

Independent Examination of the Hoe Neighbourhood Plan

Dear Ms Miller

On 25 March 2026 sections 98 and 99 of the Levelling-up and Regeneration Act 2023 came into force, by virtue of The Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026, which were made on 2 March 2025.

In relation to neighbourhood plans, sections 98 and 99 amend the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 in respect of the legal compliance and the Basic Conditions requirements.

In summary, the further legal compliance requirements are as follows:

- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to secure that the development and use of land in the neighbourhood area contribute to the mitigation of, and adaptation to, climate change; and
- so far as the qualifying body considers appropriate, and having regard to the subject matter of the plan, the plan must be designed to take account of any local nature recovery strategy under section 104 of the Environment Act 2021 that relates to all or part of the neighbourhood plan area.

In addition, there is a new Basic Condition requirement:

- 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. Note: this replaces the former Basic Condition that the neighbourhood plan be in general conformity with the strategic policies contained in the development plan for the area.⁶

A further Basic Condition⁷ related to the new environmental assessment framework⁸ is commenced albeit, until such time as a completed framework for the implementation of Environmental Assessment Reports is in place, compliance with this Basic Condition cannot be assessed.

As the examination of the Hoe Neighbourhood Plan is currently in progress, I am providing you with an opportunity to comment on the impact of these changes on the Hoe Neighbourhood Plan. I also consider that any persons who may have an interest in the examination should be given the similar opportunity to comment, including those who submitted representations at Regulation 16.

Therefore, I request that Plymouth City Council place a notice on their website cross referencing this letter, advising that the anyone with an interest in the examination may, should they wish, comment on the impact of the legal compliance and Basic Conditions changes outlined above on the content of the Hoe Neighbourhood Plan.

It should be made clear that there is no need for responses to repeat representations that have already been made in relation to any other matters (since the Regulation 16

representations stand as submitted). Similarly, it is not an opportunity to raise new matters that do not relate to these legal points.

I suggest that that 2 weeks will be provided to submit comments to Plymouth City Council. Plymouth City Council should contact those who made representations at Regulation 16 to make them aware of this additional consultation. Should any person(s) request additional time in order to respond, you should seek to accommodate this providing a revised and reasonable response time is proposed.

Any responses received at the end of the 2 week (or, where requested, extended) period, along with those of the Hoe NPF and Plymouth City Council, should be forwarded for my attention.

Should you have any questions in relation to this letter or any other related examination matters, please contact me.

In the interests of transparency, please ensure that a copy of this letter is placed on the Forum's and Plymouth City Council's websites.

Yours sincerely
Deborah McCann
Examiner

1 May 2026