

## **Exmoor National Park Local Plan Five Year Policy Review**

### **Statement of Common Ground**

#### **1. Introduction**

- 1.1. This Statement of Common Ground (SCG) is a jointly agreed statement between Devon County Council (DCC) and Exmoor National Park Authority (ENPA). The Exmoor National Park Local Plan was adopted in July 2017, and the Authority is conducting a five year review to assess whether the policies need updating, in accordance with the National Planning Policy Framework.
- 1.2. The SCG sets out the position and understanding with respect to the strategic cross-boundary matters relating to the review including housing, climate change, nature recovery, and economic development. It is not binding on either party, but sets out a clear and positive direction, at a particular time, to inform decisions on the five year review of the Exmoor National Park Local Plan.
- 1.3. The purpose of this SCG is to demonstrate clearly and concisely how matters raised by DCC in relation to the review have been positively explored and, where applicable, resolved.

#### **2. Parties involved**

- 2.1. The following local planning authorities have engaged in this SCG:
  - Exmoor National Park Authority
  - Devon County Council

#### **3. Signatories**

Clare Reid, Head of Strategy and Performance, for Exmoor National Park Authority

**Mike Deaton, Chief Planner for Devon County Council**

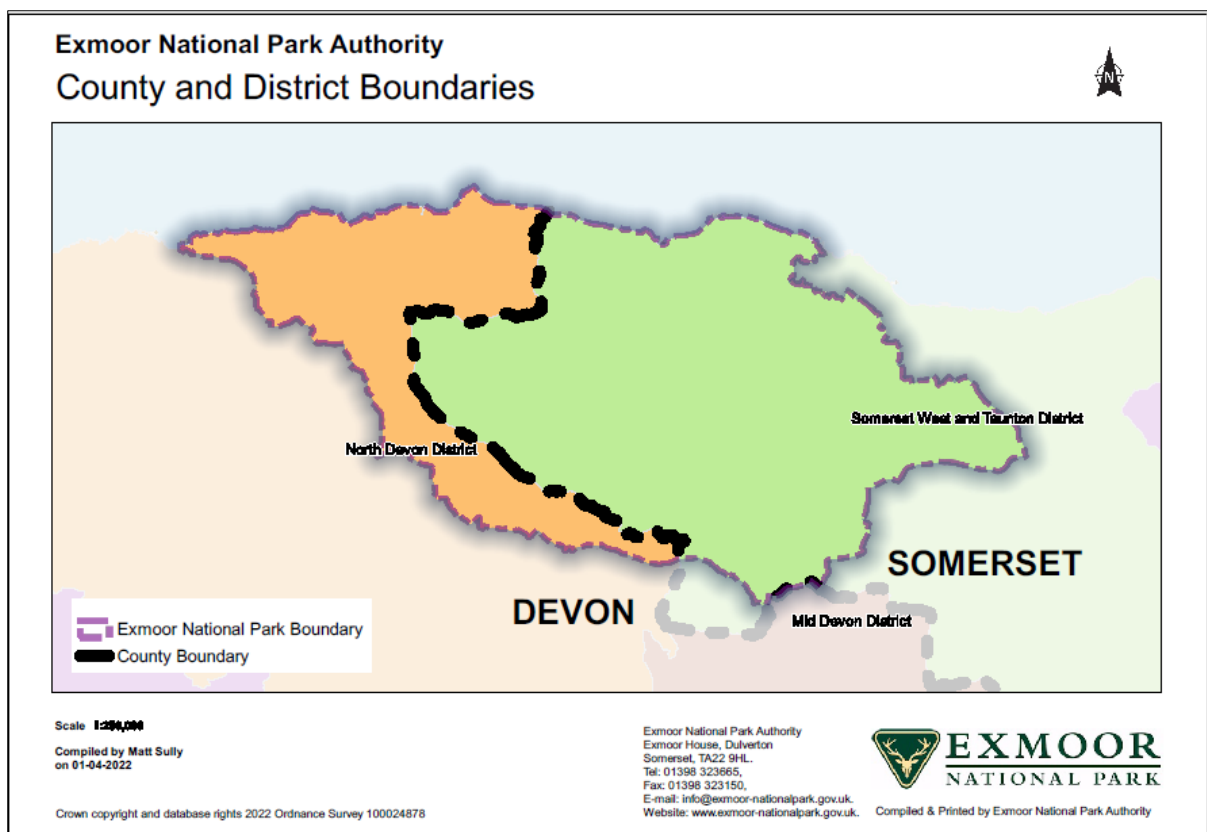
#### 4. Strategic geography

4.1. This SCG covers the Devon County area within Exmoor National Park. As illustrated from the map below (Fig.1), Exmoor National Park (ENP) is partly within Somerset, and partly within Devon. Exmoor National Park Authority (ENPA) is the sole planning authority for the National Park and responsible for reviewing the Local Plan.

4.2. Section 62 of the Environment Act 1995 requires all relevant authorities, including local authorities such as DCC, to have regard to the purposes of National Parks. These are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Figure 1: Map showing Exmoor National Park with County and District boundaries



## 5. Background

5.1. In undertaking the review of Local Plan policies, ENPA has followed national requirements set out in the NPPF (para 33) and guidance, including the Planning Advisory Service toolkit<sup>1</sup>.

*Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future. (NPPF para 33)*

5.2. In line with national requirements and guidance, ENPA carried out an initial review of the Local Plan, including:

- Assessment of changes in national policy and if the Local Plan is still policy compliant
- Monitoring the effectiveness of the current policies
- Preparing new and updated evidence including on local affordable housing need
