



**Strategic Planning and  
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**Plymouth City Council comments on the Reg 16 Hoe Neighbourhood Plan.**

1. Thank you for the opportunity to comment on the Draft Hoe Neighbourhood Plan (HNP) as part of the Regulation 16, Neighbourhood Planning (General) Regulations 2012. This response is on behalf of the City Council as the Local Planning Authority (LPA).
2. The City Council will ultimately have the responsibility to make decisions as to whether the plan is in general conformity with strategic policies and the other basic tests as set out in the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG). We must also ensure that the plan is compliant with European Legislation. These decisions will be informed by the report of an Independent Examiner following further consultation and examination.
3. The basic conditions statement must set out the neighbourhood plan meets the requirements of each basic condition and other legal tests.
4. There are five basic conditions that are relevant to a neighbourhood plan. These are:
  - having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan
  - the 'making' of the neighbourhood plan contributes to the achievement of sustainable development
  - the 'making' of the neighbourhood 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)
  - the 'making' of the neighbourhood plan does not breach, and is otherwise compatible with EU obligations
  - prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan
5. Further advice is set out in The Planning Practice Guidance – Neighbourhood planning (Paragraph: 044 Reference ID: 41-044-20190509) which states that:

6. 'The resulting draft neighbourhood plan must meet the basic conditions if it is to proceed. National planning policy states that it should support the strategic development needs set out in strategic policies for the area, plan positively to support local development and should not promote less development than set out in the strategic policies (see paragraph 13 and paragraph 29 of the National Planning Policy Framework).
7. In addition (Paragraph: 041 Reference ID: 41-041-20140306) sets out that:
8. "A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared."
9. The Council has provided a detailed response to the Draft policies and then to the Regulation 14 consultation version where we set out a number of policies that were not in general conformity with the JLP and needed deleting. In each case we supplied possible policy wording that we would be supportive of which dealt removing repetition between policies, unduly negative wording, overly demanding clauses for applicants or where there is a conflict with the JLP policy.
10. This advice alongside all previous advice was clear in setting out where the proposed HNP failed to meet the legal 'basic condition' for the Plan to be in general conformity with the strategic policies of the development plan in force, namely Policies SPT1-14 and PLY1-62 of the adopted Plymouth and South West Devon Joint Local Plan.
11. The City Council has again consulted its internal specialist officers on each topic and set out as an appendix to this letter our formal comments on the Draft Hoe Neighbourhood Plan.
12. We applaud the hard work and commitment that the Forum has undertaken in producing a Neighbourhood Plan. Whilst we acknowledge that the Forum has amended the Plan in parts in response to our previous responses there are still a number of areas where we raise a concern, in some areas the Forums review team has recommended changes in line with our response but this does not follow through in the final submitted wording and in other cases new wording has been added to the policies in the Plan without clear justification. These are set out in our response on each policy.
13. It is our opinion that the Draft Hoe Neighbourhood Plan as currently written fails to meet these basic conditions and contains policy wording which at present are not drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. Therefore it is not in general conformity with the strategic policies of the adopted Plymouth and South West Devon Joint Local Plan.
14. **Policy HI – Integration with the Character Area**

#### OBJECTION

15. Plymouth City Council is supportive of the recommendations set out by reviewers PT, HK, CW, and KS on the 02/04/25 as set out in Appendix 18 Reg 14 Comments Tracker which supports their submission to amend the policy to broadly in alignment with the policy wording proposed by PCC during the Reg 14 consultation.

16. The Hoe Neighbourhood Plan sets out that the response to consultation was undertaken by Topic sub-groups (heritage, blue-green, housing, etc.) who were tasked with assessing the feedback for their areas of expertise and bringing recommendations back to the steering committee.
17. The HNF comments tracker recommends the following policy wording:

*Policy H1: Integration with Character of the Area*

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

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

*2. Proposals that are considered to have an impact on views of the local cityscape, skyline or landscape, due to their height, scale or location should take account of the character of the area and where appropriate be accompanied by accurate visualisations from surrounding key vantage points.*

*3. New developments must properly demonstrate how the proposed proportions will not dominate their setting or negatively impact on adjacent properties*

*4. Where appropriate, a formal landscape and visual impact assessment should be submitted.*

18. However the submitted document contains a policy with more clauses attached as set out below with key points in bold, and it is unclear why the recommendations of the HNF review team was not taken forward or how the final policy wording was agreed.

