



EXMOOR
NATIONAL PARK

EXMOOR NATIONAL PARK AUTHORITY
EXMOOR HOUSE, DULVERTON
SOMERSET TA22 9HL
TEL: (01398) 323665
FAX: (01398) 323150
E-mail: info@exmoor-nationalpark.gov.uk
www.exmoor-nationalpark.gov.uk

23 April 2025

**EXMOOR NATIONAL PARK AUTHORITY
PLANNING COMMITTEE**

To: The Members of the PLANNING COMMITTEE of the Exmoor National Park Authority

A meeting of the Planning Committee will be held in the **Committee Room, Exmoor House, Dulverton** on **Tuesday, 6 May 2025 at 1. 30pm.**

The meeting will be open to the press and public subject to the passing of any resolution under s.100(A)(4) of the Local Government Act 1972.

There is Public Speaking at this meeting, when the Chairperson will allow members of the public two minutes each to ask questions, make statements, or present a petition relating to any item on the Agenda. Anyone wishing to ask questions should notify the Corporate Support Officer as soon as possible, or at the latest by 4pm on the working day before the meeting of the agenda item on which they wish to speak, indicating a brief summary of the matter or matters to be raised (contact Committees@exmoor-nationalpark.gov.uk).

The meeting will be **recorded**. By entering the Authority's Committee Room and speaking during Public Speaking you are consenting to being recorded. We will make the recording available via our website for members of the public to listen to and/or view, within 72 hours of the meeting taking place.

Members of the public may use forms of social media to report on proceedings at this meeting. Anyone wishing to film part or all of the proceedings may do so unless the press and public are excluded for that part of the meeting or there is good reason not to do so. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chairperson so that those present may be made aware.

(The agenda and papers for this meeting can be downloaded from the National Park Authority's website www.exmoor-nationalpark.gov.uk).

Sarah Bryan
Chief Executive

As set out above, the Authority welcomes public engagement with its work and believes that everyone attending a meeting of Exmoor National Park Authority or one of its Committees has the right to be treated with respect and to feel safe at all times, including before, during and after the meeting they attend.

The Authority understands that some situations can be difficult and lead to frustration; however, the Authority is committed to promoting an environment where everyone feels listened to and respected and is not subjected to unacceptable behaviour. Further guidance is provided in our Customer Notice, available on our [website](#).

AGENDA

1. Apologies for Absence

2. Declarations of Interest/Lobbying of Members/Unaccompanied Site Visits

Members are asked to declare:-

- (1) any interests they may have in relation to items on the agenda for this meeting;
- (2) any lobbying by anyone concerned with a planning application and any unaccompanied site visits where contact has been made with any person concerned with a planning application.

3. Minutes

- (1) To approve as a correct record the Minutes of the meeting of the Planning Committee held on 1 April 2025 (Item 3)
- (3) To consider any Matters Arising from those Minutes.

4. Business of Urgency:

To introduce any business which by reason of special circumstances the Chairperson, after consultation with the Chief Executive, is of the opinion should be considered as a matter of urgency and to resolve when such business should be ordered on the Agenda.

5. Public Speaking:

The Chairperson will allow members of the public to ask questions, make statements, or present a petition on any matter on the Agenda for this meeting or in relation to any item relevant to the business of the Planning Committee. Any questions specific to an agenda item can be posed when that item is considered subject to the discretion of the person presiding at the meeting.

6. Development Management:

To consider the report of the Head of Climate, Nature & Communities on the following:-

Agenda Item	Application No.	Description	Page Nos.
6.1	62/50/24/014	Proposed reinstatement of railway line between Killington Lane and Cricket Field Lane (941m), renovate and reinstate existing cattle creep accommodation bridge 64, renovate existing highway bridge 63, construction of a new road bridge 65 over the railway at Killington Lane, excavating infill from the original railway cutting each side of Parracombe Lane, construction of fencing both sides of the railway corridor together with the formation of a level zone to accommodate a temporary halt and run around loop with a head shunt siding - Land between Killington Lane halt and Cricket Field Lane - x:267100, y:145900, Parracombe	1-73
6.2	6/9/25/002	Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for proposed removal of Air Source Heat Pump and installation of new air conditioning unit in new location on west elevation of outbuilding - Exmoor National Park Authority, Exmoor House, Dulverton TA22 9HL	74-83

- | | | | |
|-----|--------------|---|-------|
| 6.3 | 6/9/25/003LB | Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for listed building consent for the proposed removal of Air Source Heat Pump and installation of new air conditioning unit in new location on west elevation of outbuilding – Exmoor National Park Authority, Exmoor House, Dulverton TA22 9HL | 84-92 |
|-----|--------------|---|-------|
-
- 7. **Application Decisions Delegated to the Chief Executive:** To note the applications determined by the Chief Executive under delegated powers (Item 7).