- Reviewing housing delivery as required by Local Plan Policy M1-S1 and identifying whether external factors such as economic changes have impacted the viability of housing delivery
- Considering ENPA's appeals performance and whether this suggests specific policies need to be reviewed where appeals are being lost
- Exploring whether any new social, environmental or economic priorities may have arisen
- Engaging with neighbouring authorities and other relevant statutory / partner organisations as part of the Duty to Co-operate to consider cross-boundary issues and other strategic priorities
- Considering the implications of changes to the planning system including those set out in the Government's Planning White Paper 'Planning for the Future'<sup>2</sup>.

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<sup>1</sup> [\\*\\*Updated NPPF 2021\\*\\* Local Plan Route Mapper & Toolkit - reviewing and updating local plan policies | Local Government Association](#)

<sup>2</sup> [Planning for the future \(publishing.service.gov.uk\)](#)

5.3. A Duty to Co-operate meeting was held with DCC and other partners on 27 September 2021. The notes of this meeting were subsequently agreed with officers and are given at **Appendix 1**, and relevant extracts included in the strategic matters in section 6 below. **No significant issues with the adopted Local Plan policies were identified at the meeting.**

5.4. Having completed the initial assessments for the review, ENPA produced a series of topic papers setting out the interim conclusions of the five year check of Local Plan policies.<sup>3</sup> These were discussed at a workshop for partners on 2 December 2021. No DCC officers attended.

5.5. The topic papers also provided background information for responses to the online survey held in early 2022 which DCC did not respond to. **No significant issues with the adopted Local Plan policies were identified from the survey.**

## 6. Strategic matters

6.1. The main issues raised by DCC in relation to the five year review were minerals (including local building stone), and education provision through development.

- *Minerals development, particularly the need for local stone*

The 2017 Minerals Local Plan is due to be reviewed. The question of the supply of local building stone was raised, particularly in the light of the Government's proposals to promote beauty and beautiful design, which will include the use of natural stone. Sources of local building stone are limited and there are no working quarries in ENP although the Local Plan has policies to enable small scale quarries for building stone as this would benefit local distinctiveness. The Devon Minerals Plan is also supportive of local building stone. There are not many quarries for building stone in Devon.

