
EXMOOR NATIONAL PARK LOCAL PLAN EXAMINATION

Christine Self ~ Programme Officer

Homefield House, Homefield Road, Saltford, Bristol BS31 3EG

Telephone: 01225 872654 Email: ac.self@blueyonder.co.uk

Mr D Wyborn
Head of Planning and Sustainable Development
Exmoor National Park Authority

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Dear Mr Wyborn

EXAMINATION OF THE EXMOOR NATIONAL PARK LOCAL PLAN 2011-2031

1. I have completed my initial assessment of the submitted Local Plan and the Programme Officer will shortly be circulating the programme for the examination hearings, including a list of the issues and questions to be discussed.
2. This letter deals with a number of matters which I consider it would be helpful to raise with the Authority in advance of the hearings. Please arrange for a copy of it and the attached list of clarification points to be placed on the Examination webpage.

Schedule of Proposed Changes (SD5)

3. The Schedule of Proposed Changes is helpful in setting out the Authority's views on the changes that may be needed to the Plan in the light of the consultation representations, recent legislative and policy changes and new guidance and information.
4. However, the proposed changes set out in SD5 have not been subject to public consultation. Consequently, the basis for my examination remains the submitted Publication Draft Local Plan (SD1).

5. It will be helpful to discuss the proposed changes in the hearing sessions, but it must be borne in mind that they are not part of the submitted Plan. Any changes to the submitted Plan that materially affect its policies can only be made if I recommend them as main modifications¹.

List of clarification points

6. As part of my initial assessment I have compiled a list of points on which it appears to me that the meaning of the Plan's policies, or of important parts of the reasoned justification, may require clarification. It is attached to this letter.
7. The list has been drawn up at a very early stage in the examination, to assist in the examination's progress. The queries it contains do not represent findings on the soundness or legal compliance of the Plan, nor are they binding on any recommendations for main modifications that I may make after considering all the evidence presented during the examination.
8. It would be helpful if the Authority could respond to the points in my list via the Programme Officer **by Monday 20 June**. This will greatly assist the discussion at the hearing sessions. However, if any of the points requires further explanation from me before it can be answered, I will be happy for it to be dealt with at the relevant hearing session instead.

Court of Appeal judgment: *Secretary of State for Communities and Local Government v West Berkshire DC & Reading BC* [2016] EWCA Civ 441

9. This recent judgment may have implications for a number of policies in the submitted Plan. I would be grateful if you would consider what revisions may be required, in the Authority's view, to the submitted Plan and/or the Schedule of Proposed Changes in the light of the judgment. It would be helpful to receive your comments on this matter, via the Programme Officer, also **by Monday 20 June**.

Principal Residence housing

10. Submitted policy HC-S4 says that any new market housing must be Principal Residence housing, as opposed to second or holiday homes. In paragraph 6.87 this requirement is justified by reference to the existing high percentage of homes with no usual residents and its impact on the social well-being of a number of communities. It would be helpful if I could

¹ *Planning and Compulsory Purchase Act 2004* (as amended), s.23.

be provided with a summary of, and references to, evidence that demonstrates this impact on social well-being.

11. Paragraph 6.43 of the Plan argues that the “exceptions” approach of permitting local need affordable housing where new housing would not normally be allowed has the effect of reducing the value of land and buildings. Are the requirements of policy HC-S4 in respect of Principal Residence housing also intended to have an effect in reducing land values? If so, again it would be helpful if I could be provided with a summary of, and references to, evidence that demonstrates this effect.
12. I am aware of policy H3 of the made Lynton and Lynmouth Neighbourhood Plan, which contains a Principal Residence housing requirement. In order to inform discussion at the hearing session it would be helpful if I could also be provided with any examples of similar policies in adopted Local Plans.
13. It would be helpful to receive your comments on this matter, via the Programme Officer, again **by Monday 20 June**.

Submitting material for the hearing sessions

14. In order to manage the examination efficiently, I would like to ensure that any additional written material that may be submitted for the hearing sessions is kept to a minimum. This includes material submitted by the Authority (apart from the material I have specifically requested above).
15. Therefore I would ask that wherever possible you rely on references to material already submitted when responding to my issues and questions for the hearings. “Material already submitted” includes the submission, core and secondary evidence base documents and the Authority’s responses to the individual representations. Additional written material will only be justified if any of my issues and questions are not covered by that existing material.
16. Three hard copies and one electronic copy of any additional written material for the hearing sessions must be received by the Programme Officer **by 5pm on Monday 20 June 2016** so that it can be made available to the other participants.

Pre-hearing discussions and statements of common ground

17. Where there are important matters remaining in dispute between the Authority and any of the representors, it would be helpful if discussions could be held to narrow or, ideally, to resolve the differences before the

hearings take place. It would be particularly helpful for the outcome of any such discussions to be recorded in an agreed statement of common ground.

Legal requirements

18. At the opening of the first hearing session I would be grateful if the Authority's representatives would confirm whether, in their view, all the relevant legal requirements have been met in preparing the Plan. Any specific questions on the legal requirements will be dealt with in the relevant hearing session(s).

19. If you have any queries on the contents of this letter, please do not hesitate to raise them with me, via the Programme Officer. I look forward to meeting the Authority's representatives and the other participants at the hearing sessions.

Yours sincerely

Roger Clews

Inspector

CLARIFICATION POINTS ARISING FROM THE INSPECTOR'S INITIAL ASSESSMENT OF THE EXMOOR LOCAL PLAN (SD1)

References to policy & paragraph numbers are to those in the Publication Draft.