*Policy H1: Integration with Character of the Area (Reg 16 submitted wording)*

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

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

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

- **New development must respect the character-defining views and spatial openness of the Hoe Park and the waterfront.***
- **Development along Armada Way and around the Hoe promenade should reinforce the ceremonial character of the area and protect the visual and movement axis to the waterfront.***

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

19. The Planning Practice Guidance – Neighbourhood planning sets out that policies should be ‘consise, presise and supported by appropriate evidence’ As previously advised in September 2023 and January 2025 we consider this to be an overly long policy which repeats itself in places and does not add clarity for both developers and decision makers.
20. Part 2. Parts a and b of the policy repeat policy wording from the existing Policy H3 which deals with views and is not required.
21. Part 3 of the policy wording states ‘new developments ..... will not dominate their setting or have a negative impact on adjacent properties’ new developments will always have an impact, the key in planning terms is whether the application would result in an unacceptable impact and this should be reflected in the wording.
22. Part 3 also refers to Historic England Advice Note 4 and whilst this document provides useful information it is unnecessary within the policy wording.
23. The Hoe NF accepted our view of this approach in Policy H7 Balconies and Roof Gardens and amended their wording from ‘negative impact’ at Reg 14 stage to the current wording of ‘unacceptable impact’ and we propose the same approach is taken here.
24. In addition we note that the Hoe NF have removed the reference to building heights that have appeared in previous versions of the plan, this was debated at the JLP inquiry and the inspectors did not uphold the request to set specific building heights.
25. It is inappropriate to prescribe documents required in our Validation List and Plymouth City Council specifies in the list that the trigger for a tall building report is “Any building that is significantly higher than its neighbours and recognisably changes the skyline. Therefore these issues are adequately covered in both this document and a Design and Access Statement which would be required in any application.
26. As we have advised the Forum through the development of the Plan there are allocated JLP sites in the area where heights ‘above prevailing patterns’ would be justified and this wording is not in broad conformity with the Plan and therefore would compromise their delivery. Part of PCC’s validation list requires a tall building report where any building that is significantly higher than its neighbours and recognisably changes the skyline
27. We agree that building heights should respect the Hoe's special character and the scale of the buildings, streets and spaces that make a positive contribution to its townscape, but given that building floor-to-ceiling heights vary, including in relation to different use types and mixes of uses and it is important that the policy allows flexibility.
28. Given that the wording highlighted in bold above is already covered by policy wording we propose that the Policy wording is amended in line with that which was recommended by the HNF review following the Reg 14 consultation with the ‘negative impact’ wording replaced by ‘unacceptable impact’.
29. Key points:
  - Unclear why HNF review team recommendation was not agreed
  - Unclear why policy wording was changed from Reg 14 consultation
  - Policy unnecessarily long and negatively worded in places
  - Repeats local and national policy

30. **Policy H2 – High quality design**

OBJECTION

31. It is concerning that when reviewing the comments received during the Reg 14 consultation the HNF Comments tracker review comments are that the 'PCC response is ambiguous as previously they advised including the Design Guide in the plan, whereas here they recommend deletion'.
32. Additionally the comments tracker states that 'PCC have advised to incorporate the Design Guide into the Plan, which would give it more status as a planning requirement, and we have agreed to do so'.
33. Advice from PCC in September 2023 when we were first able to assess the detailed wording of the Draft Plan was clear and unambiguous and read:

*'Delete policy*

*Reason:*

*We support the delivery of high quality design proposals but cannot support the requirement for development to have regard to the Hoe Design Guide (AECOM, 2018) and we do not agree with the document being included as an appendix because we do not agree with everything in the document. It is a very detailed evidence base document however we cannot support any design principles/proposals/objectives in the Hoe Design Guide which conflict with or compromise the strategic JLP Policies and/or allocated sites.*

*Both National and Local policy seek for new development to be of high quality design'.*

34. This was our response again when we commented on the Reg 14 consultation in January 2025.
35. New policy wording draws from the content of the Hoe Design Guide and is much more detailed in context which has not previously been set out as policy in any previous consultation.
36. We still propose that this Policy be deleted as it repeats wording around high quality design and heritage impacts already set out in existing and emerging national policy and the Adopted Plymouth and South West Devon JLP.
37. Key points:
- Interpretation of Plymouth City Council advice wrong.
  - Justification for change from Reg 14 version to Reg 15 version unclear
  - Current wording unnecessarily long
  - Repeats local and national policy

38. **Policy H3 – Protection of iconic views**

OBJECTION IN PART

39. We are pleased to see that the introductory wording has been updated to closely follow PCC suggestions, but propose that the opening paragraph be amended to read:

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

40. This change will allow decision makers to make more balanced decisions on proposals. In addition there should be more clarity on the requirements of the visual impact assessment and how this will be assessed to ensure this has been met.
41. The updated diagram shown in Figure 14 of the Neighbourhood Plan which sets out which views are local or distant is helpful, as is the reduction from 27 views down to 18 which ensures the policy is more concise and clearer, however there are several errors remaining on the map.
42. View 2 (in the description in the Appendix) discusses PLY28, but this site is not within the visual cone of this view.
43. View 9 is stated as being from the promenade but the map located the view within the park.
44. View 16 is missing.
45. Key points:
  - Slight wording change as recommended would allow more balanced decisions.
  - Figure 14 needs to be amended within regard to views 2, 9 and 16.

