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# **Report on Beer Neighbourhood Plan 2014 - 2031**

**An Examination undertaken for East Devon District Council with the support of the Beer Parish Council on the February 2018 submission version of the Plan.**

Independent Examiner: David Hogger BA MSc MRTPI MCIHT

Date of Report: 27 July 2018

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## Contents

	Page
<b>Main Findings - Executive Summary</b>	3
<b>1. Introduction and Background</b>	3
• Beer Neighbourhood Plan 2014 – 2031	3
• The Independent Examiner	4
• The Scope of the Examination	4
• The Basic Conditions	5
<b>2. Approach to the Examination</b>	6
• Planning Policy Context	6
• Submitted Documents	6
• Site Visit	7
• Written Representations or Public Hearing	7
• Modifications	7
<b>3. Procedural Compliance and Human Rights</b>	8
• Qualifying Body and Neighbourhood Plan Area	8
• Plan Period	8
• Neighbourhood Plan Preparation and Consultation	8
• Development and Use of Land	8
• Excluded Development	8
• Human Rights	8
<b>4. Compliance with the Basic Conditions</b>	9
• EU Obligations	9
• Main Issues	9
• General Issues of Compliance	9
• National Policy, Sustainable Development and the Development Plan	9
• Specific Issues of Compliance	10
• Natural Environment Policies	10
• Maritime and Shoreline Policies	11
• Heritage and Built Environment Policies	12
• Housing Policies	12
• Transport and Parking Policies	13
• Business and Jobs Policies	14
• Community Facilities and Services Policies	14
• Sports and Recreation Policies	15
• Tourism Policies	15
<b>5. Conclusions</b>	16
• Summary	16
• The Referendum and its Area	16
• Overview	16
<b>Appendix: Modifications</b>	17

## **Main Findings** - Executive Summary

From my examination of the Beer Neighbourhood Plan (the Plan / NP) 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 – Beer Parish Council;
- The Plan has been prepared for an area properly designated – the Parish of Beer as shown on Figure 2 of the NP;
- The Plan specifies the period to which it is to take effect – 2014 - 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**

### *Beer Neighbourhood Plan 2014-2031*

- 1.1 Beer is a very attractive coastal village that nestles in the rolling countryside of this part of east Devon. Much of the natural and the built environments are protected, for example through designations such as the East Devon Area of Outstanding Natural Beauty, the Beer Conservation Area and the Coastal Preservation Zone. The Parish has a population of about 1,600<sup>1</sup> and sits within the District of East Devon. The NP covers the whole of the Civil Parish, being the designated Neighbourhood Area (Figure 2 of the NP).
- 1.2 The decision to prepare the NP was agreed in the summer of 2013 and, following the formation of a steering group, a thorough process of consultation and publicity regarding the NP has been undertaken. The NP describes the characteristics of the area; summarises the processes and procedures undertaken in the preparation of the NP; clearly sets out the aims and objectives of Beer Parish Council (PC) and includes a range of policies intended to secure the successful delivery of those policies. There

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<sup>1</sup> Source: East Devon Villages Plan.

is a commitment from the PC to periodically monitor the effectiveness of the policies.

### *The Independent Examiner*

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Beer Neighbourhood Plan by East Devon District Council (EDDC), with the agreement of the PC.
- 1.4 I am a chartered town planner and former government Planning Inspector, with considerable experience in the preparation and examination of development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
  - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 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').

1.7 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*

1.8 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.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood 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.