 - 8. **Site Visits:** To arrange any site visits agreed by the Committee (the reserve date being Friday, 30 May 2025 (am)).

Further information on any of the reports can be obtained by contacting the National Park Authority at the address and telephone numbers at the top of the agenda. Details of the decisions taken at this meeting will be set out in the formal Minutes which the Committee will be asked to approve as a correct record at its next meeting. In the meantime, details of the decisions can be obtained by emailing Committees@exmoor-nationalpark.gov.uk

ITEM 3

EXMOOR NATIONAL PARK AUTHORITY PLANNING COMMITTEE

MINUTES of the Meeting of the Planning Committee of Exmoor National Park Authority held on Tuesday, 1 April 2025 at 1.30pm in the Committee Room, Exmoor House, Dulverton.

PRESENT

Mr S J Pugsley (Chairperson)
Dr M Kelly (Deputy Chairperson)

Mr A Bray
Mr D Elson
Mr B Geen
Mr J Holtom
Mrs C Lawrence

Mrs F Nicholson
Mrs F Smith
Miss E Stacey
Mr J Yabsley

Apologies for absence were received from Mr J Patrinos.

67. DECLARATIONS OF INTEREST/LOBBYING OF MEMBERS/ UNACCOMPANIED SITE VISITS:

In relation to Item 6.1 – Application No: GDO 25/03 – Prior approval for the proposed demolition of stock building, silage clamp, surrounding concrete apron and removal of sheep dip and pens. Amended description. Driver Farm, Simonsbath, Minehead TA24 7LH, in the interests of openness and transparency all Members declared having received information relating to potential plans for the future of the site. However, it was acknowledged that this information was not relevant to the Committee's consideration of the application as submitted.

68. MINUTES:

- i. **Confirmation:** The **Minutes** of the Committee's meeting held on 4 February 2025 were agreed and signed as a correct record.
- ii. **Matters arising:** There were no matters arising.

69. **BUSINESS OF URGENCY:** There was none.

70. **PUBLIC SPEAKING:** There were no public speakers.

DEVELOPMENT MANAGEMENT

71. Application No: GDO 25/03

Location: Driver Farm, Simonsbath, Minehead TA24 7LH

Proposal: Prior approval for the proposed demolition of stock building, silage clamp, surrounding concrete apron and removal of sheep dip and pens.
Amended description.

The Committee considered the **report** of the Development Manager.

The Committee's Consideration

It was confirmed that the stock building was no longer fit for purpose and that its demolition would not in itself preclude a replacement building as part of a future application which would be considered on its merits.

RESOLVED: Prior approval not required.

- 72. APPLICATION DECISIONS DELEGATED TO THE CHIEF EXECUTIVE:** The Committee noted the **decisions of the Chief Executive determined under delegated powers**.

In relation to retrospective applications, it was confirmed that the Authority would pursue enforcement action if appropriate and expedient. The meeting welcomed Mr Alan Weldon who had recently joined the Authority as Planning Enforcement Officer.

- 73. SCHEDULE OF SECTION 106 AGREEMENTS:** The Committee noted the Schedule of Section 106 Agreements being undertaken by Devon County Council on behalf of Exmoor National Park Authority.

- 74. SITE VISITS:** It was confirmed that if a site visit were required, this would take place on the afternoon of Friday 25 April 2025.

The meeting closed at 2.05pm

(Chairperson)



Committee Report

Application Number:	62/50/24/014
Registration Date:	30-Sep-2024
Target Determination Date:	20-Dec-2024
Extension of Time:	07-Feb-2025
Applicant	Mr. J Barton, Lynton & Barnstaple Railway Trust
Agent:	Mr. M Kimmins, Arup
Case Officer:	Yvonne Dale
Site Address:	Land between Killington Lane halt and Cricket Field Lane - x:267100, y:145900, Parracombe
Proposal:	Proposed reinstatement of railway line between Killington Lane and Cricket Field Lane (941m), renovate and reinstate existing cattle creep accommodation bridge 64, renovate existing highway bridge 63, construction of a new road bridge 65 over the railway at Killington Lane, excavating infill from the original railway cutting each side of Parracombe Lane, construction of fencing both sides of the railway corridor together with the formation of a level zone to accommodate a temporary halt and run around loop with a head shunt siding.
Recommendation:	Refuse
Reason for bringing before Authority Committee:	This application is brought before Committee in accordance with the Approved Scheme of Delegation because the recommendation of the Officer is contrary to the view of Lynton Town Council who support to the application.

