

St James Exeter Neighbourhood Plan

Report by Examiner

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Introduction

1. I was appointed in January 2013 as the Independent examiner for the St James Exeter Neighbourhood Plan. This plan has been prepared by the Exeter St James Forum, with the support of various bodies including Exeter City Council. The Forum was given "front runner" (pilot project) status in 2011 and the plan is one of a small number of neighbourhood plans to have reached examination stage, following legislation introduced by the Localism Act 2011.
2. The examiner's role is to provide an independent review of the plan and to make recommendations as appropriate, in accordance with requirements set out in the Act and related regulations. In particular, the examiner has to consider whether the plan meets certain basic conditions, satisfies legal requirements, and identifies an appropriate area for a referendum.
3. The basic conditions just mentioned are important, because they are intended to ensure that neighbourhood plans fit with the wider context. In summary,¹ the plan must:
 - have regard to national planning policies and guidance;
 - contribute to achieving sustainable development;
 - be in general conformity with the strategic policies of the development plan;
 - be compatible with European Union law and human rights obligations.
4. National policy is set out in the National Planning Policy Framework 2012 (NPPF). The development plan applicable in this instance consists of several documents, including in particular the Exeter City Core Strategy adopted in 2012. (I comment further on the development plan in paragraphs 17-19 below.) I consider development plan policies on matters such as design, the natural environment, sustainable development and transport to be "strategic" policies.
5. The legislation does not permit me to examine the soundness or quality of the plan. Thus I am not allowed to make recommendations aimed solely at improving the plan. However, I have had regard to the statement in the NPPF that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".² There are aspects of the plan which I think affect its clarity or practicality to an extent which can properly be judged as not having regard to this point of national policy and therefore not meeting one of the basic conditions. Where that is so, I have made recommendations, even though some of them would have the incidental effect of improving the plan.
6. The version of the plan sent to me for examination contains some textual flaws, most of which appear to be typographical or printing errors. The Neighbourhood Forum is aware of most of these. I have also written separately to the City Council and to the Forum drawing attention to a few other points where I think consideration should be given to making minor corrections - I cannot make recommendations on these points as part of this report, for the reason explained in the previous paragraph.

¹ For information and reference purposes I list the basic conditions more fully in Appendix 1.

² NPPF paragraph 17.

7. The main documents which I have read or referred to, all of which were sent to me by the City Council, are as follows. (The titles and dates are taken from the front covers of the documents).
- St James Exeter Neighbourhood Plan.³
- Introduction to Neighbourhood Plan and Basic Conditions Statement, Exeter St James Neighbourhood Plan, December 2012.
- Consultation Statement, Exeter St James Neighbourhood Plan, December 2012.⁴
- Evidence Base, Exeter St James Neighbourhood Plan, 14th December 2012.
- Exeter St James Forum Neighbourhood Plan, Planning Policy Appraisal, December 2012.
- Exeter St James Neighbourhood Plan, Sustainability Appraisal, Exeter St James Forum, December 2012.
8. Other documents I have referred to include the online-published version of the City Council's Core Strategy.
9. The closing date for objections or other representations to be made following the most recent public consultation (that is to say, consultation on the "examination draft" of the plan) was 8th February 2013. Only three representations were received; two (from English Heritage and Natural England) expressed support for the plan or made general comments. One representation, on behalf of Land Securities, expressed support for some aspects of the plan but "some concern" about the approach to traffic issues, with particular reference to Project 6 on page 19 and Policy T2.
10. In these circumstances it has not been necessary for me to hold any hearing or to make any site inspections. Some information has been supplied to me in writing by both the City Council and the Neighbourhood Forum, about the status and scope of the Exeter development plan and about the textual errors mentioned above.⁵
11. I have set out this report in the following sequence. In the next section I comment on general matters: procedural aspects relating to the preparation of the plan; the plan period; and some points about the development plan. I then review each policy or group of policies and the relevant supporting text, in plan order, and give reasons why in some instances I make recommendations for changes. A summary of the recommendations then follows. Where I do not discuss any particular policy, I do not have any comment on it.