- *Educational provision through development*

Educational provision within the National Park was discussed. Two schools are situated within the Devon part of Exmoor (Lynton & Parracombe), with Kentisbury, Combe Martin, North Molton and East Anstey close by. These are small rural schools with very low cohorts/demographics. There are no plans to expand these schools. Since the meeting an update on education contributions has been provided to the Devon and Cornwall Planning Officers Group. It is understood that *developer contributions will not be sought on applications which propose a net increase of less than four family*

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<sup>3</sup> [Exmoor - Local Plan 5-Year Review Survey \(exmoor-nationalpark.gov.uk\)](https://www.exmoor-nationalpark.gov.uk/exmoor-local-plan-5-year-review-survey)

*type dwellings and that affordable housing is included in education capacity and contribution calculations, as they generate a need for additional education facilities within a specific locality.* Further updates are awaited regarding education contributions. The main implications for Exmoor are likely be the increase in contributions per pupil which will be collected via S106 agreements. Exmoor does not have a CIL, and there are no changes to the way existing capacity is calculated in rural areas.

6.2 The Devon Duty to Cooperate Protocol is nearing completion following discussion at the Devon and Cornwall Planning Officers group on 7 April 2022. Exmoor National Park Authority are seeking additional references to National Park purposes to enable sign up to the document.

6.3 Transport and waste planning were not raised as an issue. DCC adopted the Waste Local Plan in 2014 and a 5-year review concluded policies are up to date.

## **Conclusions**

6.4 DCC and ENPA will continue to co-operate on areas of joint interest including on minerals, waste, transport, and education. **There are no outstanding Duty to Co-operate issues suggesting that a review of the Exmoor National Park Local Plan is required.**

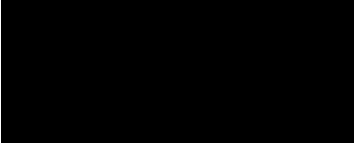
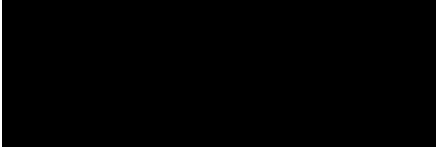
## **7. Governance arrangements**

7.1. This SCG has been signed by the **Chief Planner** for DCC and the Head of Strategy and Performance on behalf of Exmoor National Park Authority.

## **8. Timetable for review and ongoing cooperation**

8.1 The strategic issues identified in this SCG (housing, nature recovery and climate change, and economic development) will be managed on an ongoing basis.

8.2 Future Duty to Co-operate meetings will enable progress to be shared and communicated and any further actions to be identified.

<i>Signed on behalf of Devon County Council:</i> 	<i>Signed on behalf of Exmoor National Park Authority:</i> 
<i>Position: Chief Planner</i>	<i>Position: Head of Strategy and Performance</i>
<i>Date: 11 May 2022</i>	<i>Date: 31st May 2022</i>

## Appendix 1 - Notes of Duty to Co-operate Meeting

### Exmoor National Park 5-Year Local Plan Review

#### Minutes of the Duty to Co-operate Officer Meeting

27 September 2021 1.30– 4.00pm

(Teams meeting)

<b>Present:</b>
Exmoor National Park Authority (ENPA): Ruth McArthur (RM); Robert Paddison (RP) Clare Reid (CR)
Devon County Council (DCC) Emily Harper (EH)
North Devon Council (NDC): Andrew Austen (AA);
Somerset County Council (SCC) Andrew Gunn (AG)
Somerset West and Taunton (SWT) Paul Browning (PB); Laura Higgins (LH); Kate Murdoch (KM), Ann Rhodes (AR), Graeme Thompson (GT)