Relevant History

62/43/95/004 – Woody Bay Station, Martinhoe - Change of Use to Railway Station, Locomotive Shed; Associated Works and Reinstatement of 3/4 miles of Railway Track.

Approved 05/03/1996

62/43/02/002 Removal of Condition 3 of planning permission 62/43/95/004 to permit access by public prior to track relaying.

Withdrawn 28/05/2002

62/43/03/003 – 1). Erection of rolling stock shed with adjoining water tank and water

crane. 2). Reconstruction of original goods sheds for use as toilets, equipment store and staff rest room as an alternative to that permitted under Application 62/43/95/004. Related external landscaping changes. 3). Construction of underground sewage treatment plant, as amended drawings dated 12/06/03 – Approved 07 July 2003

62/43/10/002 – Proposed installation of miniature railway together with covered rolling stock storage shed for railway equipment (part retrospective). As per additional information 10.08.10.

Approved 05 October 2010

62/43/11/003 Proposed erection of temporary covered seating for use in cafeteria.
Approved 03/14/2012

62/43/13/001 Proposed variation of condition 3 (The locomotive shed and water tank hereby permitted shall be for a limited period only expiring on 1 June 2013 or before which date the building and water tank hereby permitted shall be removed and the site reinstated to its former condition unless a further planning permission is granted before the expiration of such period) of approved application 62/43/03/003 to permit retention on site of the rolling stock shed and water tank until 1 June 2023. –
Approved 29 April 2013

62/43/13/002 Proposed variation of condition 2 (The miniature railway and associated covered rolling stock storage shed hereby permitted shall be sited on site for a limited period only. Before 1 June 2013 the miniature railway and associated covered rolling stock storage shed shall be removed and the site reinstated to its former condition unless a further planning permission is granted) to approved application 62/43/10/002 to permit retention on site of the miniature railway and covered rolling stock storage shed until 1 June 2023.
Approved 29 April 2013

62/43/14/006 Proposed variation of condition 5 of approved application 62/43/11/003 (Proposed
Approved 01/21/2015

62/50/16/001 Proposed reinstatement of railway line and ancillary development
Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon
Approved 8 March 2018.

62/50/16/002 Proposed erection of engine shed (1749sqm), formation of railway sidings and change of use of agricultural barn to railway workshop
Rowley Moor Farm, Kentisbury, Barnstaple, Devon
Approved 8 March 2018

62/50/16/003 Proposed change of use of former hotel to railway car park with 162 car parking spaces and pedestrian underpass to station
Site of former Blackmoor Gate Hotel, Blackmoor Gate, Barnstaple, Devon

Approved 8 March 2018

62/50/16/004 Proposed demolition of public toilets and shelter, relocation of public car park, erection of new toilets and interpretation building together with provision of temporary car park (amended description)

Site of current public car park, Blackmoor Gate, Barnstaple, Devon

Approved 8 March 2018

62/50/16/005 Proposed erection of two semi-detached dwellings replacing bungalow demolished to allow re-instatement of railway line – one local needs affordable dwelling and one for occupation by railway staff.

The Halt, Parracombe, Barnstaple, Devon

Refused 8 March 2018

62/50/20/004 - Proposed reinstatement of railway line, creation of cutting and embankment previously removed together with new railway bridge. (amendment to approved application ref 62/50/16/001)

Land in Field to the North of the A39 West of Holwell Wood, and Land on Access track to Rowley Barton

Approved 30/09/2021

62/50/22/011 - Variation of conditions 2, 4, 5, 6, 8, 9, 10, 11, 13, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 36, 37, 39 & 41 for approved application 62/50/16/001 (Proposed re-instatement of railway line and ancillary development. As per amended plans 11.05.16 and amended plans and details submitted 30.01.17 and amended plans, additional plans and information dated 01.11.17 including further information in respect of Environmental Statement. As per additional information 02.03.17 and 29.11.17. As per amended plans and additional information dated 16.01.18.) to enable the staged approach to construction and operation of the project.