Page	Policy/ Para	Query
8	2.2	The sub-title is "VISION FOR EXMOOR NATIONAL PARK TO 2031", but under sub-heading 1, the text begins "In 2030, ...". Should it be "In 2031, ...?"
8-11	2.2	To avoid misunderstanding if the individual sections of the Vision are read out of context, might it be sensible to preface each one with "In 2030 [or 2031], ..." as is done with section 1?
11	2.3	Would it be sensible to make it clear that the order in which the objectives appear does not indicate any order of priority?
13	2.4	Would it be sensible to make it clear that each of the strategic priorities has equal importance?
19	3.23	In the second sentence, exceptional circumstance(s) are defined as "if the development is absolutely necessary, in the public interest and there is no practical alternative". Does this wording accurately reflect the NPPF and the NP Circular 2010?
19	3.27	The last sentence of this paragraph appears to quote from policy GP2 rather than policy CE-S3. In line 11, therefore, should the reference to policy CE-S3 in fact be a reference to policy GP2?
23	3.42	The third sentence says "...some farmsteads are also likely to meet the same definition". I assume "the same definition" is a reference back to the definition of a hamlet in the second sentence. Is it strictly accurate to say that a farmstead would meet that definition, in particular that it would include a "number of dwellings"? If not, the last part of the third sentence (after the words "National Park") should perhaps be deleted.
23	3.43	The meaning of the first sentence is not entirely clear. If it were deleted, and the word "Existing" were added at the beginning of the second sentence, would that convey the intended meaning better? Should there also be a cross-reference to policy HC-D7?
25	Map 3.1	I assume Map 3.1 is not part of the Policies Map – please confirm.
27	3.49	By whom, and in what context, is the reuse of traditional agricultural buildings "considered" to be greenfield development?
28	3.54	In line 5, do the words "these grades" refer to Grades 1, 2 and 3a (first sentence), or "poorer grades" (second sentence)? Needs clarification.
28	GP4	It is not entirely clear what clause 1 requires a development proposal to demonstrate. Could it be more clearly worded?

32	Map 4.1	I assume Map 4.1 is not part of the Policies Map – please confirm.
38	CE-D1	Could the words “considered to be” be deleted from clause 4, line 1 without loss of meaning? (Otherwise it is unclear by whom they would be considered significant.)
41	Map 4.2	I assume Map 4.2 is not part of the Policies Map – please confirm.
57	CE-S4	How is clause 2 of the policy intended to be applied to development proposals?
57	CE-S4	In clause 3, line 4, should “and” be replaced by “or”?
60	CE-D3	In clause 1, line 2, should “character and appearance” read “character <u>or</u> appearance”?
65	CE-S5	Should the words “any existing” be added at the beginning of clause 1(d)?
65	CE-S5	In clause 3, line 2, should “considered” be replaced by “permitted”?
65	CE-S5	What is the justification for the “environmental and visual enhancement” requirements of Clause 3(b)?
74	CE-D5	As currently structured (with “or” at the end of clause 1(a)), the policy seems to indicate that all joint or community advertisements or signs will be permitted by criterion 1(a), whether or not they also meet criteria 1(b), (c) and (d). Is that the intention?
77-78	4.180	Does this paragraph need to be amended to reflect the proposed deletion of policy CE-S8?
79	CE-D7	In clause 1, line 5, should the words “the health and amenity of” appear before “local communities”, for consistency with CE-S7 1(d)?
86	5.23	In the light of representation ID 0033/02, is this paragraph correct to say that “Applicants should consult the Environment Agency ...” when considering the design of SuDS?
103	Map 5.2	I assume Map 5.2 is not part of the Policies Map – please confirm.
104	CC-D3	Clause 1 refers to “Proposals for individual wind turbines serving individual properties or groups of properties ...”. Would other wind turbine proposals (that do not meet this description) be considered under policy CC-S5, or is policy CC-S3 intended to cover all future wind turbine proposals?
132	HC-S1	In clause 1, line 3, should “development” be inserted after “new housing”?
132	HC-S1	In clause 1, line 4, should “acceptable” be replaced by “permitted”?
132	HC-S1	In clause 1(b), should “homes for” be inserted before “rural workers”?
140	HC-S4	Would the intended meaning of the first part of clause 1 be clearer if it were amended as follows: “Any <u>new</u> market housing <u>development</u> will be “Principal Residence” housing and will only be permitted through the change of use of non-residential buildings to housing in settlements, and/or <u>where it is</u> required to enable ...”?

150	6.127	In line 2, should the definition of descendants also include grandchildren and great-grandchildren?
152	6.132	What is the evidence base to support the definition of rural communities set out in latter part of this paragraph? Should the term be defined in the Glossary?
155-156	6.140	Where are the "criteria of an Exmoor worker", referred to in the penultimate sentence, set out? How do those criteria relate to the Plan's policies?
158	HC-D9	In clause 1(d), could the words "the Authority is satisfied that" be deleted, or replaced by "it is demonstrated that" or similar wording?
176	HC-S6	In clause 4, should "Local Services and Villages" be replaced by "named settlements"?
186	HC-S7	Could the second and third lines of clause 1(a) be altered to read simply: "accord with policy CE-S5"?
199	7.51	In line 7, should the words "very special circumstances" be replaced by "exceptional circumstances", for consistency with policy SE-S4, clause 3?
200	SE-S4	In clauses 1(d), (e) & (f), what does the word "they" refer to?
212	RT-D4	In clause 2(a), should there be a reference to specific policy number(s)?
239	Map 9.1	I assume Map 9.1 is not part of the Policies Map – please confirm.

RC 27 May 2016