Item	Action
<p><b>Plans Update</b></p> <p>NDC –North Devon &amp; Torridge Local Plan was adopted in 2018. Members have decided to review the plan, including to address the climate and biodiversity emergencies. It is likely to be a full review and will be a joint local plan with Torridge.</p> <p>(LH provided an update on SWT plan making. Following the decision on a Somerset unitary authority, there will now be a joint Somerset Local Plan rather than a new SWT Local Plan. The team is working on evidence gathering such as site assessments but are mindful of the need to ensure studies will be relevant. The local housing need assessment is being updated (ORS) - this has involved working with Exmoor NPA.</p> <p>DCC adopted the Waste Local Plan in 2014. A 5-year review concluded policies are up to date. The 2017 Minerals Local Plan is due to be reviewed.</p>	

<b>Item</b>	<b>Action</b>
<p>SCC is publishing a Local Aggregates Assessment, and will be reviewing the minerals and waste plans early next year. Issues with phosphates is currently limiting development.</p>	
<p><b>Gypsy and Traveller Accommodation Assessment</b></p> <p>North Devon &amp; Torridge districts are not part of the assessment for other Devon Councils. There has been a verbal ENPA officer response agreeing for ENPA to join a joint North Devon/Torridge study. The brief will be largely based on the existing approach.</p> <p>SWT (AR) reported that Somerset have instructed a consultant (RRR). The draft will include Gypsy and Traveller interviews. Numbers are complete - not sure if ENP area in Somerset is included. ENPA would welcome clarification on whether the Somerset GTAA study delineates the ENP boundary which would enable the evidence for the SWT area in the National Park to be identified separately.</p> <p><b>HELAA Methodology</b></p> <p>N Devon &amp; Torridge are reviewing their methodology.</p> <p>AR said SWT has updated the HELAA using the standard methodology - it now links with housing delivery.</p>	<p><b>SWT to share the GTAA tender brief and methodology</b></p> <p><b>NDC and SWT to share HELAA methodologies</b></p>
<p><b>Nature Recovery</b></p> <p><b>Biodiversity Net Gain</b></p> <p>- <b>Off site and out of district LPA areas (incl. ENP) mitigation</b></p> <p>NDC reported that Devon CC is producing an SPD. The timetable has been affected by new legislation. There is a need to consider how to manage offsite biodiversity net gain.</p> <p>GT said that there is a varied policy position within the LPA – West Somerset policy includes an intention to secure net gain (no specified %) “where possible”, Taunton Deane policy is less explicit, simply talking about conserving and enhancing the natural environment including biodiversity, habitats and networks. Keen to pursue a common position on how a net gain can be secured across the board in advance of the Environment Act requirements biting. GT and CR had briefly discussed</p>	



Item	Action
<p>previously the potential merit of focusing off-site net gain towards locations within the National Park, but more work was needed and approach will likely need to emerge via the Local Nature Recovery Strategy.</p> <p>SWT (PB) provided an update on phosphates, following the Natural England advice note in August 2020 that all new development, including residential, has to be phosphate neutral. A phosphates calculator is complete. Consultants are establishing the area of risk (including in the National Park) and producing a strategy to manage the impact of development. It is hoped these will be available in October / November. There will also be strategies for each river catchment and a County-wide SPD.</p> <p>113 planning applications are currently stalled - there may be interim measures to allow some development. National concerns are about river water quality. To date, river quality has not been included as part of biodiversity net gain.</p> <p>Solutions may not allow sufficient housing to meet the housing requirement and there is a need to invest in sewage treatment works. Funding has been requested from the government. OFFWAT are being asked to consider environmental as well as economic matters.</p> <p>ENPA asked if there are solutions in the strategy which affect the National Park. PB responded that the best / most cost-effective solution is wetland, but there may need to be safeguarded strips near water courses. The issue is also a function of geology and soil types. Water saving measures in existing council-owned housing stock may enable the release of 750 - 1350 dwellings. ENPA noted that there appear to be no details for the National Park to take note of at the moment.</p> <p><b>Devon Nature Recovery Strategy, Biodiversity Net Gain SPD, Biosphere Nature Recovery Plan and Use of Building with Nature Standards</b></p> <p>NDC – The Biosphere Nature Partnership has prepared and consulted on a nature recovery plan - it is not yet a formally</p>	<p><b>ENPA to await release of the phosphates strategy and keep engaged on the issue. ENPA to await the nature recovery and biodiversity net gain strategies.</b></p>