Land between Killington Lane and Blackmoor Gate, Parracombe, Barnstaple, Devon
Withdrawn 06/03/2023

62/43/23/002 – Proposed continued use of Rolling Stock Shed, Water Tank and Miniature Railway Facilities. As approved under applications 62/43/03/003, 62/43/10/002, 62/43/13/001 and 62/43/13/002.

Approved 18 September 2023

62/43/23/009 - Proposed variation of condition 2 of approved application 62/43/23/002 to extend the hours of operation (0700 – 1900hrs).

Approved 14/01/2024

Site Description & Proposal

- 1.1. Planning permission is sought for the re-instatement of part of the former Lynton and Barnstaple Railway line. The application proposes re-instatement of the line between the existing halt at Killington Lane and a new halt at Cricket Field Lane, providing approximately an additional 941m of track. It should be noted that the proposal refers to a 'temporary' halt, however, temporary planning permission is not sought and no timescale for its removal has been put forward. Consequently, the proposal is considered on the basis that it would not be a temporary feature, even though it could be removed in the future if further proposals to extend the railway come forward.

Background

- 1.2. The Lynton to Barnstaple railway was originally 19 miles long and operated between Barnstaple and Lynton. Works for its construction began in 1895, and it was opened in 1898. It was built as a narrow-gauge railway (approximately 600mm wide) to lower the cost of construction and to follow for natural contours of the land. However, in the face of increasing competition from road transport the line closed in 1935. Annual passenger numbers before closure were 32,000 in 1934 down from 72,000 in 1925 and a peak of around 100,000 during the period 1906-1913. The railway served the communities of Barnstaple, Chelfham, Goodleigh, Bratton Fleming, Blackmoor Gate, Parracombe and Lynton, providing a transport link for goods and passengers. Many of the buildings and some of the bridges survived, although some of these are now in a dilapidated state.
- 1.3. This narrow gauge railway is considered to be a rare type of railway in England in that it was built to a narrow gauge and built primarily for passenger use.
- 1.4. The current railway operates from Woody Bay Station and this opened to the public in 2004.
- 1.5. Planning permission for the re-instatement of the former line from Killington Lane Halt to Blackmoor Gate including associated works and infrastructure was approved in 2018 under application references 62/50/16/001, 62/50/16/002, 62/50/16/003 and 62/50/16/004. In 2021 planning permission was approved for the amendments to the red line boundary of application 62/50/16/001, under application 62/50/20/004. It should be noted that these previous permissions have now all lapsed.

The proposal

1.6. The proposal seeks to extend the existing line, from Killington Lane Halt, in a south/south easterly direction for 941metres towards Parracombe terminating at a new halt in the field adjacent to (west of) Cricket Field Lane. Cricket Field Lane lies approximately 235m south east of Parracombe Lane Head, approximately 105m south of the A39 and approximately 100m north of Centery Lane, Heddon Hall and The Coach House. The ground slopes upwards(north) from Centery Lane towards the A39. Heddon Hall and its Kitchen Garden are both grade II listed.

1.7. The proposal includes:

- The repair of the track formation, reinstate original cess drainage, lay hardcore, ballast, sleepers and rails for approx. 941m section of former railway line between Killington Lane and Cricket Field Lane.
- Construction of a new road bridge 65 over the railway at Killington Lane;
- Excavate infill from the original railway cutting each side of Killington Lane;
- Renovate and reinstate existing cattle creep accommodation bridge 64 at Higher Bodley Farm;
- Renovate existing highway bridge 63 that carries Parracombe Lane over the railway;
- Excavate infill from the original railway cutting each side of Parracombe Lane and form a level zone to accommodate a halt and run around loop with a head shunt siding that terminates in the triangle of land north of Cricket Field Lane;
- Construction of fencing both sides of the railway corridor using concrete posts and seven tension wires and sheep netting; and
- The removal of four sections of hedgerow (each 5 metres in length)

1.8. The existing track and platform would be retained at Killington Lane. The existing siding at Killington Lane would be realigned so that it is clear of the new track and cutting. The track would match the historic line and will pass under a new road bridge (bridge 65). The proposal includes the excavation of the existing infill from the original railway cutting on each side of Killington Lane. The existing hedgebank, lying to the northern side of the A39, at the existing Killington Lane Halt site would be cut back to accommodate a repositioned field gate and bridleway gate. Running parallel with the existing line to Killington Lane is a permitted path (Bridleway 89).

1.9 The reinstated line continues from Killington Lane, following the original track line past Higher Bodley Farm. Approximately 180m south east of Higher

Bodley Farm the proposal seeks to reinstate cattle creep accommodation bridge 64 before continuing the line to Parracombe Lane Head.