³ As can be seen from the list here, in the other documents sent to me the plan is named as the "Exeter St James Neighbourhood Plan". It appears that at some stage in late 2012 the plan was re-named "St James Exeter Neighbourhood Plan", although the Forum is still called the "Exeter St James" Forum.

⁴ This includes as Appendix 10 a copy of the previous draft Neighbourhood Plan.

⁵ This information has been supplied by means of email exchanges with the City Council and the Forum.

General Matters

Plan Preparation Procedures

12. Exeter City Council designated the area comprising the electoral ward of St James as a Neighbourhood Area for the purpose of preparing a neighbourhood plan on 25 June 2012, in accordance with the relevant regulations.⁶ The Exeter St James Forum was designated as a qualifying body entitled to prepare a neighbourhood plan for the area in August 2012. Various public meetings were held during 2011 and 2012, including "drop-in" sessions in November 2011 and April 2012. A draft plan was prepared and was subject to public consultation during October and November 2012. Comments were analysed before production of the "examination draft" version.
13. The plan has evidently been suitably advertised; no objections have been made known to me about the constitution of the Forum or the way the plan has been prepared. Other regulatory requirements, such as screening for strategic environmental assessment and habitat regulations assessment, have also been met.
14. In summary, the written material available to me indicates that appropriate steps have been taken to prepare the plan in accordance with current legislation. I consider that the plan is compatible with EU law and human rights obligations.

Plan Period

15. The law requires that a neighbourhood plan must specify the period for which it is to have effect. At the bottom of page 9 of the plan - rather tucked away between two sentences referring to a different matter ("priority projects") - there is a sentence stating: "The policies in the plan will apply for the next 15 years." However, the version of the plan sent to me for examination does not have a publication date. Without a "start date", the plan lacks a defined plan period.
16. This could be rectified in several ways. One option would be to label the front cover with dates. (A modified front cover will have to be produced anyway so that the "referendum version" of the plan can be differentiated from the "examination version".) For example, if the period is intended to be 15 years from 2012, the title could be: "St James Exeter Neighbourhood Plan 2012-2027" (or 2013-2028, if that is the intended period). Alternatively or in addition, the proposed plan period could be defined in the introduction - preferably, I suggest, more prominently than in the sentence on page 9. Either way, the plan period needs to be defined somewhere in order to meet legal requirements.

The Development Plan

17. I have had some difficulty establishing exactly what constitutes the statutory development plan for this area - a necessary step for assessing the neighbourhood plan against the "basic conditions". The 2012 Core Strategy for Exeter states (at paragraph 1.9):

"The Statutory Development Plan for Exeter will comprise these DPDs⁷ [this refers to the 'Core Strategy DPD' and the 'Site Allocations and Development Management DPD'], together with the Mineral and Waste DPDs."

⁶ Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012.

⁷ DPD = Development Plan Document.

18. What the Core Strategy does not make clear is that as at 2012 and continuing into 2013 (that is to say, into the future after the adoption of the Core Strategy), the statutory development plan also comprises "saved policies" from the 2005 First Review of the Exeter Local Plan. I have sought to clarify this matter⁸ and as far as I can establish, at the time of writing this report in February 2013 the Site Allocations and Development Management DPD (which is quoted in the Forum's Policy Appraisal) is *not* part of the statutory development plan; but saved policies from the 2005 Local Plan Review *are* part of the statutory development plan.⁹
19. According to the first page of the Forum's "Planning Policy Appraisal" document, the local plan against which the Neighbourhood Plan policies were appraised was the Exeter City Council Local Plan 2004. I understand that this is an error, and that all the local plan policies referred to in the Forum's appraisal are taken from the 2005 First Review.¹⁰ (In practice the policies may not materially differ, but I have not checked against the 2004 plan as it is apparently not part of the statutory development plan.) References elsewhere in this report to the "local plan" should therefore be taken to refer to the 2005 First Review.