Item	Action
<p>adopted SPD. It contains a requirement to use Building with Nature Standards. Subject to member agreement, this may be adopted by N Devon &amp; Torridge in a new Local Plan. It is not a consideration for DtC yet, it may form part of future DtC discussions including as part of any future ENP Local Plan review.</p> <p>SWT (GT) – In Somerset, SWT are will soon be working on a strategy and action plan for responding to the declaration of an Ecological Emergency. Climate Positive Planning has been produced as a guidance note in relation to how the climate emergency is addressed in existing planning policies and will influence decision making as a material consideration. It requires submission of a Climate Emergency Checklist to help demonstrate how applicants have considered and are responding to key aspects in relation to the Climate Emergency including in relation to Biodiversity Net Gain. Local Plan policy provides a hook which can be used, informally, to seek biodiversity net gain. The next iteration of Climate Positive Planning will include improved focus on this issue.</p> <p>ENPA – The Authority adopted the ENP Nature Recovery Vision in November 2020 which aims to increase the area dedicated to nature via targets to 2030 and 2050. This will potentially provide multiple public benefits and a starting point for Farming in Protected Landscapes (FiPL) / conversations with stakeholders. The Vision will feed into Biodiversity Net Gain.</p> <p>SWT (GT) – Officers are seeking an ecologist assessment to help with a response to the nature emergency. The contact is Sue Tomlinson.</p>	<p><b>ENPA to circulate link to the ENP Nature Recovery Vision once available.</b></p> <p><b>ENPA to continue to work with Somerset on the nature emergency.</b></p>
<p><b>Climate change mitigation and adaptation</b></p> <p><b>Implications of new July 21 NPPF changes</b></p> <ul style="list-style-type: none"> <li>- <b>Design Codes, building beautiful, building in stone</b></li> </ul>	

Item	Action
<p>GT said that a District-wide Design Guide SPD will be adopted in December and include design processes to address climate change working towards zero-carbon as well as aspirational building standards beyond building regulations linked to the LETI standards. SWT have procured a district-specific quality review panel and set out in the District-wide Design Guide SPD when new developments should be considered by it.</p> <p>The phosphates issue is stalling applications so it is not clear how successful this approach is being/will be as yet.</p> <p>SCC – In terms of ‘beauty/beautiful design and the use of natural stone, AG asked if there a problem sourcing building stone locally as there are no working quarries in ENP. Rm responded that local stone types vary across the National Park. Development tends to be rendered and also because cost is often an issue. It would be beneficial for local distinctiveness to have sources of local stone. Farmers can win their own stone. There is a small quarry to the north -east outside but close to the National Park.</p> <p>DCC – The Minerals Plan is supportive of local building stone. There are not many quarries for building stone in Devon.</p> <p>NDC –Quarries in North Devon are mainly for aggregates; there are no building stone quarries.</p>	
<p><b>Potential areas of search for wind energy (incl. offshore renewables)</b></p> <p>NDC – Areas of search in North Devon were seen as politically controversial and none were identified in the district. The new Local Plan may take a different approach and may identify areas of search. This would take into account the effect on the National Park, and would be discussed with the NPA. There will be land based areas of search in N Devon - landscape sensitivity mapping will need to be completed.</p> <p>ENPA The ENP Local Plan contains a criteria-based wind energy policy underpinned by evidence using on a landscape character approach which identified areas considered as unsuitable for turbines (the remaining as suitable).</p> <p>SWT (GT) SWT is keen to move forward with a renewable energy study to provide a planning evidence base for future renewables</p>	<p><b>NDC to discuss areas of search for wind energy in North Devon with the NPA as part of the North Devon / Torridge Local Plan review</b></p>