1.10 I wrote to EDDC on 20 June 2018 seeking confirmation that the Habitats Regulations Assessment (February 2018) (HRA) is legally compliant. This follows the recent judgement of the Court of Justice of the European

Union<sup>2</sup> which confirms that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering, at the HRA screening stage, whether the NP is likely to have a significant effect on a European site. The Council has confirmed that no account was taken of any integrated or additional avoidance measures at that stage and that in its view the HRA is legally compliant – a conclusion with which I agree.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 The Development Plan for this part of EDDC, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan – 2013-2031 (adopted January 2016) and the East Devon Villages Plan which was adopted 26 July 2018.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. A revised NPPF<sup>3</sup> was published during this examination on 24 July 2018, replacing the previous 2012 NPPF. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 NPPF, which provides ‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019’. A footnote clarifies that for neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Beer Neighbourhood Plan was submitted to EDDC in March 2018. Thus, it is the policies in the previous NPPF that are applied to this examination and all references in this report are to the March 2012 NPPF and its accompanying PPG.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents that I believe to be relevant to the examination, including those submitted which comprise:
  - the draft Beer Neighbourhood Plan 2014 -2031 (February 2018);
  - Figure 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;

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<sup>2</sup> People over Wind & Sweetman v Coillte Teoranta Case C-323/17. View at: <http://curia.europa.eu/juris/document/document.jsf?jsessionid=9ea7d2dc30ddf571da66f02d449d9f60cc9f39bf8846.e34KaxiLc3qMb40Rch0SaxyNch10?text=&docid=200970&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=628325>

<sup>3</sup> The revised NPPF was published on 24 July 2018.

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- the Consultation Statement (February 2018);
- the Basic Conditions Statement (February 2018);
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Sustainability Appraisal/Strategic Environmental Assessment (June 2017) and the Habitat Regulations Assessment (February 2018); and
- the response dated 11 June 2018 from the Parish Council to the questions set out in my letter of 23 May 2018<sup>4</sup>; and
- the response dated 4 July from EEDC in response to my questions set out in my letters of 5 June and 20 June 2018<sup>5</sup>.

### *Site Visit*

2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on Monday 4 June 2018 to familiarise myself with the locality, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations with or without Public Hearing*

2.5 This examination has been dealt with by written representations. Having read the consultation responses, I considered hearing sessions to be unnecessary because the aforementioned responses clearly set out the views of the interested parties. No specific requests for a hearing were made. Both EDDC and the PC responded fully in writing to the initial questions that I posed in my letter dated 23 May 2018 and EDDC also provided an adequate response to the questions I asked in my letters dated 5 and 20 June.

### *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.

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<sup>4</sup> View at: [http://www.beerparishcouncil.org.uk/BeerParish/beer\\_neighbourhood\\_plan-20304.aspx](http://www.beerparishcouncil.org.uk/BeerParish/beer_neighbourhood_plan-20304.aspx)

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

### **3. Procedural Compliance and Human Rights**

#### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The NP has been prepared and submitted for examination by Beer Parish Council which is a qualifying body. The NP area was designated by EDDC on 3 October 2013.
- 3.2 It is the only neighbourhood plan for Beer and 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 2014 to 2031.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 The NP Consultation Statement (February 2018) clearly sets out the wide range of consultation that has been undertaken, including questionnaires; drop-in events; the use of social media; meetings; and through the Parish Newsletter. The processes undertaken have been well documented and it is clear that the information gathered by the steering group has been appropriately assessed and considered. A wide range of interested parties were consulted at the Regulation 14 stage and a similar opportunity to comment was made available at the Regulation 16 stage.
- 3.5 I am satisfied that all the statutory requirements in the 2012 Regulations have been met and that in all respects the approach taken towards the preparation of the NP has been undertaken with appropriate regard to the advice on plan preparation and engagement in the PPG.

#### *Development and Use of Land*

- 3.6 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*

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

#### *Human Rights*

- 3.8 EDDC 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 NP has been the subject of a Strategic Environmental Assessment (SEA) and a HRA (see also paragraph 1.10). In summary, the conclusion of the Assessments is that the proposal for residential development off Long Furlong (Policy H3) may have consequences for the Beer Quarry and Caves Special Area of Conservation (SAC). In particular there may be loss of foraging habitat for qualifying bat species and the severance of bat habitat connectivity. The HRA concludes that it should be a requirement of policy H3 that a 'project-level Habitats Regulations Assessment' would be required to accompany any planning application.
- 4.2 In order to more accurately reflect the current situation the PC has amended policy H3 to include more detailed requirements regarding the protection of bats. EDDC suggests<sup>6</sup> that the policy should better reflect the findings of the HRA further by including a requirement in the policy for a project-level HRA. Natural England has not objected to policy H3 as now worded (although it suggests minor amendments, for example regarding mitigation measures). I address these matters further in paragraph 4.27.