46. **Policy H4 – Heritage assets**

OBJECTION

47. Whilst the Forum do not agree with our view to delete the policy, clause one mirrors suggested wording given by PCC on the draft Plan in September 2023 except for mentioning a local list.
48. The policy repeats wording around heritage assets already set out in existing and emerging national policy and the Adopted Plymouth and South West Devon JLP.
49. We acknowledge Historic England were supportive wording as set out in the Reg 14 version.
50. Figure 15 Local non-designated heritage assets and nationally designated heritage assets needs a more detailed base to identify the local list entries as it is often not clear which structures are being referred to.
51. We also have the following issues regarding each of the proposed listings as follows and shown ringed in black on the map:

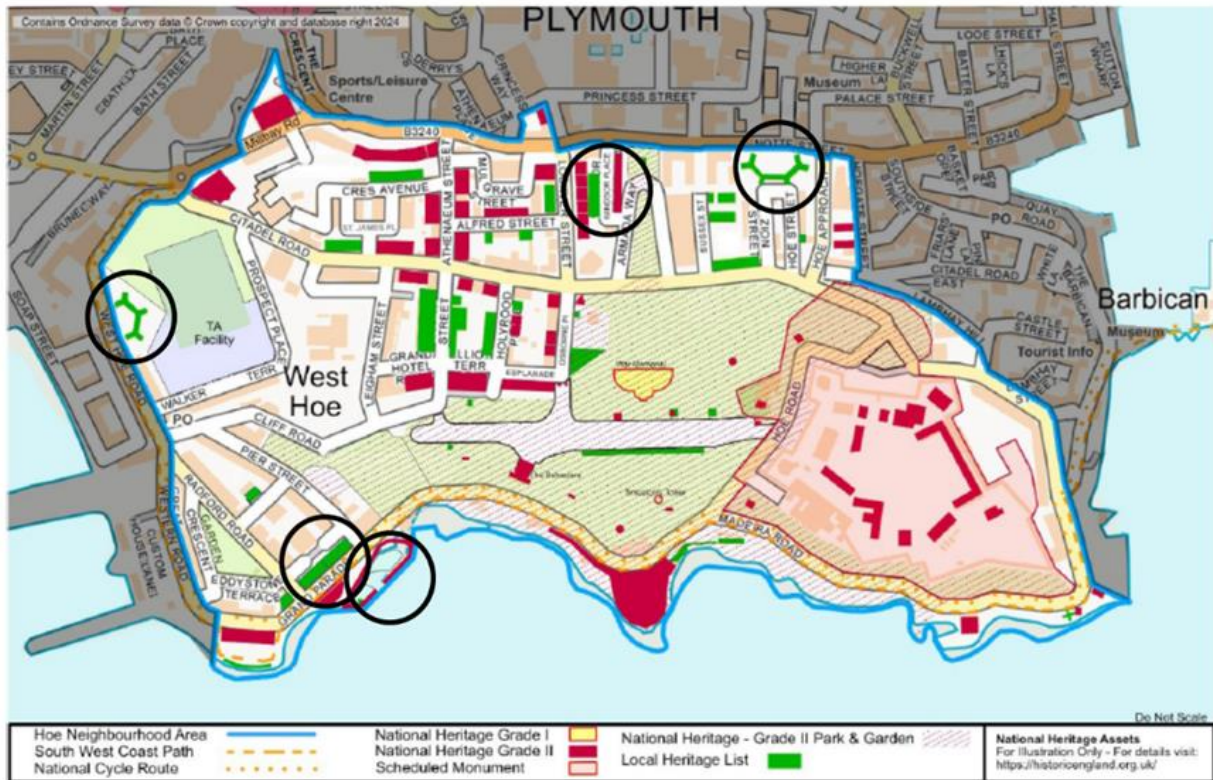


Figure 15: Local non-designated heritage assets and nationally designated heritage assets

- We object to the 2 flatted blocks being included as NHAs. There is no justification for their inclusion and to do so erodes the value of such recognition.
- Only some of the properties on Windsor Place have merit. This needs to be more clearly mapped and the addresses more clearly defined than “flower cottages”.
- “Street Signage (see nomination form for details)” should not be included as these are not marked on the map and are given as examples rather than a comprehensive and documented list. This would need to be converted into a clear list, which then need to be reviewed and assessed.
- The “Twin Cannons” are not highlighted on the map
- The “VR Post Box (corner of Athenaeum Street and Citadel Road)” is not marked on the map
- Derricks, West Hoe Pier: Fixtures like the derricks would fall under the protection of the listing of the pier.
- 8 Grand Parade – was built 1989-1991. It’s a good example of high quality facsimile, but is not appropriate as a heritage asset.

