as a result of the implementation of policies. It helpfully includes the responses from the consultation bodies. The Assessment concludes that a full SEA does not need to be undertaken for the Plan.

Habitat Regulations Assessment

- 6.16 The screening report also considered the extent to which the Plan relates to the habitat regulations. It addresses the impact of the Plan on Branton Burrows Special Area of Conservation (SAC) (core area of the North Devon Biosphere Reserve) and the Branton Burrows, Branton Swanpool, Greenways and Freshways, Taw Torridge, Chapel Hill, Caen Valley Bats SSSIs.
- 6.17 The Assessment finds that it is unlikely that any significant environmental effects will occur from the implementation of the Plan that were not considered and dealt with by the HRA/AA carried out on the Local Plan. In this context the Assessment concludes that a full HRA does not need to be undertaken for the Plan.
- 6.18 The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters. It also includes the responses received from the consultation bodies. Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of neighbourhood plan regulations.

Human Rights

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan.
- 7.6 For clarity, this section of the report comments on all the policies.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-2)

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. It makes very effective use of well-selected maps. There is a very clear distinction between the policies and the supporting text.
- 7.9 The Introduction (Section 1) addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used within the Plan period. It also includes a map of the neighbourhood area. This part of the Plan highlights the golden thread of sustainability and provides commentary about the North Devon and Torridge Local Plan. In the round it is a very effective introduction to a neighbourhood plan. I recommend that the Introduction comments about the Plan period. Whilst this matter is addressed on the front cover of the Plan, this approach will meet the prescribed conditions for a neighbourhood plan as set out in paragraph 2.6 of this report.

At the end of paragraph 1.44 add: 'The Plan period is 2018 to 2031'

- 7.10 Section 2 comments about what the Plan intends to achieve. The broader ambitions are helpfully set out on Figure 1. It helps to show the relationship between key policy areas. The four policy areas are set out in sections three, four, five and six of the Plan. Each section details the context for the policy area, the nature of the overarching aim for the policy area and the objectives that the policies are aiming to achieve.

- 7.11 The remainder of the section of the report addresses the policies as indicated in paragraphs 7.5 to 7.7 of this report.

General Comments

- 7.12 The policies are set out in a very clear and professional way. A key element of the approach taken is the way in which the policies are supported by the carefully-researched 'Justifications' and a schedule of related national and local planning policies.
- 7.13 NDC comment that several of the policies in the Plan are already addressed by policies in the adopted Local Plan. I address these comments on a policy-by-policy basis. National guidance is clear that there is no need for a neighbourhood plan to repeat or to restate policies in an adopted local plan. In general terms I have approached this matter by recommending the removal of policies which simply repeat Local Plan policies. However, where the relevant neighbourhood plan policies add value to the equivalent policies in the Local Plan I have concluded (subject to any detailed modifications which may be required) that they meet the basic conditions.

Natural Environment Policies

Policy NE1 Locally Valued Sites of Biodiversity and Habitat

- 7.14 This policy identifies locally valued areas of biodiversity, geodiversity, and habitat (on Maps E-J) and then sets out a policy context for their protection. The policy is well-considered and is underpinned by a series of detailed commentary and information.
- 7.15 In general terms, the policy takes a positive approach to this matter. It has regard to national policy (Section 15 of the NPPF).
- 7.16 I recommend that the final sentence of the first part of the policy is deleted as it repeats the more detailed commentary in the second part of the policy. I also recommend a detailed modification to the wording of the fourth criterion of the second part to bring the clarity required by the NPPF.
- 7.17 I recommend that paragraph 3.41 of the supporting text is modified. The modification will result in the approach being more general. Whilst I understand BPC's concerns about previous planning decisions, it is inappropriate for such matters to be highlighted in the submitted Plan. Otherwise, the policy meets the basic conditions.

Delete the final sentence of the first part of the policy.

In criterion iv of the second part of the policy replace 'adverse impacts' with 'an unacceptable impact'

Replace paragraph 3.41 with: 'Policy NE1 comments about locally valued sites of wildlife and habitat. The policy seeks to reinforce the importance of this matter both generally, and through the local implementation of the development management process.'

Policy NE2 Caen Valley Bats SSSI

- 7.18 This policy sets out to protect the Caen Valley Bats SSSI. It identifies the way in which development proposals affecting the bats population will be considered and determined. I am satisfied the environmental matters addressed in the policy are both appropriate and locally distinctive. However, I recommend that the opening element of the policy is recast so that it has a positive approach. Otherwise, it meets the basic conditions.

Replace the opening element of the first part of the policy with: ‘Development proposals within or adjacent to the Caen Valley Bats SSSI should demonstrate the extent to which they have addressed the following matters (including any necessary mitigation measures):’

Policy NE3 Protecting and Increasing the parish’s biodiversity

- 7.19 This policy comments on measures to increase biodiversity in the parish. The first part comments that all new development proposals should provide at least 10% net gain in biodiversity from the pre-development baseline on the proposed site by incorporating a series of features on the site. The second part comments that where a development has an impact on biodiversity it should provide an increase in appropriate natural habitat and ecological features over and above that being affected in such a way that the loss of biodiversity through development will be halted and the site can contribute towards the restoration of ecological networks.
- 7.20 In general the policy takes a positive approach to this important matter. It also takes account of the biodiversity in the parish.
- 7.21 I recommend a modification to the first part of the policy so that it can be applied in a proportionate way. As submitted, the policy would apply to all development proposals and which would include a range of domestic proposals which would not have the ability to achieve the ambitions of the policy.
- 7.22 I also recommend that the second part of the policy is recast so that its purpose is clear and to allow it to be applied clearly and consistently through the development management process by NDC. Otherwise, it meets the basic conditions.