### *Main Issues*

- 4.3 I have approached the assessment of whether or not the NP complies with the Basic Conditions under two main headings:
- General issues of compliance of the NP, as a whole; and
  - Specific issues of compliance of the NP policies.

### *General Issues of Compliance*

#### National Policy, Sustainable Development and the Development Plan

- 4.4 The policies in the NP are set out under nine main headings: Natural Environment; Maritime and Shoreline; Heritage and Built Environment; Housing; Transport and Parking; Business and Jobs; Community Facilities and Services; Sports and Recreation; and Tourism. The accompanying Basic Conditions Statement (February 2018) clearly sets out how the NP has had regard to national policies and advice.
- 4.5 The Vision for Beer is clear. Emphasis is placed on the retention of the sense of identity, in both the built and natural environment but there is nevertheless support for the provision of local services and facilities,

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<sup>6</sup> Letter dated 4 July 2018.

including affordable homes. One housing allocation is proposed on land off Short Furlong.

- 4.6 The need to achieve sustainable development is a thread that is woven through the NP and I am satisfied that the NP will contribute to the achievement of that objective in economic, social and environmental terms. Subject to the detailed comments about individual policies that I set out below, I conclude that the NP has had regard to national policy and guidance.
- 4.7 In terms of the Development Plan, the 'Basic Conditions Statement' satisfactorily establishes the relationship between the NP and the East Devon Local Development Plan.
- 4.8 Overall the NP provides an appropriate policy framework (at this time) in order to achieve the aims and objectives of the PC, as clearly set out at the start of each topic chapter in the NP.
- 4.9 Subject to the modifications that I recommend below I conclude that the NP meets the Basic Conditions. I also consider that the policies (as amended) are supported by suitable evidence, are sufficiently clear and unambiguous and that they can be applied consistently and with confidence.

### *Specific Issues of Compliance*

#### Natural Environment Policies

- 4.10 The quality of the natural environment around Beer is very high and there are many designations, as set out on page 21 of the NP. Protection for these valued assets is provided at the European, National and/or District Council level but nevertheless there are a number of issues at the local level that the PC considers should be addressed. Policy NE1 seeks to protect the natural environment and introduces the need to take into account the impact of development on prominent skylines. These prominent skylines are shown on Figure 4 in the NP and having visited them, I agree that the PC is right to seek their protection. Indeed, all the requirements of policy NE1 are justified.
- 4.11 Policy NE2 identifies two Locally Important Wildlife Sites which should be protected. However, the status of these sites is not sufficiently clear because they are not just of local importance. It is therefore recommended that the status of the wildlife sites identified on Figure 5 should be set out in the key (**PM2**). Similarly, the text in the 'Justification for our policy' (page 25) should refer to European sites. In terms of policy NE2 itself, there should be confirmation that the two sites referred to in

the policy are of European importance. **PM1** and **PM3** are therefore recommended.

- 4.12 Policy NE3 seeks to protect Devon Banks, hedges and trees. These are all features that are clearly of importance locally and the requirements of the policy, including the need for mitigation measures if necessary, are appropriate in order to secure their retention and enhancement.
- 4.13 Although there is already relatively good access to the countryside and coast around Beer, there are opportunities for improvements and policies NE4 and NE5 support such improvements where appropriate. This is a sustainable approach which accords with paragraph 75 of the NPPF.