52. In addition Part 2 of the policy wording refers to “community heritage assets”. This has no known meaning nor weight in planning should therefore be removed.

53. Key points:
- Policy wording needs to be amended to remove reference to ‘community heritage assets’
  - Local list needs to be revised and listings removed or amended
  - Figure 15 needs to be clearer and updated with agreed list

54. **Policy H5 – Buildings of negative impact**

OBJECTION

55. We note that the policy title has changed from negative quality to negative impact but we continue to question the appropriateness of identifying buildings in this way in this document, and we question the evidence and justification for this.
56. The current wording of the justification misquotes the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not state that development must make a positive contribution, it states that in exercising planning functions “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. This is an important nuance, e.g. where there is no net impact development may be acceptable.
57. There does not seem to be a consistent and clear methodology approach to those properties included in the assessment as set out in the Heritage Working Group Criteria for Negative Impact. This is able to view in the following link:
- <https://www.hoeforum.org.uk/sites/default/files/documents/neg-impact-criteria.pdf>
58. The criteria highlights that CAAMP identified buildings of neutral impact are not included in the list as the Plan only focused on negative buildings.
59. The list in this document then assesses some buildings assessed as neutral in the Hoe CAAMP and reclassifies these as negative but also assesses other properties not listed in either the CAAMP or the Hoe Design Guide (AECOM) but doesn’t set out how these were selected for assessment.
60. In addition two further properties St James Place West and 75 Hoe Road are listed as negative in Hoe CAAMP but are not included in list in Hoe NP or Heritage Working Group Criteria list. While Durley House listed in the Hoe CAAMP and Heritage Working Group criteria list but does not appear in the Hoe NP list.
61. The NPPF is clear that plans should be prepared positively and serve a clear purpose avoiding unnecessary duplication of policies. In this case the policy is negative in nature and is superfluous because existing policies within the NPPF and the Joint Local Plan would require any new development proposals to be of a high quality.
62. This is also applicable to any development proposals in Conservation Areas or affecting the built heritage.
63. In addition the policy also does not have regard to the energy and carbon issues around complete removal of existing buildings. Climate emergency principles highlight that redevelopment of existing buildings is better in terms of carbon emissions.

64. The Climate Emergency Planning Statement seeks refurbishments and improvements ahead of demolition.
65. We would also highlight that this is a circular reference policy, referencing within the policy other policies of the plan. This is not helpful for decision makers and therefore we propose that this policy be deleted.
66. Key points:
- Negative policy not positively prepared
  - Evidence for inclusion not clear or consistent
  - Silent on climate change issues
  - References other policy within policy wording

67. **Policy H6 – Heritage and energy efficiency retrofit**

OBJECTION IN PART

68. Whilst we are supportive of this policy it is unclear why the wording has changed slightly when there were 20 responses on this policy of which 18 were positive and two were mixed one suggesting a reference to double glazing and the other was the PCC response that was supportive of the policy wording and requested references to justification text and evidence list be amended which have been done.
69. The response tracker (H6-6) shows that there was one response from an individual states 'the word 'sensitive' is important and could be subjective' which the comment of the reviewers recommends the change of wording to be made from 'sensitive' to 'preserve the character and features'. This entry shows that the decision was made not to adjust the Plan but the wording has been amended so clarification is needed to ensure the correct wording is used.
70. Key points:
- Justification for change from Reg 14 version to Reg 15 version unclear

71. **Policy H7 – Balconies and roof gardens**

OBJECTION IN PART

72. We note that the HNF have amended the policy to remove references to neutral or positive impacts and heritage assets of which the Council are supportive.
73. We note the Comments Tracker in response to this point (H7-PCC) recommends that the Forum accept our wording including the removal of reference to the SPD there appears to be agreement to adjust the Plan but it still appears in the submitted version.
74. We continue to propose removing reference to SPD in policy as this could change in the future and as it stands applications would be considered against the relevant SPD.
75. Key points:
- Unclear why HNF review team recommendation was not agreed
  - Reference to SPD should be removed from policy