- 1.10 At Killington Lane public Bridleway 250BW9 – continues South West and public footpath 250FP8 runs parallel to the original line and ends at Parracombe Lane Head, where the proposal seeks to reinstate existing highway bridge 63 that carries Parracombe Lane over the railway.
- 1.11 Approximately 125m north west of Parracombe Lane Head the proposal includes a new gated farm crossing.
- 1.12 The proposal includes the provision of a temporary contractor's compound adjacent to and north west of Parracombe Lane. It also includes the reinstatement of the bridge 63 parapet on its southern side, proposes to excavate infill from the original railway cutting each side of Parracombe Lane, and form a level zone to accommodate a halt and run around loop with a head shunt siding that terminates in the triangle of land north west of Cricket Field Lane.
- 1.13 The works required at the halt (Cricket Field Lane) site includes the erection of a buffer stop adjacent to Cricket Field Lane itself. It also includes the installation of a gabion basket wall and includes raising the existing ground level for the formation of an embankment to carry the track and the building up off the ground level to form the platform/ level zone to accommodate a temporary halt and run around loop with a head shunt siding. The proposal would raise the ground above the height of the adjacent field by approximately 1.8m. The reinstated line would terminate to the west of Cricket Field Lane.

Consultee Representations

Lynton & Lynmouth Town Council – 18/10/2024 – Support Subject to Planning Officers satisfaction the main local policies are adhered to.

Lynton & Lynmouth Town Council – 16/12/2024 – Support - as long as neighbourhood amenity isn't being breached

Martinhoe Parish Meeting – 06/11/2024 - Martinhoe Parish Planning Application 62/50/24/014 Land between Killington Lane and Cricket Field Lane. The Parish meeting was held on Wednesday 16th October at 6.30pm The Parish voted to Object to the application for the following reasons... 1. The application is in conflict with Local Plan Policy RT S2, Local Plan Policy GP1 and Local Plan Policy GP2 Major Development. 2. Grampian Conditions should apply to this application as with previous applications 3. There was no station at Cricket Field Lane with the original railway and the L and BR is meant to be keeping to the original, so, if anything, the application should be to reinstate Parracombe Halt, 4. Cricket Field Lane has never

been a Public Right of Way meaning passengers will not be able to join the footpath as suggested. 5. There is a danger that the L and BR would seek to make this station permanent rather than temporary 6. If the Cricket Field Lane site goes ahead, it will have an impact on nature and wildlife 7. There would be increased traffic with no additional parking 8. The area of Churchtown would be much noisier to the detriment of those living there. 9. The disruption caused by heavy plant, diggers, lorries etc when working on the Parracombe Lane Head and Killington Lane areas would be unacceptable for something purporting to be temporary. Better to wait until something permanent is being put into place before subjecting road users and neighbours to such ongoing noise, mess and upheaval

Parracombe Parish Council – 28/10/2024 - After discussion, the council voted to Object to the application 62/50/24/014 Land between Killington Lane and Cricket Field Lane – x:267100, y:145900, Parracombe – Proposed by Cllr Bastock and seconded by Cllr Young, on the following grounds: 1) The application was considered to be in conflict with Local Plan Policy RT-S2 Reinstatement of the Lynton and Barnstaple Railway: In particular sections 1a), b), c)iii), d), e), f), h) and i). 2) The application was considered to be in conflict with Local Plan Policy GP1 Achieving National Park Purposes and Sustainable Development: In particular sections 3f), i) and j). 3) The application was considered to be in conflict with Local Plan Policy GP2 Major Development: in particular section 2 as it did not demonstrate any exceptional circumstances and was not considered to be in the public interest.

Parracombe Parish Council – 16/12/2024 - After consideration of the additional information submitted, the Parracombe Parish Council objects to Application Reference 62-50-24-014: Proposed reinstatement of railway line between Killington Lane and Cricket Field Lane (941m), renovate and reinstate existing cattle creep accommodation bridge 64, renovate existing highway bridge 63, construction of a new road bridge 65 over the railway at Killington Lane, excavating infill from the original railway cutting each side of Parracombe Lane, construction of fencing both sides of the railway corridor together with the formation of a level zone to accommodate a temporary halt and run around loop with a head shunt siding. See October comments.

ENPA - Senior Heritage Officer – Object – 19/11/2024 - My comments are limited to the impact of the application on the historic built environment.