The Plan and its Policies

Use of the word "normally" in policies

20. I have some reservations about the use of the word "normally" in policies. This applies to policies EN2, EN4, EN5, EN6 and C5. Taking the first two as examples, Policy EN2 states:
- "Development in the Hoopern Valley Park will not normally be permitted."
[This policy then goes on to indicate types of development which may be considered].
21. Policy EN4 states:
- "Development which results in the loss of or significant harm to the ecological or landscape value of private residential gardens will not normally be permitted."
22. Policies of this type were fairly common in development plans around 10-15 years ago, but fell out of general use, partly because they were perceived as duplicating legal provisions under the Town and Country Planning Act. The current Act (as amended by post-1990 legislation) requires that applications for planning permission have to be decided in accordance with the development plan "unless

⁸ This has been by written questions to the City Council.

⁹ From various sources including the council's website, the situation can be summarised as follows. The City Council is preparing a Local Development Framework (LDF) which will progressively replace the 2005 Local Plan First Review as the statutory development plan for Exeter. The council has published a Local Development Scheme (LDS) which specifies the Development Plan Documents (DPDs) which will form the LDF. The Core Strategy DPD (which sets out the strategy for development in Exeter up to 2026) has been finalised and adopted, so it has statutory force; but the "saved policies" from the 2005 First Review are also still part of the statutory development plan. Further DPDs will be produced in the future, including the Site Allocations and Development Management DPD which is not yet finalised. (Supplementary Planning Documents, which do not have statutory development plan status, are also being produced.) However, following publication of the NPPF in 2012, Core Strategies and old "saved policies" included in LDFs are now to be called "Local Plans". This complicated situation has occurred after legislation intended to improve the planning system.

¹⁰ The source of this information is an email from the City Council, 6 February 2013.

material considerations indicate otherwise". Thus it can be argued that exceptions to policies are already allowed for by the "material considerations" proviso, and that adding another layer of exceptions by the word "normally" is unnecessary and confusing, especially where the question of what may be normal and what may be abnormal is debatable.

23. As I have previously noted,¹¹ national policy is that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The word "normally" in policies reduces such predictability, so there is a degree of conflict with national policy. Looking at the parts of the Exeter Core Strategy quoted in the Forum's Planning Policy Appraisal document, I have not found any policies which use the word "normally", so there is also some lack of accord with the development plan.
24. The use of "normally" in policies has also been the subject of legal challenge and judgement in the Courts. The fact that such legal argument has arisen is an indication of the sort of problems which can be caused.¹²
25. On the other hand, I can understand why the Forum has framed the policies in the way chosen. The inclusion of the word "normally" conveys what the Forum are trying to achieve through the Neighbourhood Plan, and I think there is sufficient guidance, either in the rest of the policies or in supporting text, for potential developers to know what type of proposal could be acceptable on grounds of "abnormality" or "other material considerations". I also note that the word "normally" is used in the NPPF¹³.
26. On balance, and bearing in mind that no objection has been raised to this aspect of the plan, I judge that the extent of conflict does not make any of the Neighbourhood Plan's policies fail the basic condition requiring them to be in *general conformity* with the *strategic policies* of the development plan. Nor, despite the point about predictability mentioned above, does it make any policies inappropriate having regard to national policy.
27. I conclude that my reservations are not so strong as to justify recommending amendments deleting references to "normally".

Inclusion of "Projects"

28. The plan includes "priority projects" which the community will seek to bring forward. The plan states (on page 9) that these projects "do not have planning weight but are included in the plan as a focus for community action". Appendix 1 of the plan lists some 31 "key priority projects" and 32 suggestions for other projects.
29. Neighbourhood plans should relate to the development and use of land. Quite a number of the projects listed in the appendix (for example, setting up a community enterprise company or placing a new history board at Danes Castle), do not involve town and country planning, in the sense that they do not relate to

¹¹ Paragraph 5.

¹² An example is the case of *Sefton MBC v Secretary of State for Environment, Transport and the Regions* [2002] EWHC 119 Admin. The High Court held that it would be an error of law to interpret the word "normally" as meaning that a proposal could be found to accord with the development plan because of other material considerations.