76. **Policy H8: Retail and Commercial Frontages**

OBJECTION IN PART

77. The policy wording used at Reg 14 consultation was the same as recommended by PCC in September 2023 although in a slightly different order however some additional clauses have been added.
78. These particularly refer to clauses which cover ‘retaining and restoring original shopfronts’, ‘effects of light pollution’ and minimising visual clutter by avoiding too many signs, poor quality decorations or too much furniture on the pavement’.
79. It is clear from the Comments Tracker that the change to include light pollution is as a response to comment H8-EP to which we have no objection, however it is less clear what has been commented that would support the other changes.
80. We would suggest that existing wording around proposals needing to demonstrate high quality design including signage, protecting and restoring architectural detail, retaining existing pilasters, retaining public access and providing level access already covers those issues and do not need to be repeated in the policy.
81. We propose deleting points 2 and 8 from the proposed policy wording.
82. Key points:
- Justification for change from Reg 14 version to Reg 15 version unclear
  - Slight amendment to wording

83. **Policy BGI – Local Green space designation / Development on green spaces**

OBJECTION

84. As highlighted in the submitted appendix 5 a new and detailed Local Green Spaces policy appears in 2021 but there doesn’t appear to be any specific evidence that has been published of any consultation that raised this as an issue.
85. Appendix 2 shows the community engagement that was done in April 2018 and that The Hoe and Foreshore received most comments but the summary highlighted the key issues were around improved lighting, lack of use of Tinside between September to April, the use of Foreshore for a range of uses including market spaces, cafes, hot tubs and cultural activity and the impact of large events on the Hoe.
86. Whilst we are broadly supportive of the use of this type of policy as we were in the adopted Plympton St Mary NP its use needs to be rooted in public support and consistent with NPPF in that it is consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services and is not used as a blanket designation to resist development.
87. We note from the Comments Tracker (BGI-PCC) that review team recommended that the wording suggested by PCC at Reg 14 stage should be amended as advised and that the Plan would be adjusted in line with this.

88. However there is still a difference with part h) of the policy which we suggested to link back to JLP Policy 20 Managing and Enhancing Plymouth's waterfront as set out below.

Submitted HNP wording:

*h) **Developer contributions, such as CIL and Section 106 monies**, are used proactively to repair damaged environments, re-use historic buildings, and enhance the overall enjoyment of the area by visitors and residents.*

PCC suggested wording: (from reg 14 comments):

*h) **development and public realm measures** are used proactively to repair damaged environments, re-use historic buildings and enhance the overall enjoyment of the area by visitors and residents.*

89. It is unclear why this change has been made, there were no comments on this raised through the consultation and no justification has been set out, therefore we propose that this is amended in line with the PCC suggested wording that was recommended for change by the Hoe NF review team.
90. In addition to the wording in clause h) we propose changing the wording 'repair damaged environments' to 'restore damaged environments' as this wording is more in line with terminology used with respect to the environment.
91. We also note that the map shown in Figure 17 of the submitted version of the Plan has been amended and clearly shows the individual areas which benefit from this designation which provides much more clarity which is helpful. However there are still areas that the Council feel are inappropriate to include within this designation.
92. The NPPF (2025) is clear that the designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.
93. In addition national Planning Practice Guidance (PPG) advises: "Local Green Space designation will rarely be appropriate where the land has planning permission for development. Exceptions could be where the development would be compatible with the reasons for designation or where planning permission is no longer capable of being implemented". Most significantly: designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.
94. With this in mind, land that has previously been developed should not be included within the definition and nor should the policy be used to provide a blanket designation of all/most green areas within an area especially if it conflicts with the adopted planning policies and this impacts the following areas identified in the NP.
95. In addition sections 981 and 992 of the Levelling-up and Regeneration Act 2023 came into force on 25 March 2026. In relation to neighbourhood plans, sections 98 and 99 amend the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1995 in respect of the legal compliance and the Basic Conditions requirements. This includes a basic requirement that the making of the neighbourhood development plan would not result in the development plan for the area of the authority proposing that less housing is provided by means

of development taking place in that area than if the neighbourhood development plan were not to be made.

96. The areas that we still object are the following Neighbourhood Plan References:

- a. The Hoe  
The southern part of this includes the commercial property known as The Dome and The Promenade Café Bar.
- b. Hoe foreshore  
This is a large tract of land covering 5.29 ha which was previously not shown on a map at the previous Reg 14 consultation and includes a large amount of areas of previously developed land such as dwellings like those at Grand Parade, and various restaurants such as The Terrace and Pier One
- e. Millbay Park  
Strip of land adjacent to Prospect Place is designated as Neighbourhood Green Space in the JLP but is not considered to meet the high bar for designation as a Local Green Space, being in essence a narrow strip of landscape at the edge of the Territorial Army recreation area. It does not merit the 'green belt' level of protection that LGS designation affords.