In the first part of the policy replace ‘All new development proposals’ with ‘As appropriate to their scale, nature, and location, development proposals,

Replace the second part of the policy with: ‘Development proposals which have an impact on biodiversity should provide an increase in appropriate natural habitat and ecological features over and above that being affected where it is practicable to do so and in such a way that the site can contribute towards the restoration of ecological networks.’

Policy NE4 Protecting Devon Banks, Hedgerows and Trees

- 7.23 This policy identifies a series of criteria against which proposals for development which have an impact on traditional Devon hedges, established hedgerows, banks and treelines will be assessed.

- 7.24 I am satisfied the environmental matter addressed in the policy are both appropriate and locally distinctive. However, I recommend that the opening element of the policy is recast so that it has a positive approach. Otherwise, it meets the basic conditions.

Replace the opening element of the policy with: ‘Development proposals which would impact on traditional Devon hedges, established hedgerows, banks and treelines should demonstrate that:’

Policy NE5 Protecting the Footpath, Bridlepath and Cycle Path Networks

- 7.25 This policy has two related parts. The first comments that development proposals which result in the loss of public footpaths, bridleways and cycle paths or reduce permeability will not normally be supported. The second sets out requirements for proposals affecting existing or creation of new rights of way and other non-vehicular routes.
- 7.26 In general terms the policy takes a positive approach to this matter. However, I recommend that the order of the policy’s components is reversed. This will help to give the policy a more positive approach.
- 7.27 I recommend that the word ‘normally’ is deleted from the first part of the policy. As submitted, the word offers no added value to the policy and the supporting text does not provide any explanation about circumstances where developments would not be supported.
- 7.28 I recommend that the wording of the second part of the policy is modified so that it can be applied in a proportionate way. Plainly different proposals will present their own opportunities to connect to/complement the existing networks. I also recommend a detailed modification to the wording used in this part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions.

Reverse the order of the two parts of the policy.

In the first part of the policy (as submitted) delete ‘normally’

At the beginning of the second part of the policy (as submitted) add: As appropriate to their scale, nature, and location’ Thereafter delete ‘where relevant’

In iii replace ‘significant’ with ‘unacceptable’

Policy NE6 Protection of Landscape Character

- 7.29 This policy celebrates the importance of the parish’s landscape. It comments that development proposals will need to demonstrate that their design, scale, height, and mass does not adversely impact these landscapes, and positively enhance them where possible.
- 7.30 I recommend that the first two paragraphs of the policy are deleted. They are explanatory text rather than policy and their commentary/details are already included in the comprehensive supporting text.

- 7.31 I recommend that the third part of the policy is recast so that it more fully explains its purpose and in a land use policy context. Otherwise meets the basic conditions.

Replace the policy with: ‘The design, scale, height, and mass of development proposals should respond positively to the landscapes identified in the Parish Character Assessment, and where practicable, enhance their character and appearance’

Policy NE7 Protection of the Parish’s Strategic Nature Areas

- 7.32 This policy comments that the parish’s Strategic Nature Areas (SNAs) will be protected in recognition of their value in reconnecting the Parish core nature habitats (as identified on Map L and on maps in the Appendix La, Lb, Lc). It comments that proposals which are within a defined SNA will only be supported where they demonstrate, through a Planning Statement (or Ecological Assessment, where required by the Local Planning Authority Validation List), that the proposal has no adverse impact on the habitat and biodiversity on the site and the site’s setting or, where adverse impacts are unavoidable, that measures will be taken to satisfactorily mitigate such impact, for example, through demonstrable net gains in biodiversity.
- 7.33 NDC comments that the policy largely repeats the policy approach taken in national legislation. Plainly there are overlaps between the two approaches. However, based on all the evidence, the supporting text, and the policy itself I am satisfied that it takes an appropriate approach which complements that taken in national policy. Paragraph 3.101 advises that BPC wants to be an active participant in the Devon Nature Recovery Network programme being led by Devon Wildlife Trust on behalf of Natural Devon.
- 7.34 The third part of the policy has a confusing format. I recommend modifications to address the matter. Otherwise, the policy meets the basic conditions.

Replace the third part of the policy with:

‘Development proposals for measures to prevent coastal erosion, for natural flood management and for access improvements to the countryside will be supported where they:

i) do not compromise the predominant landscape character of the proposal’s location and setting; and

ii) respond positively to the character or setting of designated international, national, and local heritage assets.’

Policy NE8 Water Courses and Drainage

- 7.35 This policy comments that all new development should, where possible and appropriate, aim to protect and improve water (fluvial and groundwater table) quality across the Parish catchment basin. It also advises that the use of open sustainable drainage systems (Open SuDS) as a viable and attractive alternative to more piped drainage systems in development proposals will be supported.

- 7.36 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan.
- 7.37 I recommend that the opening element of the first part of the policy can be applied by NDC in a proportionate way. I also recommend detailed modifications to the wording in the fourth part of the policy to bring the clarity required by the NPPF. Otherwise, the policy meets the basic conditions.