¹³ For example in paragraph 198, in the statement: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

the development and use of land. Bearing in mind that the Neighbourhood Plan could become part of the statutory development plan, the status of the projects with regard to planning policies is also unclear.

30. Nevertheless I can see why the Forum wanted to include these projects in the appendix. I get the impression from reading the Evidence Base document (including the information about consultation meetings and photographs of discussion groups) that the process of preparing the plan has helped to stimulate ideas among local people and businesses for ways to improve the area generally. Even though some of these projects are not "planning" projects, their inclusion could provide a focus for beneficial community action, and I do not think they would undermine the plan's policies. Therefore I do not find any need to omit or amend the list of projects in Appendix 1 of the plan.
31. I am more concerned about some aspects of Section 6 of the plan, which is mentioned in the representation by Land Securities. The text under the heading "6.1 Projects" explains that: "Six priority projects have been identified in this document.....which are described on the following pages". It then states: "A major partnership project is also proposed....to address transport issues within the ward".
32. There is an anomaly here. Six projects plus another "also proposed" adds up to seven; yet only six are described in Section 6 of the plan; and it seems odd that whilst the first five projects described in Section 6 follow the sequence of the first five projects listed in Appendix 1 (that is to say, the sequence of "priority votes" starting with the highest), the sixth project, which is described on page 19 of the plan, does not appear at all in Appendix 1. (The sixth project listed in the appendix is to do with working with conservation volunteers to improve the environment, from the natural environment to the re-pointing of walls.)
33. Having checked the previous draft version of the plan, as I initially thought there might have been a simple omission from the priority list in Appendix 1, I can see that the appendix has not changed. What has changed since the draft is the text of Section 6, which previously referred to only five priority projects. These were broadly similar to the first five projects in Section 6.1 of the examination draft version, and were set out, as was logical, in the sequence listed in Appendix 1.
34. This part of the plan is flawed, because the text in Section 6.1 introduces the six projects by saying that they have been listed and that members of the community have prioritised them - yet this statement only appears from Appendix 1 to be true for the first five projects. I do not doubt that the impact of through traffic (the subject of the sixth project) is an issue of importance to many people in St James. What concerns me is how the plan presents this "major project" in a way which appears to be inconsistent with the treatment of other issues and projects and with the evidence base. There are comments about through traffic in the consultation responses (in Appendix 15 of the Consultation Statement); but in the "summary of main issues in responses" on page 16 of the Consultation Statement there is no mention of the diversion of through traffic as a "main issue". From this evidence it is not clear how "Project 6" came to be inserted into the plan with "major project" status allegedly prioritised by the community.
35. In considering this matter, I am constrained by the limited remit available to an examiner of a neighbourhood plan. Section 6 of the plan does not contain any policies or supporting text to policies, and it cannot be said that a proposal to set up a partnership scheme to work on transport issues conflicts with national

policies, or is not in general conformity with the strategic policies of the development plan for Exeter, or fails in any other way to meet the relevant basic conditions. In summary, although this part of the plan meets the basic conditions, it is misleading. Since this is a matter of the plan's soundness and quality, I cannot make any recommendation on it; but I shall make some comments, leaving those involved to consider them before the plan is finalised. My comments follow.

36. In my view Section 6.1 of the plan needs correcting so that it does not wrongly indicate that what is described as Project 6 has been "prioritised" by members of the community in the same way as the first five projects. This could be done by amending the first part of Section 6.1 so that it refers to five priority projects, as in the previous draft. Much of the text describing the transport partnership project could be incorporated into the existing text under the heading "Delivering the Plan" (editing would be needed to avoid repetition or labelling the project as Project 6). Alternatively, this part of the plan should be re-written in some other way so that the "priority projects" accord with those at the top of the list in Appendix 1, whilst the Forum's intention to work with other bodies on the issues described on page 19 is stated without being called a priority project.