Having visited the site, I am not concerned about the impact of the scheme from Killington to Parracombe Lane as this is well away from any designated heritage assets. There is a medieval field system adjacent to the track to the west of Parracombe Lane. However, given the line will run on the existing track bed, the impact on this feature will be minimal. I support the comments made by the Head of Access Engagement and Estates requesting the implementation of a program of archaeological work in accordance with a WSI via condition should the application be approved.

This being the case, the section of track from Parracombe Lane to its new halt by Cricket Field Lane is my main concern regarding its impact on the historic environment.

The track bed itself has an entry on the Historic Environment Record (MMO42) and is a non-designated heritage asset. Bringing such assets back into their originally intended former use is generally seen as a positive action and could be said to be supported under policy CE-D3 Conserving Heritage Assets (5) Redundant Heritage Assets and Assets at Risk a) development proposals that seek to bring heritage assets, that are redundant or at risk, into a viable use in ways that are consistent with their long term conservation will be encouraged.

The line formerly ran through Parracombe enroute to Barnstaple. The railway played an important part in the development of Parracombe during the late 19th and early 20th centuries and is referred to throughout the conservation area appraisal. Parracombe is one of 17 conservation areas within the national park. No part of the application site is within the conservation area. The section of track to be reinstated in this application runs approximately 100m to the north. It also lies approximately 100m to the north of Heddon Hall and its Kitchen Garden both of which are grade II listed.

The impact on the Conservation Area and Heddon Hall is my primary concern. There is no direct physical impact on any designated heritage sites. The impact is purely to the setting of these sites.

The definition of setting of a heritage asset under the (National Planning Policy Framework) NPPF is described as: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

This definition has not changed since the previously approved application of 2018. Neither Historic England, nor the Historic Buildings Officer for the National Park at the time, objected to the 2018 approval and they did not raise significant concerns regarding its impact to setting of heritage assets.

This application differs from the 2018 approval in that the trains will no longer run through the village but will stop behind Heddon Hall at Cricket Field Lane where there will be a new halt created along with an area for the engine to turn.

This involves the raising of the track bed by approximately 2m at the end of the track for approximately 50 meters as shown in proposed cross sections SL-1, SL-2, and SL3 (drawing number 1735). The impact of this is not easy to determine from the information provided. However, having visited the site and considered both views into and out of the area of the proposed halt. I am of the view that the visual impact of this

raising of track is unlikely to be significant to the setting of Heddon Hall or the conservation area due to landform and vegetation cover which restrict these views.

Policy RT-S2 supports the reinstatement of the line provided the works are carried out in accordance with a number of criteria. This policy seeks to ensure that any reinstatement of the line respects the original character of the railway and that its appearance and historic features are as close as possible to the original line. Clearly having a halt in this location would be a deviation away from the original form of the line. A halt was located in Parracombe approximately 300m further along the line.

The turning of the trains is likely to create noise and smoke/steam both of which will have an impact on the setting of the heritage assets. Should the application be approved, I would seek to condition the number of times per day trains run and the times in which they run.

I would be of the view that the impact on the highly graded structures such as St Petrocks Church (grade I listed) and the scheduled site of Howell Castle will be negligible. This was the view of Historic England in the 2018 approval and arguably the current application has less of an impact on both sites than the 2018 approval. Concerns have been raised about the damage potentially caused to the stonework of the church by the smoke/steam. Unless evidence can be presented suggesting otherwise, I think this is likely to be insignificant given the rural and exposed position of the church.

I would identify the level of harm caused by the proposal on Parracombe conservation area and Heddon Hall as being less than substantial under the terms of the NPPF and therefore that the harm should be outweighed by public benefits. (paragraph 208: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.)

There is little information in the application to help determine or quantify what public benefit is provided beyond employment provided during the works. Bringing visitors to Parracombe could be said to be a public benefit through increased promotion and understanding of the heritage asset. This could also be the case for the railway itself, which as mentioned above is a non-designated heritage asset. However, I note the comments made by the Rights of Way Officer who indicates that there is no public right of way from Cricket Field Lane to the village or the wider rights of way network. This will reduce the level of public benefit provided by the scheme.

In conclusion I would judge there to be a less than substantial level of harm caused to the setting of the adjacent heritage assets. This level of harm needs to be outweighed by the public benefit the proposal provides. The level of public benefit provided is difficult to determine from the information available. I am therefore unable to support the application as it currently stands.