In the first part of the policy replace 'All new development....and as appropriate, aim to' with 'As appropriate to their scale, nature and location, development proposals should'

In the fourth part of the policy replace 'is likely to' with 'would'

Policy NE9 Provision of Natural Flood Management

- 7.38 This is a wide-ranging policy on managing flood risk. Paragraph 3.123 advises there are significant areas of land in the parish that are designated as Flood Zones 2 and 3, including the centre of Braunton village, Knowle and Velator. River (fluvial) flooding is a particular risk given the location of River Caen through the centre of the Parish and the proximity of Knowl Water to the east.
- 7.39 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note I am satisfied that the key elements of the policy take an appropriate approach which complements that taken in the adopted Local Plan. However, there are other parts of the policy which restate or repeat national policy (parts 6 and 7) or which are explanatory text to the policy approach (part 2). In these circumstances I recommend that they are deleted.
- 7.40 Part 3 of the policy offers support for proposals which would introduce the managed introduction of beavers into the River Caen. This would be a significant achievement. However, it is not directly a land use policy and is more of a community action. In these circumstances I recommend that this part of the policy is deleted. The matter is already addressed in paragraph 3.129 of the Plan.

Delete parts 2,3, 6 and 7 of the policy

Built Environment Policies

Policy BE1 Built Character and Accessibility

- 7.41 This is an important policy of the Plan. It comments that all developments should be of high-quality design, complementing the local vernacular, enhancing visual amenity and minimise any adverse impacts on the built environment and neighbouring amenity. It advises that for proposals to be considered high quality, they should respond positively to the National Design Guide and Code as well as meeting the requirements of the Braunton Parish Design Guide and have regard to a series of considerations.
- 7.42 The policy is underpinned by the excellent Parish Design Guide.
- 7.43 In the round the policy and the Guide are a first-class local response to Section 12 of the NPPF.
- 7.44 Section 3 of the policy comments about the use of a Design Panel Review where appropriate. Such reviews can improve the quality of design. However, they are process matters rather than a land use matter. The wider issue is already addressed in the supporting text. As such I recommend its deletion
- 7.45 Section 4 of the policy comments about the desirability of pre-application discussions with BPC and the local community. Pre-application discussion can be very helpful. However, in process terms they are more usually undertaken with the local planning authority (here NDC) rather than with the parish council. In all the circumstances I recommend that this part of the policy is deleted and repositioned into the supporting text (with modifications).

Delete parts 3 and 4 of the policy

At the end of paragraph 4.412 add: 'Proposers of development for six or more dwellings and/or altering existing or proposing new commercial development are encouraged to engage with North Devon Council and Braunton Parish Council at the earliest opportunity/pre-application stage to help ensure that any proposals take into account both this Plan's Aims and Objectives and the views of the local community.'

Policy BE2 Sustainable and Healthy Development

- 7.46 This policy sets out a series of criteria for development proposals with a view to achieve sustainable and healthy development.
- 7.47 In the round I am satisfied that the policy complements the approach taken in Policy BE1 of the Plan.
- 7.48 I recommend that the opening element of the policy is modified so that it can be applied in a proportionate way. The recommended modification identifies the issues to be addressed by proposals rather than attempting to anticipate the outcome of planning applications. Plainly such decisions will be made taking account of all the policies in the development plan.

- 7.49 I recommend the deletion of the third criterion in the policy. As NDC comment it is already addressed in national policy.

Replace the opening element of the policy with: ‘As appropriate to their scale, nature and location, development proposals should:’

Delete iii)

Policy BE3 Building Resilience to Climate Change

- 7.50 This policy sets out the Plan’s approach to climate change. It comments that development proposals, where relevant, should respond positively to the challenge posed by climate change. It advises that they should aim to meet a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions where viable and feasible. The policy identifies a series of criteria and sustainable principles.
- 7.51 The policy takes a positive approach to this important matter. In this broader context I recommend that the second part of the policy is modified so that it can be applied on a proportionate basis by NDC. I also recommend a detailed modification to the wording used in the policy before the schedule of sustainability principles.
- 7.52 The sixth criterion comments proposals exceeding the Building Regulations. I have considered this matter carefully and have taken account of NDC’s representations. On the balance of the evidence, I recommend the deletion of the criterion. I have reached this conclusion for the following reasons. The first is that the government is using the Building Regulations as a key measure to improve the sustainability of new buildings. The second is that the Regulations are being updated on a regular basis. The third is that the policy offers no advice about the extent to which the Regulations should be exceeded. The deletion of this criterion will not prevent developers from proposing innovative schemes which exceed the Building Regulations in force at that time.

In part 2 of the policy add at the beginning: ‘As appropriate to their scale, nature and location,’.

Thereafter delete ‘where relevant’ and replace ‘and encouraged to’ with ‘and should incorporate the following features:’

Delete criterion vi)

Policy BE4 Renewable Energy

- 7.53 This policy comments that where planning permission is required, development proposals for new appropriately scaled domestic, commercial and community renewable or low carbon energy generation (other than wind energy) will be supported where they meet a series of criteria. The second part of the policy draws attention to a series of advice which should be considered by developers as they prepare such proposals.
- 7.54 The policy takes a positive approach to this matter and has regard to national policy.