#### Maritime and Shoreline Policies

- 4.14 It is clear that the beach at Beer is a key attraction, particularly for visitors and just over half the respondents to the Community Survey (2014) considered that additional facilities are needed. To that end policy MS1 supports, in principle, appropriate development on or adjacent to the beach. It is important that the vitality of the village is retained and if possible improved and this policy will enable the provision of suitable facilities and services, to the benefit of residents and visitors alike.
- 4.15 The objective of seeking to prevent coastal erosion and flooding is appropriate (policy MS2) and accords with the advice in chapter 10 of the NPPF. Similarly providing support for measures that may be necessary to maintain the concrete groyne is a justified approach (policy MS3) because the groyne is required to ensure beach stability.
- 4.16 The coastline around Beer is ecologically significant and Lyme Bay Reefs is proposed to be a SAC. Policy MS4 supports the appropriate enhancement of marine conservation and in the circumstances, is justified.
- 4.17 Visitors and tourists are welcomed to the village and policy MS5 supports the provision of appropriate high quality visitor facilities and amenities. Similarly, policy MS6 supports improvements with regard to access to the beach and nearby public areas. This is an approach which should contribute towards ensuring that Beer remains a thriving and sustainable settlement, in accordance with advice in chapter 3 of the NPPF.
- 4.18 The beach area is the focus for a number of marine-related activities and the NP states that local people are keen to see the beach area remain a working environment. I agree that this adds interest and vitality to the locality and therefore policy MS7, which supports appropriate marine-related activities, is justified.

## Heritage and Built Environment Policies

- 4.19 Policy HBE1 affords protection to the Beer Local Gap. The continued separation of Beer and Seaton is clearly of importance to local residents and I saw on my visit that, in parts, the gap is comparatively narrow. I agree that, in order to ensure the continued separation of the settlements, a restrictive approach to development in this area is justified.
- 4.20 In terms of the built environment, NPPF paragraph 56 confirms that great importance should be attached to design. Beer is a very attractive village set in a high quality landscape and therefore significant emphasis is correctly attached to this objective in the NP, as set out in the requirements of Policy HBE2.
- 4.21 In a coastal settlement, such as Beer, tourism plays a key part in retaining economic and social vitality and viability. To this end Policy HBE3 supports the shared use of pavements for business purposes (subject to ensuring the safe movement of people using the footway). This approach appears to have the general support of the community and there is no reason to doubt that the PC will monitor the implementation of the policy to assess its impact (see page 87 of the NP).
- 4.22 Policy HBE4 relates to proposals for renewable and low carbon energy. Small-scale domestic, commercial and community renewable low carbon energy generation will be supported, subject to certain provisos. The policy currently confirms that proposals for large-scale renewable and low carbon technologies would not be supported. However, the PC are proposing to remove the reference to 'large-scale' technologies from the policy and I agree that the first sentence of the policy is not required, bearing in mind national policies and those of EDDC on the issue. The position of the PC on large-scale wind turbines is made clear in the supporting text. **PM4**, which deletes the reference to 'large-scale', is therefore recommended.

## Housing Policies

- 4.23 Policy H1 relates to meeting the demand for local needs housing in Beer and sets out the requirements for such provision. This is a reasonable approach to take but in the interests of clarity I recommend in **PM6** that the 66% in the penultimate paragraph specifically refers to affordable housing provision. Policy H2 provides support for what is described as 'community housing' and this is a valid approach to meeting a demonstrable need.
- 4.24 Policy H3 is the housing allocation on land off Short Furlong. The map in figure 3 identifies the built-up area boundary of Beer but excludes the allocation site. Having reconsidered the issue the District Council and the

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PC both agree that the allocated site should be included within the boundary and, for reasons of clarity, I agree. **PM5** is therefore recommended.