ENPA - Senior Heritage Officer – Object – 01/04/2025

They state: The proposals would provide a significant boost in sustainable tourism, enhancing the attractiveness of the area to visitors, enabling and supporting enhanced connectivity to 'slow' tourism corridors and public rights of way (PRoW)

Given they are removing the halt at Killington Lane, which does connect to the PRoW, I cannot see this being the case. I accept they may have an uplift in visitors through the attraction of a longer run of track but I would be of the view this attraction is diminished by the fact you would not be able to alight at Parracombe.

The proposals would bring clear economic benefits, that have been reported previously in the Economic Impact Assessment* in the previous 2021 application for a reinstatement that included this section of the line. The importance of these benefits is magnified further by the fact (as stated in Local Plan Policy CE-S4) that tourism is the largest employer in the National Park, and visitor spend helps to support a range of local services, and the quality of the cultural heritage and historic environment are part of the attraction for people to visit Exmoor

* reported an estimated annual increase of non-local spend of £140,000 and additional overnight spend of £340,000 (for an extension to Parracombe, as opposed to Cricket Field Lane)

Clearly, I am not an Economic Development Officer. Weighing up estimated financial benefits to the wider area against harm to a heritage asset is not an easy thing to square and is ultimately your call. I agree with what both yourself and Joe have said previously, in that there will be a degree of public benefit through jobs and increased visitor spending. My issue is that the document relates to the previously approved scheme. As they state above, the figures they have produced are based on a link to Parracombe. So to my mind the evidence of public benefit is not clear. Having the train stop, essentially in a no-man's-land, with no exit to PRoW or Parracombe is a very different scheme to one which would stop in Parracombe which would be a 'destination'.

Due to the deep cutting through which the railway runs in the vicinity of the designated heritage assets in the Churchtown area, the reinstated railway and trains themselves will not be directly visible from any of the heritage assets in this group,

I am unclear as the proposal is for an embankment not a cutting? The cutting near Churchtown does not form part of this application.

The noise analysis is useful. While I am concerned about this, as I say in my original comment dated November 19th, should the application be approved, I would seek to condition the number of times per day trains run and the times in which they run.

ENPA - PROW & Access Officer – 08/07/2024 – Object - It is good to see that the application refers to both public rights of way and permitted paths and that these are shown on the accompanying plans. I have included a plan below which shows the working copy of the definitive map and then in red, an instance where the current used line on the ground differs slightly from this.

It is important that the public rights of way remain open, safe and easy to use at all times during the construction phase of this project. If it is envisaged that this will not be possible to achieve, then an application for a temporary closure will need to be made to this authority – please see the link below for guidance on this including timings and fees. The definitive line of public footpath 250FP8 appears to be within the red line of the development in places – apparently within the contractor's compound at one point and apparently coinciding with part of bridge 64 which is to be rebuilt. These issues will need to be addressed before the application can proceed, whether this is with a temporary closure application or possibly even a permanent diversion in the case of bridge 64. I would be very happy to advise on this and attend a site visit if required. Care will also need to be taken where vehicular access to site coincides with any of the public rights of way to ensure that users of the public rights of way are kept safe at all times and that any damage done to the surface of the public right of way is repaired and put back to the same condition it was in prior to the works. Public rights of way should be avoided during site access wherever possible. Apply for the temporary closure of a Public Right of Way | Exmoor (exmoor-nationalpark.gov.uk)

The application letter, under the heading 'Construction and Operations' refers to the new halt operating similarly to the current Killington Lane Halt and states that there will be no vehicular access at this point. It states that "Rail passengers would be able to alight from the train and join the public footpath network that links back to Woody Bay or Parracombe village". There is a problem here because Cricket Field Lane does not have any recorded public rights on it – therefore the new halt does not link to the public rights of way or highway network at all. This is a serious issue which must be addressed before this proposal goes any further. It may be that the applicant owns surrounding land which will enable a link to the public rights of way network but a preliminary look at land registry records indicates that Cricket Field Lane itself is unregistered.

ENPA - PROW & Access Officer – 12/11/2024 – Object - My previous comments still stand and for clarity I have attached these.