Figure 17: Proposed Local Green Space designations

97. These areas should be deleted from Figure 17 along with any other areas containing sites already developed or not being in conformity with policy in the JLP.
98. In the case of the Hoe Foreshore the Council is already keen to provide protection for this area hence the designation of this area as City green space however much of it has already been

developed and we are concerned that the use of this designation would be too restrictive and at odds with Policy PLY20 of the JLP which sets out that 'Plymouth's waterfront will be renewed, enhanced and maintained as Plymouth's showcase and as a unique, sustainable and vibrant asset that drives the city's economic, cultural, social and environmental wellbeing'.

99. It should be noted that Authority's approach is not substantially different from the Hoe NF, Policy PLY20 sets out 'Protecting and enhancing The Hoe's unique man-made and natural heritage and using development and public realm measures proactively to repair damaged environments, re-use historic buildings and enhance the overall enjoyment of the area by visitors and residents' and are keen to ensure that this area is protected in a balanced way consistent with the JLP's approach to sustainable development while complementing investment in sufficient homes, jobs and other essential services.
100. The Hoe (a) has also been used for large scale public events such as concerts and to house a large wheel during the tourist season and we would not want to see this policy affect these, so propose temporary use of the area for cultural/tourist events is supported.
101. We therefore propose that the wording of the policy is amended as agreed by the Hoe NF review team and the that the identified areas are removed from the policy and the map showing the designation.
102. Key Points:
- Policy wording in part h) currently conflicts with the aims of policy PLY20 of the JLP.
  - Slight amendment of wording in part h) from 'repair' to 'restore'.
  - Unclear why HNF review team recommendation was not agreed.
  - Areas should be amended to delete the Hoe Foreshore designation and the removing of any areas which are occupied by previously developed land.
  - Include support for temporary cultural/tourist events.

103. **Policy BG2 – Protecting trees, hedges and biodiversity**

OBJECTION

104. PCC had set out suggested wording for this document at regulation 14 stage and some changes including references to JLP policies has been removed which we acknowledge.
105. Previously we objected to the reference requiring 10% net gain because it could not be achieved for all new development due to the exemptions, and were advised this wording conflicts with national legislation.
106. Planning Practice Guidance (Paragraph: 006 Reference ID: 74-006-20240214) states "...Plan-makers should be aware of the statutory framework for biodiversity net gain, but they do not need to include policies which duplicate the detailed provisions of this statutory framework. It will also be inappropriate for plans or supplementary planning documents to include policies or guidance which are incompatible with this framework, for instance by applying biodiversity net gain to exempt categories of development..."
107. In addition Appendix 18 Comments Tracker submitted by the Hoe NF sets out that they were advised by Locality the following policy wording would be suitable and that the Plan would be amended:

108. *'In accordance with Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) where possible developers should seek to provide 10% biodiversity net gains on sites developed within the Hoe Neighbourhood Area. Where on-site BNG cannot be achieved, developers should where possible provide the BNG on other appropriately registered sites in the Hoe Neighbourhood Area.'*
109. The PPG also clarifies that "... Plan-makers can complement the statutory framework for biodiversity net gain by, for instance, including policies which support appropriate local offsite biodiversity sites, including whether specific allocated sites for development should include biodiversity enhancements to support other developments meet their net gain objectives in line with Local Nature Recovery Strategies.
110. While the delivery of BNG in the local area may be desirable, and PPG implies it is possible, no practical solutions, projects or site allocations have been provided that would help meet this objective. It is therefore difficult to see how this policy would be applied in practice.
111. We propose that the wording 'where possible' is added to the opening paragraph of the policy which refers to 10% biodiversity net gain.
112. We note that this approach has been added to clause 5 of the policy and are satisfied this is a more approach to the requirement, however it also states that net gain improvements should relate to those 'identified in the management plans for the designated Local Green Space sites' however no management plans appear to have been submitted or are available on the Hoe Neighbourhood Plan website and therefore this word should be removed from the policy.
113. Key Points:
- Objection to 10% net gain as currently worded
  - Removal of Local Green Space Management Plans reference from policy.
114. **Policy BG3 – Protection of Street Trees**
- NO OBJECTION
115. We acknowledge that the Hoe NF have amended the Plan to follow our suggested wording.
116. **Policy PT1: Promoting Sustainably Mobility**
- OBJECTION IN PART
117. There is a small difference in the policy wording that PCC suggested at Reg 14 stage, PCC would propose the removal of wording that has been introduced which sets out that electric vehicle charging points are only supported where they 'do not reduce the overall number of existing parking places'.
118. It is unclear why this wording was changed in light of the consultation, the change appears to have been made in response to comments PT1-CAP and PT1-19 in the submitted Appendix Comments Tracker but while both of these responses acknowledge the need for EV chargers to be well planned neither of them say this should not happen if car spaces are to be lost.
119. Key Points
- Slight amendment in wording
  - Justification for change in policy wording unclear

120. **Policy PT2: Parking**

NO OBJECTION

121. There is a small difference in the policy wording that PCC suggested at Reg 14 stage but it is unlikely that the inclusion of this policy wording contains enough different intent from the NPPF/JLP to consider that it is not in general conformity with either.