37. I deal with Policy T2 itself later in this report.

Environment Policies (EN1 to EN6)

38. The first sentence of Policy EN2 could cause problems. It states: "Development in the Hoopern Valley Park will not normally be permitted". The supporting text indicates that there is a strong desire in some sectors of the community to see improved footpath surfacing in the Hoopern valley. From this statement I understand that the desire for improved footpath surfacing is not universal; nevertheless this piece of text does not support a policy under which a proposal to add some form of surfacing to footpaths would conflict with Policy EN2. Depending on the details of any particular proposal, laying a hard surface is likely to constitute "development" as defined by the Planning Act, and so require planning permission. Such permission may or may not be granted under the General Permitted Development Order, again depending on circumstances as yet unknown. Footpath surfacing is only one example - the same could apply to other small-scale developments such as a bird-hide.
39. Either way, I consider that a policy against all development in the Hoopern Valley would be too sweeping, even with the allowance for exceptions provided by the word "normally" and by the possibility of "material considerations" outweighing policy. As it stands, this policy would not be in general conformity with local plan policy L3, which sets out restrictive criteria for development on open spaces but does not present such a "blanket" refusal as is implied by Policy EN2. The City Council's Development Management Document (which has some relevance as draft supplementary policy guidance) also favours the enhancement of cycling and walking facilities; this appears to encourage development which would achieve such aims, as opposed to saying that it would not normally be permitted.
40. Those points could be met by amending the first sentence of Policy EN2, to make it more targeted, along the following lines:
- "Development which would detract from the landscape or ecological value of the Hoopern Valley Park will not normally be permitted. Proposals that would enhance...." etc.
41. In Policy EN6, the requirement that certain types of development should "where possible" achieve a net enhancement to biodiversity within the ward is rather

imprecise. Requiring the enhancement to be achieved "when the proposal is implemented" is also unclear and possibly unreasonable. This phrase seems to mean that the biodiversity enhancement must be achieved immediately, or at the same time as a planning permission for development is implemented. There is nothing in the local plan or national policies to imply such immediacy, and enhancements to biodiversity can sometimes take several years to be achieved.

42. I consider that although the "where possible" qualification need not be removed, the last few words ("when the proposal is implemented") should be omitted so that there is better general conformity with the basic condition relating to the development plan and national policy.

43. I have no comments on the other EN policies.

Design Policies (D1 and D2)

44. Policy D1 sets out various criteria for good quality design. Under this policy (here I quote from the first paragraph and the first bullet point): "Good design means: achieving high quality, contemporary design that respects the scale and character of existing and surrounding buildings".
45. The supporting text for this policy mentions objectives such as reflecting local character and historic interest while encouraging innovative and contemporary design. The rich variety of architectural styles in the area is also mentioned.
46. I take "contemporary" as having its normal meaning in this context of "conforming to modern ideas in style or fashion". Whilst noting the Forum's desire to encourage contemporary design, good design does not necessarily mean contemporary design, especially in parts of St James where there are buildings of historic character. In such areas, proposals for development or re-development with a contemporary design may be appropriate, but a non-contemporary style may be equally acceptable. Furthermore, defining good design as being contemporary design sits oddly with the reference to historic interest in the supporting text.
47. I may have misunderstood the plan's intention here. The word "contemporary" can have different meanings, and in some contexts it can mean "of the same period" (equivalent to "contemporaneous"). If that is what was intended, a different criticism would apply, since it is possible to achieve good design without necessarily requiring new buildings to look as if they were of the same period as others nearby - and in any case this would be impracticable in locations where buildings are of various ages and architectural styles.
48. The local plan's design policies refer to requirements for new development to be compatible with its surroundings, with reference to factors such as density, height, volume, shape and finishing materials of structures. But there is no requirement in either the local plan or the Core Strategy for design to be contemporary. Much the same applies to national policy - the NPPF states that policies on good design "should not attempt to impose architectural styles".¹⁴ Thus as it stands, the way Policy D1 equates good design with contemporary design appears to conflict with national policy.
49. At the very least the word "contemporary" is ambiguous. Adopting what I consider to be its normal meaning in the context it is used in the Neighbourhood Plan, it does not generally conform with the local plan or national policy.