- 7.55 I recommend detailed modifications to the wording used in the criteria in the first part of the policy to bring the clarity required by the NPPF.
- 7.56 I also recommend that the second part of the policy is applied in a proportionate fashion. Plainly different proposals will have different impacts on the document and guidance highlighted. I also recommend that the policy's wording is clearer. Otherwise, the policy meets the basic conditions.

In part 1 ii) and iii) of the policy replace 'adverse' with 'unacceptable'

At the beginning of the second part of the policy add: 'As appropriate to their scale, nature and location' and replace 'are encouraged to' with should'

Policy BE5 Heritage and the Historic Environment

- 7.57 This is a wide-ranging policy on designated and non-designated heritage assets.
- 7.58 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. Based on all the evidence, the supporting text and BPC's response to the clarification note I am not satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The policy does not make a distinction between designated and non-designated heritage assets and the wider approach taken does not have regard to nuanced approach taken in Section 16 of the NPPF. In these circumstances I recommend that the policy is deleted.
- 7.59 I have considered the appropriateness or otherwise of retaining the supporting text in the policy. On the balance of the evidence, I am satisfied that its retention would serve an appropriate purpose both generally and in drawing developer's attention to the various assets in the parish. Nevertheless, I recommend the deletion of the unnecessary 'Justification' heading (in the absence of a policy).

Delete the policy.

In Section 4.7 delete the 'Justification' heading

Policy BE6 Community Facilities

- 7.60 This policy identifies a series of community facilities and then applies a policy for their protection. It also offers support for proposals which would result in the development of new facilities.
- 7.61 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the Plan identifies important community facilities in the Parish.

- 7.62 I am satisfied that the identified facilities in the parish have been carefully-selected. The policy takes an appropriate approach to this matter and meets the basic conditions.

Policy BE7 Local Green Spaces

- 7.63 This policy identifies a comprehensive range of proposed local green spaces (LGS). The proposed designations are underpinned by the LGS Audit. I looked at several of the LGSs during the visit. They varied widely in their character and size.
- 7.64 On the basis of all the information available to me, including my own observations, I am satisfied that other than LGS11 and LGS 13 the proposed LGSs comply with the three tests in the NPPF. In several cases they are precisely the types of green spaces which the authors of the NPPF would have had in mind in preparing national policy. In addition, I am satisfied that their proposed designation would accord with the more general elements of paragraph 101 of the NPPF. Firstly, I am satisfied that their designation is consistent with the local planning of sustainable development. They do not otherwise prevent sustainable development coming forward in the neighbourhood area and no such development has been promoted or suggested. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, they are an established element of the local environment and, in most cases, have existed in their current format for many years. In addition, no evidence was brought forward during the examination that would suggest that the proposed local green spaces would not endure beyond the end of the Plan period.
- 7.65 Both proposed LGS11 (Westmead Green) and LGS13 (Velator Way) have been affected by recent planning permissions for residential development. In these circumstances I recommend a revision to the extent of LGS 11 and the deletion of LGS13. The revised boundary of LGS11 is shown in Appendix 1 of this report.
- 7.66 The policy itself goes beyond the matter-of-fact approach taken in paragraph 103 of the NPPF. Given the number of proposed LGSs I can understand the approach taken. I have also taken account of BPC's response to the clarification note. In all the circumstances I recommend a modification so that the policy directly explains the policy implications of LGS designation and in doing so takes the matter-of-fact approach in the NPPF.
- 7.67 Nevertheless I also recommend that the supporting text is expanded so that it sets out the way in which development proposals affecting the designated LGSs would be assessed on a case-by-case basis by NDC. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. This will provide for some of the nuanced approaches anticipated in the submitted policy.

In the first part of the policy delete LGS13 Velator Way.

Replace part 2 of the policy with: 'Development proposals within the designated local green spaces will only be supported in very special circumstances'

At the end of paragraph 4.92 add: 'Policy BE7 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by North Devon Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. They may include proposals to maintain or enhance the existing use and amenity value of the site or to enhance the access to and use of the site where used for recreational purposes.'

Revise the boundary of LGS11 (Westmead Green) as shown on the map at Appendix 1.

Policy BE8 Greening Public Spaces

- 7.68 This policy comments that development proposals should demonstrate how they have considered the need for trees and other planting to enhance public spaces within the development.
- 7.69 I recommend that the opening element of the policy is reconfigured so that it provides a wide context for the implementation of the policy through the development management process. As NDC comment, as submitted the policy comments about tree planting which in isolation does not need planning permission.

Replace the opening part of the policy with: 'As appropriate to their scale, nature and location, development proposals should incorporate trees and other planting to enhance public spaces within the scheme based on the following principles:'

Policy BE9 Promotion of Active Travel

- 7.70 This policy comments that where appropriate new development should be designed to enhance accessibility to local facilities and services, encouraging the use of active travel over motorised travel.
- 7.71 The policy takes a very positive approach to this matter. The issues raised in the policy are locally-distinctive. It meets the basic conditions.

Policy BE10 Vehicle Movement Assessments

- 7.72 This policy seeks to ensure that new developments can be safely incorporated into the local highway network. It comments that proposals for all new major housing, employment and retail developments and the expansion of existing employment and retail premises or small-scale housing proposals which are likely to generate additional vehicle movements into and out of the site should demonstrate how vehicular access into and out of the site and circulation within the site will mitigate impacts of additional traffic onto the local road network.
- 7.73 As submitted the policy reads as a process matter (the need for transport assessments) rather than as a land use policy. I recommend that the policy is reconfigured so that it will read as a land use policy, and therefore provide clarity and

guidance to the development management process. The recommended modification includes wording so that its approach can be applied on a proportionate basis. I also recommend that the approach taken towards residential development is focused on major developments (10 or more homes).