122. **Policy HSI: Housing Mix, Accessibility and Environmental Standard**

OBJECTION

123. As previously highlighted at Reg 14 stage the policy text also sets out that development proposals should demonstrate how the applicant has sought to meet the locally assessed needs to the tenure needs as identified in the Hoe Housing Needs Assessment. This was published in 2020 is now quite dated. Whilst this document adds a level of detail to the area as already stated in the justification for the policy that ‘ the Hoe Neighbourhood Area is a neighbourhood within a city and therefore Housing issues in the Hoe Neighbourhood Area are therefore inextricably linked to factors in Plymouth's wider housing and hospitality markets’.

124. Given the links with the wider Plymouth housing needs reference we proposes that the introductory paragraph is amended to read:

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

125. Key points:

- Amendment of wording to include ‘where possible’ to allow a balanced planning judgement to be reached.

126. **Policy HS2: Housing Site at the Former Register Office**

127. No issue - Policy removed from HNP

128. **Policy DCI: Developer Contributions**

OBJECTION

129. As previously advised by PCC at Reg 14 stage A Neighbourhood Plan has no jurisdiction over how the City Council manages infrastructure contributions secured through the Community Infrastructure Levy, nor can it require a development to make a CIL payment. This is governed by the Community Infrastructure Levy Regulations 2010 (as amended). The inclusion in the policy of references to the CIL in this way is both confusing and misleading.

130. Therefore Clause I of the policy should be deleted.

131. When adopted the Hoe NF area will receive 25% of any CIL raised in their area, PCC as the local charging authority retains these funds but must engage with the community to decide on

spending priorities and therefore the Neighbourhood Plan can play a useful role in highlighting specific infrastructure deficiencies that the community would wish to see addressed.

132. In the Comments tracker report the Hoe NF use the example of policy set out in Fortune Green and West Hampstead Neighbourhood Plan (Adopted 2015) as justification for including the policy as written, however this policy is much less detailed and links to a table of infrastructure priorities which sits outside the policy wording as recommended by PCC at Reg 14 stage. The Fortune Green and West Hampstead policy reads:

*POLICY 19: Community Infrastructure Levy Priorities*

*Table 3 sets out the projects and schemes which are the Neighbourhood Plan's priorities for the use of Community Infrastructure Levy, or, if applicable, S106 funding, and/or other such schemes, in the Neighbourhood Area.*

133. PCC consider this to be a more concise and practicable way of dealing with the issue if the Hoe NF wanted policy wording within the Plan.
134. Clause 3 of the Policy repeats previous policy wording in BNG2 of the Neighbourhood Plan that we have also raised concern over. Both policies state that net gain improvements should relate to those 'identified in the management plans for the designated Local Green Space sites' however no management plans appear to have been submitted or are available on the Hoe Neighbourhood Plan website.
135. The wording around this issue should be resolved through the examination but should not be repeated in this policy and should be deleted.
136. Key Points:
- The inclusion in the policy of references to the CIL in this way is both confusing and misleading. Therefore Clause 1 of the policy should be deleted.
  - List of priorities should be in the supporting text and not the policy wording.
  - Reference the Biodiversity net gain should be deleted from this policy.
  - Should a policy be required to still be included it should be more in line with the wording in the set out in the Fortune Green and West Hampstead Neighbourhood Plan and used as justification by the Hoe NF.

137. **Consultation Statement:**

138. The Statement sets out that early engagement was undertaken in 2017-18 and Community Engagement Report was published in April 2018.
139. Whilst this engagement appears to be wide ranging it was undertaken during the same time as the examination into the JLP was underway but predates the consideration and testing of issues such as Policy DEV27 by the inspector and adoption of the JLP in March 2019.
140. The Forum made representations on the JLP and were involved at the Examination on Policy PLY27 where their views on building heights and alternative wording were considered by an Independent Planning Inspector.
141. The Forum therefore needs to be clear about what engagement and consultation has been undertaken following the examination which would support a different approach to this site than set out in the Adopted JLP.