- 4.25 Policy H3 refers to the provision of 'a minimum amount of affordable housing'. In the interests of precision, I recommend, in **PM7**, that the specific minimum requirement of 40% affordable housing is referred to in the policy.
- 4.26 Following my visit I sought confirmation that a safe and satisfactory access to the proposed housing site could be achieved. In a response dated 4 July 2018, EDDC did not raise any issues regarding safety but confirmed that an appropriate drainage scheme would be required but that this could be achieved through the imposition of an appropriate planning condition at the planning application stage. I received no evidence that would lead me to conclude that this land could not be successfully developed.
- 4.27 Policy H3 refers to the need for a Bat Mitigation Strategy but both EDDC and Natural England suggest that reference should be made to the need for a project-level HRA. I agree that such a requirement should be specifically included in the policy in order to ensure that the appropriate measures for protecting habitats are implemented and I recommend **PM8** accordingly. It is also suggested that reference be made to a number of further specific mitigation measures. Taking such a precise approach, however, may result in some measures being excluded from the list should they be identified as a consequence of the project-level HRA. I therefore also recommend, in **PM8**, that reference is made to 'any necessary mitigation measures' – thus ensuring that any findings can be appropriately addressed should that be necessary.
- 4.28 In the interests of the viability and vitality of the village centre, Policy H4 seeks to ensure that an appropriate mix of retail and commercial uses is retained and that conversions to residential use will only be supported in specific circumstances. This is in accordance with Strategy 27 of the East Devon Local Plan and is an important objective if the function and character of the centre is to be retained.

#### Transport and Parking Policies

- 4.29 As I saw on my visit significant parking occurs in the residential areas, and although there were a small number of available spaces in the central car park, I fully accept that during the summer months parking is at a premium. The PC is therefore justified in seeking to protect parking capacity through Policy TP1. Similarly, Policy TP2 presumes against the loss of vehicle parking spaces. However, in the interests of clarity I

recommend a small deletion in the introductory sentence of that policy (**PM9**).

- 4.30 As I have already alluded to, residential parking provision is likely to continue to be an issue and therefore the NP, in Policy TP3, seeks to secure additional off-street parking, provided there would be no adverse visual or flood risk impact. This represents a reasonable approach to the matter. Policy TP4 seeks to facilitate appropriate pedestrian and cycle access throughout the Parish and although the topography may be a challenge, this is nevertheless an appropriate requirement.

#### Business and Jobs Policies

- 4.31 Policy B1 seeks to secure the retention of existing employment land unless the existing use is no longer viable. This approach will ensure that the village remains balanced and sustainable. Policy B2 supports appropriate new employment and retail premises within the village centre. However, criterion (vi) refers to an oversupply of the same use in the village centre. It is not clear to me how any such 'oversupply' would be assessed. Whilst I understand that the dominance of a single business type may have economic and social repercussions, I am not aware of any mechanism for assessing when that level of dominance has been reached. At the suggestion of the PC I therefore recommend (**PM10**) that reference is made to retaining character and diversity in the village centre (rather than 'preventing' an oversupply), which aligns with Policy VP02 of the adopted East Devon Villages Plan.
- 4.32 Policy B3 supports the improvement of internet connectivity and accords with advice in section 5 of the NPPF, which supports the provision of high quality communications infrastructure.
- 4.33 Policy B4 supports the provision of high quality shopfronts and signage. In an attractive village such as Beer, this is an important objective. The policy does refer to compliance with HBE1 (Beer Local Gap) and with the safety requirement of policy HBE2. However, the PC has confirmed that these are incorrect cross-references and therefore I recommend (**PM11**) that the correct policy references are included (HBE1 replaced by HBE2 and HBE2 with HBE3).

#### Community Facilities and Services Policies

- 4.34 The PC confirms that it is important to local people that Beer remains sustainable as a community and Policy CFS1 presumes against the loss of community assets and facilities. In a location such as this, such an objective is fully justified. However, criterion (i) refers to a replacement facility being on another site 'within the area'. I consider such a reference

to lack sufficient specificity and therefore recommend **PM12**, as suggested by the PC, which provides greater clarity.

- 4.35 Policy CFS2 supports improved access to public areas and facilities which is compatible with advice in the NPPF regarding the need to promote healthy communities.