¹⁴ NPPF, paragraph 60.

Therefore I consider that it should be omitted from Policy D1 (with suitable adjustment to punctuation, that is to say omitting the comma after "quality") and from the supporting text on page 24. The important point about design which respects the scale and character of existing and surrounding buildings would remain as part of the policy.

50. I have no comments on Policy D2.

Community Policies (C1 to C5)

51. Policy C1, which sets out restrictive criteria relating to proposals for changes of use to houses in multiple occupation, is evidently included in the plan because parts of St James have a high proportion of houses used for student accommodation. The City Council have taken steps including an Article 4 direction¹⁵ to prevent the sort of problems which can occur when the social mix of an area becomes over-dominated by a particular age-group, and Policy C1 seems to me to be a sensible approach, in line with the wider local context.
52. Policies C2 and C3 refer respectively to "large scale" and "small scale" purpose-built student accommodation. In the supporting text, large scale is defined as single developments providing over ten student beds. Small scale is defined as single developments providing fewer than ten student beds.
53. There is an unsatisfactory gap here - proposals for developments providing ten student beds would not be subject to either of these policies. As a result it would be difficult for any potential developer of a scheme with accommodation for ten student beds to predict the outcome of a planning application, contrary to the national policy guidance about predictability which I have quoted above.¹⁶ Developers could also exploit the gap by designing proposals to have ten student beds and arguing that neither policy applies.
54. The policies do not need to be changed, but the text before Policy C2 should be amended so that this policy applies to single developments providing ten or more student beds. This definition would reflect the definition of "major" housing developments (ten or more dwellings) in Policy CP5 of the Core Strategy, although of course dwellings and student beds are not directly comparable.
55. Policy C4 states (among other things):
 "Appropriate and well located community, local retail/food and drink development will be permitted provided that:.....
 (b) the proposed use is not already oversupplied in the area, and will result in the excessive concentration of uses, such as takeaway restaurants;....".
56. Although it is possible to discern the intent behind the second part of sub-paragraph (b), the syntax leaves room for confusion. The policy appears to say (in part) that development will be permitted provided that the proposed use will result in the excessive concentration of uses such as takeaway restaurants. I do not think that can be the intention, but this is the sort of thing which in my experience can cause time-consuming arguments during appeals against planning

¹⁵ This is a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order, taking away "permitted development" rights to make certain changes of use which constitute development but would normally not require specific planning permission.

¹⁶ NPPF, paragraph 17.

decisions. Such a possibility goes against national policy guidance to the effect that plans should help decision-making on planning applications to be efficient.

57. The necessary clarity would be obtained by inserting the word "not", so that this part of the policy reads:

"(b) the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;...."¹⁷

58. Policy C5 is aimed at safeguarding allotments. I have mentioned this policy in paragraph 20 but have no additional comment on it.

Economy Policy E1

59. I have no comments on this policy.

Sustainable Development Policies (SD1 to SD4)

60. Policies SD2 and SD3 relate respectively to the cricket club site and to infill and "windfall" sites. Policy SD2 states that development that ensures a long term and viable future for the cricket club site will be supported where (among other things) high standards of contemporary sustainable design and construction are achieved. Policy SD2 states that proposals to develop small "infill/windfall" sites for affordable homes for local people or good quality private residential development will be supported where proposals achieve high standards of contemporary, sustainable and low carbon design.
61. The comments I have made about the apparent insistence on contemporary design in Policy D1 apply equally here. Indeed, the supporting text to Policy SD2 mentions the heritage importance of the cricket club site, which if anything suggests that contemporary design might well not be appropriate. In the absence of any justifying evidence, I conclude that the requirement for proposals to be of "contemporary" design should be omitted.
62. On page 30 of the plan there is a paragraph of text headed "Howell Road Car Park". The last sentence reads: "Any proposals for the development of the Howell Road Car Park should be developed with the input of the community and in particular local businesses on Longbrook Street from an early stage in the preparation of proposals."
63. This paragraph is part of Section 6.2 of the plan, which is headed "Policies". Each policy in Section 6.2 is preceded by explanatory supporting text. However, the text referring to the Howell Road car park does not follow that pattern - there is no numbered policy about the car park. Having looked at a previous draft of the plan, I am aware that at an earlier stage in its preparation the plan did contain a policy (labelled as SD3 in the earlier draft plan), which had wording broadly similar to the sentence quoted above, but was not identical and did not include the phrase "from an early stage in the preparation of proposals".
64. I do not know the full history of this matter, but it seems to me likely that during the consultation process, the Forum found it difficult to decide whether the plan should have a policy on the Howell Road car park and if so, how the policy should be worded. There may have been problems reconciling the views of local traders