- 7.74 I recommend that the process elements of the submitted policy are repositioned into the supporting text.

Replace the policy with: ‘As appropriate to their scale, nature and location, the design and layout of major housing, employment and retail developments and the expansion of existing employment and retail premises should incorporate vehicular access arrangement and circulation arrangements within the site which will mitigate the impacts of additional traffic in the local road network.’

At the end of paragraph 4.121 add: ‘Policy BE10 addresses this matter. Where necessary developers should demonstrate their compliance with the policy through the production of a Transport Assessment or Statement.’

Policy BE11 Transport Accessibility and Connectivity

- 7.75 This policy addresses a series of accessibility related matters. Map U identifies the principal transport and accessibility constraints that arise from the village of Braunton being a key gateway to the North Devon’s coastal resorts of Saunton, Croyde and Putsborough, and the AONB. This is included in the first part of the policy. Whilst it is largely supporting text in its format, I suggest that it remains in the Plan as it sets a broader context for the details elsewhere in the policy.
- 7.76 I recommend that the second part of the policy (which comments about the review of the Exeter Road/Caen Street junction) is deleted from the policy and repositioned into the supporting text. It is a matter beyond the control of either BPC or the wider land use planning process. Otherwise, the policy meets the basic conditions

Delete the second part of the policy.

At the end of paragraph 4.135 add: ‘The junction between Exeter Road/Caen Street will be reviewed with a view to providing improved and safer pedestrian access and possible daytime pedestrianisation of Caen Street and Heanton Street will be explored.’

Policy BE12 Protecting Existing car parking for public use

- 7.77 This policy acknowledges the importance of public car parking in the parish.
- 7.78 It identifies a series of public car parks and then sets out a policy for their protection. I saw the importance and popularity of the public car parks in the parish during the visit. The policy serves a clear purpose and meets the basic conditions.

Policy BE13 Air Quality

- 7.79 This policy acknowledges that air quality continues to be of concern to residents. Braunton has North Devon's only Air Quality Management Area and subsequent Air Quality Action Plan. The NDC Annual Report recognises that the AQMA remains in designation, and with increased development within the district and ever increasing vehicle numbers travelling within the district the Council will continue to liaise with relevant stakeholders to protect and improve local conditions.
- 7.80 The policy comments that development proposals should contribute to the provision of cleaner air and reduce pollution by complying with a series of criteria. It advises that proposals submitted for any development must be in accordance with the requirements of North Devon and Torridge Council's Air Quality Supplementary Planning Document and should be accompanied by an Air Quality Impact Assessment.
- 7.81 The policy takes a robust approach to this important matter. I recommend that the second part of the policy is modified so that its purpose is clear. I also recommend that the third part of the policy is modified so that it can be applied on a proportionate basis by NDC. Otherwise, it will have onerous effect on proposals for minor development.

Replace the second part of the policy with: 'Where practicable, development proposals should use renewable fuels/cleaner technology.'

Replace the opening element of the third part of the policy with: 'As appropriate to their scale, nature and location, development proposals should comply with the North Devon and Torridge Council's Air Quality Supplementary Planning Document.'

Policy BE14 Dark Skies

- 7.82 This policy seeks to safeguard the dark skies environment in the parish. It comments that proposals which require planning permission should avoid light pollution and protect the night-time environment of the intrinsically dark areas across the Parish given its proximity to the North Devon AONB, location within the UNESCO Biosphere and the natural environment's night time wildlife. It also advises that external lighting levels should be designed to minimise light pollution
- 7.83 This policy takes a positive approach to this matter. It is based on appropriate evidence and respects the dark skies environment of the parish. It meets the basic conditions.

Economy Policies

Policy E1 Existing Employment Buildings and Premises

- 7.84 This policy seeks to safeguard existing employment uses in the parish. It advises that development proposals that result in the loss or change of use of buildings and premise within use classification of Classes B2, B8, C1, E(g), and Sui Generis uses which require planning permission will only be supported where they demonstrate one of a series of factors.
- 7.85 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. Based on all the evidence, the supporting text and BPC's response to the clarification note I am not satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. Whilst paragraph 5.42 comments about the constrained nature of employment land in the parish this matter has no bearing on the policy approach taken (which in this case repeats that in Policy ST12 of the Local Plan). In these circumstances I recommend that the policy is deleted.
- 7.86 I have considered the appropriateness or otherwise of retaining the supporting text in the policy. On the balance of the evidence, I am not satisfied that its retention would serve an appropriate purpose

Delete the policy.

Delete paragraphs 5.41 to 5.48

Policy E2 Live work units

- 7.87 This policy responds to local feedback about the appropriateness of flexible live-work units in the parish. It comments that development proposals that enable or facilitate working and living in the same building or site within the development boundaries should meet a series of criteria. It also sets out detailed policy elements about other related proposals.
- 7.88 The policy takes a positive approach to this matter. It has regard to national policy (as set out in Section 6 of the NPPF). Subject to detailed modifications to the wording used it meets the basic conditions.