Item	Action
<p>energy policy development and allocations/areas of search. In conversations with all the Somerset authorities in relation to taking this forward, but currently stalled, primarily due to the impasse on Local Plan development caused by Unitary amongst other things.-In terms of wind, West Somerset has similar problems as N Devon. Somerset has fewer opportunities for wind turbines though tidal power may be an option. GT asked whether there would be ENPA interest in jointly producing a consultants brief on the topic.</p> <p>ENPA noted that impacts on the coast and seascape and the infrastructure associated with tidal power were matters ENPA have raised in consultations - the South-West Marine Plan contains enabling renewable energy policies. ENPA would keep in contact with Somerset as the study develops. PB said a test for offshore renewables was views from the top of the Quantocks.</p> <p><b>Retrofit impacts</b></p> <p>CR explained that retrofit impacts (for more sustainable energy use and generation) are difficult in the National Park particularly on / near Listed Buildings and in / near Conservation Areas. Would there be opportunities to work jointly on this issue. GT suggested SWT is in the process of adapting the Net Zero Carbon Toolkit published by Cotswold, West Oxfordshire and Forest of Deane Councils and this includes a focus on providing guidance for best practice in retrofit. AA considered it was positive to use best practice and work across counties. It was agreed that it was useful if all LPAs were encouraging the same thing.</p> <p><b>Natural Flood Management opportunities</b></p> <p><b>Flood resilience (Flood and Coastal Resilience Innovation Programme)</b></p> <p>NDC is considering fluvial change management areas with the aim of slowing floodwater and whether sites upstream could be identified and then funded by housing development in towns. It could potentially include sites in the National Park (may need a specific proposal and location for the mitigation). Considerations</p>	<p><b>All – keep in touch on fluvial change management thinking / funding</b></p>

Item	Action
<p>could also include other climate change impacts e.g. drought and dry rivers.</p> <p>AR said SWT are interested in fluvial change management areas. S106 money could fund it. GT suggested there are other benefits in addition to flood relief - it would be beneficial to work on an agreed approach of how to fund them.</p>	
<p><b>Economy</b></p> <p><b>Post Covid Impacts and recovery</b></p> <p>ENPA– Dan James has developed a post Covid economic recovery plan. ENPA has also worked with consultants and stakeholders through Rural Enterprise Exmoor (REE) looking at businesses on Exmoor National Park; this work has identified many micro businesses which did not previously appear in statistics. A REE Vision has been adopted and is ready for launch, it has a broad vision of the ENP economy, connectivity, digital connectivity and communities.</p> <p>SCC carried out a survey into the effect of Covid which has had little impact on quarry operators, although import of machinery has been an issue. HS2 and Hinckley have created strong demand for minerals in Somerset.</p> <p>ENPA People visited the countryside more during Covid lock down. Overall, the number of visitors was slightly down. Visitor locations changed with increased visits to the open countryside and fewer to Exmoor’s settlements. Changes to permitted development allowed more campsites. The lack of staff, e.g. chefs has caused difficulties for businesses.</p> <p>SWT (GT) – The Economic Development Strategy Innovation District based on natural capital and clean energy are central themes - Mark Wathen is the contact.</p>	
<p><b>Infrastructure</b></p> <p><b>Water supply</b></p> <p>AA asked whether, with drier summers and stormy wetter winters whether there is a need for new or expanded reservoirs</p> <p><b>Waste Water Treatment</b></p> <p><b>Oil and Gas MoU (Somerset)</b></p>	