¹⁷ My use here of the future conditional tense "would", instead of the future "will", is in line with a suggestion I have made to the City Council and the Forum. As it does not relate to the "basic conditions" and is not a point raised by any objector this suggestion is a matter outside this report.

and local residents - a common occurrence when plans try to strike a balance between potentially conflicting interests.

65. Whatever the cause, I consider that this part of the plan should be amended, for two reasons. First, the sentence quoted above reads as if it were a policy statement. Although it is not highlighted in green colour or numbered in the same way as Policies SD1 to SD4, it could be regarded by parties involved in a development proposal (including applicants, appellants, objectors and supporters) as a sort of "quasi-policy", causing difficulty in deciding its status and weight.
66. Secondly, I think it would be impractical and against aspects of national policy to force applicants to design any development proposal "with the input of local businesses in Longbrook Street at an early stage in the preparation of proposals". The NPPF mentions "empowering local people to shape their surroundings" and advises that planning authorities should encourage applicants to engage with the local community before submitting applications.¹⁸ But national policies also aim to limit the tasks which applicants for planning permission have to undertake. The NPPF advises that investment in business "should not be over-burdened by the combined requirements of planning policy expectations";¹⁹ and recent government statements have stressed the need to do away with what has been called "planning red tape". With those points in mind, I consider that the specific, early stage requirement implied by this part of the plan would be going too far.
67. Taking those points into account, I conclude that either the heading "Howell Road Car Park" and the paragraph of text after it, or at least its last sentence, should be omitted from the plan, for the sake of clarity and to make the plan accord better with national policy aims to reduce planning burdens on businesses.
68. I have no comments on Policies SD1 and SD4. Subject to the comments I have made about this part of the plan, I judge that the plan as a whole contributes to achieving sustainable development.

Heritage Policy H1

69. I have no comments on this policy.

Transport Policies (T1 to T6)

70. I have some concerns about whether these policies would all meet the NPPF criterion that plans should provide a "practical framework" for making decisions on development proposals. I say that because there appears to be some mutual conflict between the transport policies, together with some lack of clarity. The apparent mutual conflict arises because the support in Policy T2 for "signage to direct strategic traffic away from and around St James" appears to go against desires expressed elsewhere (for example, Projects 5 and 27 in Appendix 1) to "de-clutter" streets by reducing the number of signs.
71. As regards clarity, the transport policies and related text refer variously to "strategic traffic", "non-resident traffic" and "through traffic". I think "strategic traffic" is probably intended to mean the same thing as "through traffic". If so, it would probably be simpler to refer merely to "through traffic". The term "non-resident traffic" is used in Policy T3, which supports proposals to protect against the impact of traffic in residential areas. It seems likely that any such proposals would have to allow access by delivery vehicles and visitors to dwellings, so I

¹⁸ NPPF, paragraphs 17 and 189.

¹⁹ NPPF, paragraph 21.

doubt the practicality of seeking to deter "non-resident traffic", although the reduction of through traffic in residential areas is a laudable aim.

72. Policy T2, which is specifically mentioned by Land Securities, states:

"Design and highways proposals that mitigate the impact of strategic traffic within St James will be supported. Proposals as appropriate to their scale and location may include:

- Traffic management measures to minimise the impact of traffic on residential and community streets; and
- Signage to direct strategic traffic away from and around St James."