In parts 2 and 3 of the policy replace 'must' with 'should'

Policy E3 Environmental and Green Technologies

- 7.89 This policy offers support to proposals which would facilitate access to environmental and green technologies for local people where they would not have any unacceptable impact on residential amenity, landscape character or highways capacity. It acknowledges the Climate Emergency declared by BPC.
- 7.90 The initiative has been well-considered. I recommend a modification to the wording of the policy to avoid the multiple use of the word 'support'. Otherwise, it meets the basic conditions.

Replace the first use of ‘support’ with ‘provide’

Policy E4 Supporting the Creative Arts

- 7.91 This policy offers support to proposals for the Creative Arts. It comments that new proposals, within or adjoining the defined development boundaries, for galleries, craft workshops, studio and performance premises or other arts-based facility will be supported where such uses also provide community access.
- 7.92 NDC comments that the policy largely repeats the policy approach taken in the Local Plan (Policies DM12 and ST22). Plainly there are overlaps between the two policies. Based on all the evidence, the supporting text and BPC’s response to the clarification note I am not satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. Whilst paragraph 5.71 comments about community wishes, this matter has no bearing on the policy approach taken (which in this case repeats that in Policy ST22 of the Local Plan). In these circumstances I recommend that the policy is deleted.
- 7.93 I have considered the appropriateness or otherwise of retaining the supporting text in the policy. On the balance of the evidence, I am not satisfied that its retention would serve an appropriate purpose

Delete the policy.

Delete paragraphs 5.71 to 5.72

Policy E5 Local Tourism Opportunities

- 7.94 This policy comments that development proposals for new visitor and tourism related facilities, attractions or amenities excluding tourism accommodation, that utilise natural and cultural resources and that provide additional opportunities to support the local economy and broaden and extend the visitor and tourism offer will be supported.
- 7.95 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC’s response to the clarification note, I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the policy has been underpinned by the findings of the Local Insight Study (on the importance of hotels and the catering sector to the local economy) and the cross relationship between the policy and Policies NE 3 and 4.
- 7.96 In these circumstances I am satisfied that the policy takes an appropriate to this matter. It meets the basic conditions.

Policy E6 Loss of Hospitality Facilities

- 7.97 This policy seeks to retain hospitality facilities. It advises that the loss of use classes C1, Eb, and related Sui Generis uses to other uses will only be supported in certain circumstances.

- 7.98 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note, I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the policy has been underpinned by the work undertaken on land uses in the village centre (and as shown on Maps Z and AA).
- 7.99 In these circumstances I recommend that the policy makes direct reference to the maps. Otherwise, I am satisfied that the policy takes an appropriate approach to this matter and meets the basic conditions.

After Sui Generis add: 'uses in Braunton village centre (as shown on Maps Z and AA)'

Policy E7 Active Shopfronts

- 7.100 This policy sets out a series of design principles for development proposals for the alteration of existing shopfronts or for new shopfronts. The principles are appropriate and will complement the existing range of attractive and vibrant shopfronts in the parish.
- 7.101 I recommend that the opening element of the first part of the policy is modified so that it more fully describes the type of proposals which may come forward in the Plan period.
- 7.102 The third part of the policy comments about the illumination of signage and the Christmas period. Its approach is entirely appropriate. Nonetheless signage and illumination are addressed through the Advertisement Regulations and are not traditional land use policies. In these circumstances I recommend that it is deleted and repositioned into the supporting text.

Replace the opening element of the first part of the policy with: 'Development proposals for the alteration of existing shopfronts and for the installation of new or replacement shopfronts will be supported where they:'

Delete part 3 of the policy

At the end of paragraph 5.103 add: 'Signage and its illumination is addressed under the Advertisement Regulations. In this context the illumination of signage and internal lighting of shop premises will be restricted to opening hours with the exception of the Christmas period (November to early January).'

Policy E8 Loss of Public Houses

- 7.103 This policy seeks to safeguard public houses. It advises that development proposals (which require planning permission) which result in the loss of public houses to alternative uses will only be supported where it can be satisfactorily demonstrated that one of a series of factors are met.

- 7.104 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note, I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the policy has been underpinned by the analysis of existing public houses in the parish (in paragraph 5.113) and their importance to the local community (in paragraph 5.114).
- 7.105 In these circumstances I am satisfied that the policy takes an appropriate to this matter. It meets the basic conditions.

Policy E9 Changes of Use in the Primary Shopping Area

- 7.106 This policy comments that within the Primary Shopping Area the mix of ground floor retail and commercial uses must be retained. It also comments that development proposals for the conversion of premises within use classes C1, E, and Sui Generis, to residential uses (Use Class C3), which require planning permission, that do not contribute to the vitality and viability of the primary shopping area will not be supported unless it can be demonstrated that five criteria have been met.
- 7.107 The policy takes a positive approach to the role of the shopping area. It takes account of the recent changes to the UCO. I recommend a detailed modification to the wording in the opening element of the policy. Otherwise, it meets the basic conditions.

Replace 'must' with 'should'

Policy E10 New uses in the Primary Shopping Area

- 7.108 This policy continues the approach taken in Policy E9. It comments that within the Parish Primary Shopping Area development proposals for new premises within use classes of C1, E, and Sui Generis uses, including the conversion of existing premises to non-residential uses (which require planning permission) will be supported where they meet specific criteria.
- 7.109 I am satisfied that the policy meets the basic conditions.