142. The statement sets out in paragraph 3.12 that ‘Over the following years (2019 to 2024) plan-making proceeded through visioning followed by a cycle of five steps (research, policy drafting, policy testing, policy review, engagement and consultation).’
143. Research Testing:
144. The Forum set up sub groups to look at four different topic areas (Heritage & Guiding Development, Culture, Tourism & Economy, Blue and Green, Pedestrians and Transport) but it is not clear how many people sat on each group or how these guided the approach to policy drafting.
145. The Consultation Statement also sets out that targeted surveys were undertaken during this stage but this has not been expanded on further or any details supplied on who was consulted, when and the results.
146. Details on who was consulted, when and the results should be included in a revised Consultation Statement.
147. Policy Drafting:
148. The statement sets out that sub-group members met every six weeks (April 2019 to September 2020) to ‘draft policies informed by the existing evidence base, research findings, and views from engagement and consultation’.
149. Again it is not clear what engagement and consultation had taken place with the community since the examination into the JLP had concluded and therefore it is not clear how this helped to shape the policy development.
150. For example and as highlighted in the submitted appendix 5 a new and detailed Local Green Spaces policy appears in 2021 but there doesn’t appear to be any specific evidence that has been published of any consultation that raised this as an issue.
151. Appendix 2 shows the community engagement that was done in April 2018 and that The Hoe and Foreshore received most comments but the summary highlighted the key issues were around improved lighting, lack of use of Tinside between September to April, the use of Foreshore for a range of uses including market spaces, cafes, hot tubs and cultural activity and the impact of large events on the Hoe.
152. Therefore it is important that all details on who were consulted, when and the results of additional engagement and consultation should be included in a revised Consultation Statement if they haven’t been included.
153. Policy Testing:
154. This work was undertaken in 2021 which included consultation with Plymouth City Council, AECOM and the wider public.
155. Plymouth City Council and AECOM provided commentary on the policies some were since not taken forward and some such as Developer Contributions and Protection of Iconic Views not included at this stage.

156. At this stage the statement states that 'the wider public via surveys published on the Forum's website and social media channels and at Hoe Neighbourhood Forum meetings'.
157. When providing a response to the draft plan received for SEA/HRA testing in June 2023 the Council noted that at that time the Neighbourhood Forum had a webpage <https://www.hoeforum.org.uk/> which states that it is making a Neighbourhood Plan for the area but did not include any other information so it is not clear whether these surveys were available on this site at the time.
158. It is not clear what social media channels the Forum used but we note that there is evidence that the Forum invited and promoted participation in the plan through its open Facebook page on the topic areas between May 6, 2021 – June 2, 2021.
159. The survey responses now available show that the questions were quite generic but does ask about affordability and mix of housing, travel patterns, low carbon transport, quality of pedestrian routes, heritage and materials, protection of viewpoints, design codes, tourism provision and access to foreshore.
160. The latest entry on the open Facebook page which mentions any Forum meetings was on the June 24, 2018, which sets out that there is Forum General meeting on Wednesday 27th June at Hoe Bowling Club and that all the information, including the agenda, is posted in the Hoe Neighbourhood Forum members' group. This states that you need to ask to join the group if you would like full details.
161. The consultation statement needs to clear with evidence showing what open consultation has taken place, when and how this has informed the policy development.
162. Policy Review:
163. Whilst elsewhere on the updated webpage contains the responses received from Plymouth City Council and AECOM the statement should give a summary of these responses and set out what has changed or the reasoning why elements have not changed rather than just stating that comments 'were assimilated into a first round of policy revisions between September 2021 and again in June 2023'.
164. The Council made a detailed response stating that certain policies should be deleted and asked that others be changed by providing text that would provide clarity, avoid repetition, or simplify policy wording.
165. It is also noted that ongoing advice from AECOM had mirrored the Council's advice that Registry Office site policy is not in conformity with PLY27 of the adopted JLP and fails the Basic Conditions test.
166. Additional Consultation and Engagement:
167. The Statement also highlights that a site specific consultation on the registry office site was undertaken in August- September 2020 and a business survey sent to every business in February 2021.
168. The Forum have provided an example of the Business Survey questionnaire and that emails and hard copies were delivered on 25 February 2021 and the consultation period was 2 weeks.

169. It is noted there were no responses and neither of these consultations appear to be advertised on the Forum's Facebook page.

170. Conclusion:

171. We were pleased to see that as part of the Regulation 14 consultation the Forum took on board our advice from September 2023 by updating the Neighbourhood Forum webpage <https://www.hoeforum.org.uk/> which at that time only stated that you were making a Neighbourhood Plan for the area with no further information.

172. It now allows the public open access to the Plan including the draft Plan, Consultation Statement, Basic Conditions Statement and evidence base.

173. We would still recommend that minutes of meetings/working groups are available as well.

174. It is clear that the Forum has undertaken some consultation and engagement; however it is not clear how this early engagement shaped and provided evidence to support the development of some of the policies contained within the Plan.