73. Land Securities say that it would be inappropriate to rule out or pre-judge any solutions or traffic routes before the County and City Councils have decided on strategic measures for Exeter as a whole, and that attempts to restrict heavy goods vehicle movements would be difficult to enforce or monitor.

74. There is some validity in those points; but the principle of directing traffic away from St James to reduce traffic in York Road and Blackhall Road has evidently been accepted by the County and City Councils,²⁰ and Policy T2 does not rule out alternative traffic management schemes. It seems to me that this policy leaves room for flexibility - it only refers to signage to direct "strategic traffic" (whatever that might mean) away from and around St James as a proposal which *may* be included as appropriate. This suggests to me that such a scheme, perhaps after full investigation and assessment by bodies such as the highway authority, may not turn out to be appropriate. I think it is reasonable for a neighbourhood plan to support mitigation measures in the way expressed here.

75. The Exeter development plan and national policies are too generalised to give clear-cut guidance on these issues. The NPPF, for example, advises that different measures will be required in different communities.²¹

76. On balance, I have decided that although the transport policies and supporting text could be more clearly and consistently expressed, the policies meet the basic conditions, so my concerns do not justify recommending amendments to them. However, in order to make the supporting text accord with Policy T2, the word "should", in the text preceding the policy (in the phrase "this should include the diversion of strategic traffic"), should be changed to "may". Whether the City Council and the Neighbourhood Forum wish to consider making any other changes of wording in the light of my other comments above is something I must leave as a matter for them, since these comments do not amount to findings that the plan fails to meet the basic conditions.

The Next Stage - the Referendum and its Area

77. I conclude that the plan, as amended following consideration of my recommendations, should be submitted to a referendum.
78. I do not see any reason for altering or extending the Neighbourhood Plan area for the purpose of holding a referendum.

²⁰ Source: the Forum's response to Land Securities representation, Appendix 15 of the Consultation Statement (11th unnumbered page). Also, neither the County nor City Councils have objected to Policy T2.

²¹ NPPF, paragraph 29.

Summary of Recommendations

The numbers in square brackets below give the paragraph numbers in this report where the reasoning for the recommendation is explained.

79. I recommend that:

1. The plan period be defined, either by stating a start date or publishing date on the plan document, or by stating a plan period with an end date (not just "the next 15 years" in an undated document). [15-16].
2. The first sentence of Policy EN2 be amended to read:
"Development which would detract from the landscape or ecological value of the Hooper Valley Park will not normally be permitted. Proposals that would enhance...." etc. [38-40].
3. The phrase "when the proposal is implemented" be omitted from Policy EN6. [41-42].
4. The word "contemporary" be omitted from policies D1, SD2 and SD3, and the text on page 24. [44-49, 60-61].
5. The text before Policy C2 be amended so that this policy applies to single developments providing ten or more student beds. [52-54].
6. The word "not" be inserted in sub-paragraph (b) of Policy C4 so that it reads:
"the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;" [55-57].
7. Either the heading "Howell Road Car Park" and the paragraph of text after it be omitted from the plan; or alternatively, the last sentence of that paragraph be omitted. [62-67].
8. The word "may" be substituted for "should" in the supporting text to Policy T2 on page 33, in the phrase "This should include the diversion of...". [76].

80. Subject to the recommendations above, I also recommend that the plan as amended should be submitted to a referendum, based on the area defined in Figure 1 of the Neighbourhood Plan document.

G F Self

Graham Self MA MSc FRTPI

14 February 2013.

APPENDIX 1 THE BASIC CONDITIONS

A neighbourhood plan meets the basic conditions if:

- i) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- ii) the making of the plan contributes to the achievement of sustainable development;
- iii) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- iv) the making of the plan does not breach, and is otherwise compatible with, EU obligations; and
- v) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.

The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. Schedule 4B relates to Neighbourhood Development Orders; Schedule 4A relates to Neighbourhood Development Plans and applies parts of Schedule 4B to Plans.