Housing Policies

Policy H1 Principal Residence Requirement

- 7.110 This is an important policy in the Plan. It sets out to ensure that new homes in the parish are the principal homes of their owners/occupiers. The policy is underpinned by extensive evidence about the increasing number of second homes in the parish and the effect of this development on the local housing market
- 7.111 The policy comments that land within and adjacent to the development boundaries that are within Branton Parish as defined on Policies Maps 3 and 50 of the North Devon and Torridge Local Plan will support new housing where it provides permanent residential occupation only. The policy defines Principal Residence as homes occupied

as the residents' sole or main residence and where the residents spend most of their time when not working away from home.

- 7.112 Other parts of the policy comment about the way in which it would be implemented.
- 7.113 In general terms I am satisfied that the policy is appropriate to the parish and addresses an important local issue. Similar policies have been included in other neighbourhood plans which experience similar issues. The second, third and fourth parts of the policy provide sufficient guidance to allow NDC to apply the policy in a consistent way throughout the Plan period.
- 7.114 In its response to the clarification note BPC advised that its intention was that the policy should apply throughout the parish rather than in the settlement boundaries of Branton and Knowle. I have considered this matter carefully. However, given that such an approach would significantly extend the geographic effect of the policy I have concluded that it is beyond my remit to recommend such an approach. In any event it has not been subject to public consultation. It may be a matter which BPC may wish to address in any review of a made Plan.
- 7.115 I recommend that the opening part of the policy is reconfigured so that it is precise about its geographic coverage.
- 7.116 I also recommend a modification to the supporting text so that the policy's approach to replacement homes is clear. Otherwise, the policy meets the basic conditions.

In the first part of the policy delete 'and adjacent to'

At the end of the first sentence of paragraph 6.47 add 'other than replacement dwellings.'

Policy H2 Responding to Local Housing Market Needs

- 7.117 This is a wide-ranging policy on local housing need. It seeks to build on the context already provided by NDC's Supplementary Planning Document on affordable housing. In general, it does so to good effect.
- 7.118 I recommend that the first and the fourth parts of the policy are modified so that their intentions are more explicit. This will bring the clarity required by the NPPF and allow NDC to implement the policy consistently throughout the Plan period.
- 7.119 I recommend the deletion of explanatory text from the second and fourth parts of the policy and their relocation into the supporting text.
- 7.120 I also recommend that the reference to the timeliness of the Housing Needs Assessment/Survey issue to reflect the comments of NDC's Housing Officer. Otherwise, the policy meets the basic conditions.

In the first part of the policy replace 'Developers...help' with 'Development proposals should'

Delete the second sentence of the second part of the policy.

In the fourth part of the policy replace ‘will be expected to’ with ‘should’

Delete the second sentence of the fourth part of the policy

At the end of paragraph 6.52 add the deleted elements of the second and fourth parts of the policy. In the deleted element of the second part of the policy replace ‘3 years’ with ‘five years’.

Policy H3 Meeting Affordable Housing Needs

- 7.121 This policy sets out the Plan’s approach towards meeting affordable housing needs. It comments that development proposals will be supported where they contribute to meeting the local affordable housing needs of Branton Parish as defined in the most up to date Housing Needs Assessment in terms of type, size and tenure that aligns with 80% social rent and 20% intermediate accommodation.
- 7.122 Parts 2-4 of the policy comment in detail about the way in which affordable housing for rent will be allocated.
- 7.123 I recommend that the first part of the policy comments about BPC’s requirements rather than seeking to anticipate the outcome of planning applications where other development plan policies may have a bearing on the outcomes.
- 7.124 I have considered parts 2-4 of the policy very carefully. Whilst they help to identify how the policy will be implemented, they are process requirements rather than land use planning matters. Whilst the delivery of affordable housing through the planning process is a land use planning matter the allocation of affordable housing is a matter which will be pursued by NDC using its powers as the housing authority under the provisions of the Housing Acts. As such I recommend that parts 2-4 are deleted and repositioned into the supporting text.

Replace the first part of the policy with: ‘Development proposals should contribute to meeting the local affordable housing needs of the neighbourhood area as defined in the most up to date Housing Needs Assessment in terms of type, size and tenure that aligns with 80% social rent and 20% intermediate accommodation.’

Delete parts 2/3/4 of the policy.

At the end of paragraph 6.66 add the deleted parts 2/3/4 of the policy.

Policy H4 Retaining Affordable Housing for Rent

- 7.125 This policy follows on from Policy H3. In this case it seeks to ensure that affordable housing for rent is safeguarded in perpetuity. It comments that affordable housing for rent proposals will be supported where it is provided in perpetuity, through a Community Land Trust, section 106 agreements, other community housing scheme or Registered Provider which retains stock for the benefit of the local community at an accessible cost. It also advises that community housing schemes which provide and retain local affordable housing for rent for the benefit of local people in need will be supported.

- 7.126 I recommend a detailed modification to the wording of the policy so that it provides the assurance sought by NDC's Housing Officer. Otherwise, the policy meets the basic conditions.

Replace the policy with: 'Affordable housing for rent proposals will only be supported where it is provided in perpetuity in accordance with the most up to date Government policy and through a Community Land Trust which provides and retains local affordable housing for rent for the benefit of local people in need.'