#### Sports and Recreation Policies

- 4.36 The value of sports and recreation facilities, particularly in terms of achieving a healthy lifestyle, is acknowledged. There is, however, an under-provision of playing pitches in the Parish.
- 4.37 Policy SR1 identifies and seeks to protect the existing sports and recreation facilities unless the loss or replacement of an existing facility can be fully justified and policy SR2 establishes the criteria against which proposals for new or improved facilities would be assessed. Policy SR3 sets out the approach towards facilities for children and young people.
- 4.38 Although no new locations for improved sport and recreation provision have been identified in the NP, I have seen no evidence that would suggest that there is either a significant demand in Beer for such additional provision, or that there are any suitable sites currently available to accommodate further facilities. On that basis, I am satisfied that the supportive approach, as encapsulated in policy SR2, is sufficiently robust.

#### Tourism Policies

- 4.39 Tourism is clearly an integral element in the economy of the village but, as the PC recognise, any such development must be sustainable and respect the natural environment and the character of Beer. Policy T1 relates to the temporary change of use of buildings and/or open space for tourist related activities (for example festivals) and includes appropriate provisos as to when such proposals would not be supported. Policy T2 sets out the circumstances when proposals for new sustainable tourism would not be supported. Both these policies echo the advice in paragraphs 28 and 109 of the NPPF which supports a prosperous rural economy, whilst ensuring that the natural environment is conserved and enhanced.
- 4.40 Policy T3 relates to the provision of new holiday accommodation and in itself is justified but in the interests of clarity it is recommended, in **PM13**, that criterion (ii) be amended.
- 4.41 Similarly the sentiment behind Policy T4, which seeks to prevent the loss of tourism facilities, is valid but in order to strengthen criterion (i) with regard to viability information, I recommend **PM14**.

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4.42 Policy T5 supports the improvement of the 'tourism offer' subject to a small number of criteria, which bearing in mind the character of the village and its surroundings is justified.

## **5. Conclusions**

### *Summary*

5.1 The Beer 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 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 Beer Neighbourhood 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 The NP is a clear and well-structured document and the Parish Council deserves to be congratulated for producing a comprehensive local policy framework. The NP, as amended, should ensure that the protection of both natural and built features is achieved where necessary, whilst not preventing appropriate sustainable development.

*David Hogger*

Examiner



## Appendix: Modifications (14)

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 25 Last paragraph	Insert <b>/European</b> after 'national' in third line
PM2	Page 26 Figure 5	Identify the status of the wildlife sites as shown on Figure 5.
PM3	Policy NE2 Page 27	Amend second sentence to read: <b>The following</b> two sites <b>which are also designated sites of European importance for biodiversity/geodiversity</b> have been ...
PM4	Policy HBE4 Page 47	Delete first sentence: <b>Development proposals for large scale renewable and low carbon technologies are not supported.</b>
PM5	Figure 8 Page 49	Amend built-up area boundary to include the allocated site off Short Furlong.
PM6	Policy H1 Page 56	Insert <b>affordable housing</b> after 66%, in penultimate sentence.
PM7	Policy H3 Page 57	Insert in the second line of the policy ( <b>of at least 40%</b> ) after 'affordable housing'.
PM8	Policy H3 Page 57	Amend first sentence of last section to read: Proposals must be supported by a <b>project-level Habitats Regulations Assessment, together with details of any necessary mitigation measures including</b> a Bat Mitigation Strategy which must .....
PM9	Policy TP2 Page 66	Amend first sentence to read Development proposals which result in a loss of vehicle parking spaces of any type <b>in the</b>

		<b>following locations</b> will only be supported:
PM10	Policy B2 Page 70	Delete criterion (vi) and replace it with: <b>maintain or enhance the character and diversity of village centre uses;</b>
PM11	Policy B4 Page 71	Insert correct cross-references. Replace HBE1 with <b>HBE2</b> in criterion (ii), and HBE2 with <b>HBE3</b> in the last sentence.
PM12	Policy CFS1 Page 74	In criterion (i) delete <del>within the area</del> and insert at the end of the criterion: <b>with satisfactory access for the main users of the existing community asset or facility;</b>
PM13	Policy T3 Page 84	In second criterion delete <del>it is demonstrated that</del>
PM14	Policy T4 Page 84	In criterion (i) insert <b>satisfactorily</b> before the word 'demonstrated'.