Item	Action
<p><b>Waste and Mineral Site safeguarding</b>  AG (SCC) highlighted that wastewater; oil and gas and minerals safeguarding were issues for districts and the NPA to give consideration to. There were no other issues currently. SWT members voted to oppose fracking in the district.</p> <p><b>Transport including Car Charging etc</b>  <b>New Hospital in Devon</b>  AA updated the meeting: the North Devon link road is being upgraded. At North Devon Hospital in Barnstaple, a new hospital is replacing existing buildings on site.</p> <p>DCC had nothing specific to raise on roads or minerals and waste [see email update dated 29/09/2021 set out below)</p> <p><b>Education</b>  PB raised educational attainment for ENP residents who have to travel outside the National Park to e.g. Taunton. SWT (KM) noted that the County were considering a project in Minehead to improve access to higher education. There have also been discussions on a remote hub at Dulverton school.</p> <p><b>Existing school requirements</b>  Two schools are situated within Exmoor (Lynton &amp; Parracombe), with Kentisbury, Combe Martin and East Anstey close. These are small rural schools with very low cohorts/demographics. There are no plans to expands these schools.</p> <p><b>CIL</b>  ENPA had questions on:</p> <ul style="list-style-type: none"> <li>- whether DCC have double contributions (CIL and S106) for major schemes,</li> <li>- If Councils are still using CIL (the pooling limit has been lifted). DCC sent information on CIL and education contributions after the meeting (see below).</li> </ul> <p>SWT (KM) – View was that the CIL system should be retained as is. The County are seeking educational charges on top of CIL and phosphate costs – this has implications for site viability. PB explained that Somerset have not determined any major applications for 12 months. Phosphate will have first charge on</p>	<p><b>SCC to investigate what is happening with the hub?</b></p>

Item	Action
<p>viability with a knock-on effect on other demands such as affordable housing and infrastructure. The most likely impact will be on sites which have agreed land deals which do not take account of phosphates.</p> <p>Following the meeting DCC provided the following information on education contributions through S106s:</p> <p><b><u>S106 approach</u></b></p> <p>DCC's current approach to education contributions is set out in the February 2020 document: <a href="#">PDF S106 Approach February 2020.pdf</a></p> <p>An update is due to be presented at Devon Planning Officers Group in October 2021. The main changes include:</p> <ul style="list-style-type: none"> <li>- An increase in build costs in line with the DfE scorecards (for example, 2020 cost per place for a primary extension = £16,432, the new cost is £17,097). It also increases the % of pupils requiring specific SEN provision from 1.5% to 2%.</li> <li>- Confirming the way contributions are requested in CIL charging areas, DCC is requesting S106 from development where CIL has been adopted and the CIL programme does not include funding for specific education infrastructure or there is no approved programme. S106 contributions will also be requested where the commitment from the district council is not sufficient to meet the full need arising from the development. Clarification that school transport requests are managed through the S106 process rather than CIL as school transport is not considered to be education infrastructure in the same context as school buildings.</li> <li>- A differentiation in establishing existing capacity in urban areas (the rural approach, which Exmoor is subject to, remains the same).</li> </ul>	<p><b>SCC (AG) and DCC (EH) agreed to provide updates in relation to schools on Exmoor</b></p>
<p><b>Habitats Regulations Assessments</b></p> <ul style="list-style-type: none"> <li>- <b>Cumulative impacts on Habitats Regs Assessment</b></li> </ul>	

Item	Action
<p>NDC had no current issues, but HRA will need to be discussed as a part of duty to co-operate in the future.</p>	
<p><b>Dark Skies and Setting of Exmoor National Park</b></p> <p>ENPA asked whether lighting guidance can be discussed with councils. Joint working on lighting design would be helpful as well as the need for a Dark Sky Management Plan. New guidance on lighting design has been produced by the UK Dark Skies Partnership and it will be available on the NPA web site - it is not an SPD. It is hoped the guidance will achieve better outcomes in terms of lighting design and impacts - whether through planning applications or through lighting through permitted development. SWT. There is also a need to reduce the impact of signage and joint working with the counties PB said lighting on, for example, A roads near the National Park should be directed downwards. SCC said a Somerset District had received expert advice on improvement of lighting.</p> <p>AA would welcome working with the ENPA on guidance for developments outside the National Park, but which might affect it – NDC would share the draft approach with ENPA.</p> <p><b>The meeting closed at 4pm</b></p>	