Policy H5 Shared Amenity Space

- 7.127 This policy comments that proposals for new communal dwelling sites that cannot provide private amenity space (gardens), should wherever feasible and viable, provide shared amenity space appropriate to the number, type, and size of dwellings.
- 7.128 NDC comments that the policy largely repeats the policy approach taken in policies BE1/2 of the submitted Plan. Plainly there are overlaps between the various policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note I am satisfied that the policy takes an appropriate approach which complements other policies in the Plan. The key element is the Justification for the policy in Section 6.8 of the Plan.
- 7.129 The second part of the policy addresses a process matter rather than a policy. On this basis I recommend that it is deleted and repositioned into the supporting text. Otherwise, the policy meets the basic conditions.

Delete the second part of the policy

At the end of 6.81 add the deleted element of the policy

Policy H6 Proposals within Development Boundaries – Braunton and Knowle

- 7.130 This policy comments that development proposals will be supported in the settlement boundaries where they meet a series of criteria. This will ensure that new development will be close to the range of services in the two settlements.
- 7.131 NDC comments that the policy largely repeats the policy approach taken in policies ST06 and ST07 of the Local Plan. Plainly there are overlaps between the various policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note I am satisfied that the policy takes an appropriate approach which complements other policies in the Plan. The key element is the Justification for the policy in Paragraph 6.91 of the Plan. Its commentary that within the development boundary for Braunton Village itself there are very limited potential sites and only small-scale development is feasible is especially important. It also comments that Braunton village lies within a valley and is on the lower slopes of surrounding hills, with agricultural areas and the coastal zone to the south west.
- 7.132 I am satisfied that the criteria are distinctive to the parish.

- 7.133 The second paragraph of the policy is a statement rather than a policy. As such I recommend that it is deleted and repositioned to the supporting text. I also recommend the deletion of the unnecessary 'in principle' in the third part of the policy. The criteria in the policy provide the necessary assurances.

Delete the second paragraph of the policy.

In the third part of the policy delete 'in principle'

Insert the deleted second part of the policy at the end of paragraph 6.91.

Policy H7 Proposals on the edge and adjacent to development boundaries

- 7.134 This policy comments that development proposals on the edge of and adjacent to the development boundaries for Braunton and Knowle will only be supported where they meet a series of criteria. The second part of the policy comments about documents which should be used as reference points in the design of development proposals. The third part comments about the need for proposals to ensure a positive transition between the built-up areas and the countryside.
- 7.135 In general terms the policy takes a positive approach to this matter. I recommend that the second part of the policy is deleted and the supporting text revised accordingly. In coming to this conclusion, I have taken account of BPC's response to the clarification note. Nevertheless, the issue addressed is supporting text rather than policy.

Delete part 2 of the policy.

In paragraph 6.105 replace 'in policy H7' with 'below'

Policy H8 Local Exception Sites

- 7.136 The policy refers to local exception sites. It has been carefully crafted by BPC (with assistance from NDC) to bring a local dimension to the approach taken in the Local Plan on this matter. It comments that outside of the development boundaries of Braunton and Knowle, proposals for new additional housing development will only be supported on Neighbourhood Plan defined exception sites and Local Plan defined exception sites where they meet a series of criteria.
- 7.137 I am satisfied that the identified criteria are both appropriate and distinctive to the parish.
- 7.138 The second part of the policy is a process matter rather than a policy. As such I recommend that it is deleted and repositioned into the supporting text. In coming to this conclusion, I have taken account of BPC's response to the clarification note.

Delete the second part of the policy

Add the deleted second part of the policy at the end of paragraph 6.115

Policy H9 Development in Private Gardens

- 7.139 This policy comments that infill development in private gardens will be supported where it is in line with design requirements set out in the Branton Parish Design Guide and where a series of criteria apply.
- 7.140 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note, I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the policy has been underpinned by the work undertaken locally on the Design Guide and which is directly referenced in the policy.
- 7.141 In these circumstances I am satisfied that the policy takes an appropriate to this matter. It meets the basic conditions.

Policy H10 Major Development proposals

- 7.142 This policy comments that major development proposals of 10 or more houses should demonstrate, through a Masterplan and Planning Statement, that they have complied with a series of criteria.
- 7.143 NDC comments that the policy largely repeats the policy approach taken in the Local Plan. Plainly there are overlaps between the two policies. However, based on all the evidence, the supporting text and BPC's response to the clarification note, I am satisfied that the policy takes an appropriate approach which complements that taken in the adopted Local Plan. The key added value is the way in which the policy has been underpinned by the work undertaken locally on the Design Guide and which is directly referenced in the policy.
- 7.144 The importance of the Design Guide in the policy and the policy's references to Masterplanning work are key elements of the approach taken. They provide a local dimension to Section 12 of the NPPF which postdates the adoption of the Local Plan.
- 7.145 In these circumstances I am satisfied that the policy takes an appropriate approach to this matter. It meets the basic conditions.

Other matters - General

- 7.146 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for NDC and BPC to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

- 7.147 There are various places in the Plan where the paragraph numbers have gone out of sequence. The recommended deletion of several policies will require a degree of policy renumbering I recommend that this flexibility also extends to remedying these matters.

Modification of general text (where necessary) to achieve consistency with the modified policies.

Other Matters – Specific

- 7.148 I recommend the deletion of paragraph 3.111 of the Plan. It is both unnecessary and misinterprets the wider role and application of the development plan.

Delete paragraph 3.111

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Branton Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to North Devon Council that subject to the incorporation of the modifications set out in this report the Branton Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by North Devon Council on 28 June 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
6 July 2023