To add to my previous comments and speaking with the endorsement of the Chairman and Vice-Chairman of the Exmoor Local Access Forum, looking at the

plans and planning statement in this current application, my main concerns are as follows:

1. Cricket Field Lane: As the Planning Statement states – this is not a recorded public right of way. I note that the Planning Statement refers to a Statutory Declaration that the lane was used for access to the track bed by its previous owner. This does not in any way give any right of access for the public at large though there is a possibility it could support a right of access for users of the railway. It therefore still remains the case that the proposed new halt at Cricket Field Lane will NOT link to the public rights of way network. This is alarming and worrying and could create huge issue issues and problems for ENPA as Access Authority and for adjacent landowners in the future. It is not sufficient to say that disembarkation for an onward walk will be discouraged – this does not resolve the problem. If someone were to come forward and claim ownership of Cricket Field Lane, there would I believe be no public access to not just the public rights of way network but the village of Parracombe. Devon County Council looked at Cricket Field Lane during their recent review of the definitive map in Parracombe Parish but did not find any evidence that a public right of way existed. Additionally, if Cricket Field Lane is not a public right of way or under the control of the applicant, then it will not be maintained – this includes the surface and drainage as well as clearance of vegetation. I would strongly advise that this issue should be addressed before the project continues. The point is that if the railway does not allow people using it to link to the access network and therefore circular walks and local facilities, then I cannot support it.

2. Temporary Closures & Permanent Diversions: It is good to see the public rights of way clearly marked on the detailed site plans. As there is no mention to the contrary, I am assuming that public footpath 250FP8 and public bridleway 250BW9 will remain open during the construction phase of this project. However, there is mention of a temporary diversion to avoid the compound at Parracombe Lane. This will involve at temporary closure and given that it is likely to be close for some considerable time, a clear temporary alternative needs to be identified and agreed with ENPA in advance. If this involves a separate owner or tenant, then written permission for the alternative route will be required for the duration of the works. There is a charge for temporary closures and this must be factored into the costings for the project. There is also a point at bridge 64 where the definitive line coincides with the approach ramp to the bridge. There is no indication on the plans of how the public footpath will be accommodated and I think it is probable that a permanent diversion of the public footpath will be needed. Again, there is a charge for this and again, this will need to be agreed with ENPA and any other landowner/tenant that is affected in advance of any works.

3. Consultation re. Public Access: I welcome the comment in the Planning Statement as a result of the public meeting that the applicants intend to “engage with local equine / walking groups with regards to any impacts during construction and operation of the Cricket Field Lane extension”. Whilst I welcome this, I would just like to stress that principally the engagement needs to be with ENPA Access &

Recreation Team (as agents for the management of Public rights of Way within the National Park on behalf of the Highway Authority Devon County Council) through me as the Senior Public Rights of Way and Access Officer. I am very happy to help with this and as stated previously, am available to meet on site to discuss this when required.

4. General Advice: It is important that the public rights of way remain open, safe and easy to use at all times during the construction phase of this project. If it is envisaged that this will not be possible to achieve, then an application for a temporary closure will need to be made to this authority – please see the link below for guidance on this including timings and fees. Care will also need to be taken where vehicular access to site coincides with any of the public rights of way to ensure that users of the public rights of way are kept safe at all times and that any damage done to the surface of the public right of way is repaired and put back to the same condition it was in prior to the works. Public rights of way should be avoided during site access wherever possible.

ENPA - Historic Environment Officer – 08/10/2024 - No development hereby approved shall take place until the applicant, or their agents or successors in title, had secured the implementation of a programme of archaeological work in accordance with a WSI which has been submitted by the applicant and approved by the local planning authority.

Reason: To help record and protect the archaeological heritage of the district. This includes recording standing fabric associated with the railway as well as potential buried earlier remains.

ENPA - Future Landscapes Officer – 12/11/2024 - The application site lies in the Enclosed Farmed Hills with Commons landscape character type as outlined in the Exmoor National Park Landscape Character Assessment (LCA) 2018. It is a broad rolling terrain of hills and ridges with a patchwork of fields and wooded combs. The fields are largely permanent pasture enclosed by beech hedgebanks. There are long views and whilst the landscape feels managed, it is not densely settled and has a peaceful and tranquil feel. Features of the historic railway remain visible in the landscape.

Landscape impacts

The reinstatement would introduce some notable new features into the landscape, including a new road bridge, a new halt and run around loop, the track, associated permanent fencing and ancillary trackside features.

There would be a permanent change to the landscape character, with the railway imposing its presence on this tract of land. The track would fragment a number of fields, creating isolated pockets of grazing and breaking the field pattern. The creation of four gaps in the stone-faced Devon hedges, would be required for construction access and no indication is given on the landscape plans of the restoration of

hedgebank gaps. Although described as temporary, future access to the fields for grazing would be required.

At Cricket Field Lane, the formation of an embankment to carry the track and the building up of levels to form the platform would bring the ground above the height of the adjacent field by some 2m. All trace of the cutting would be removed and the track and platform would be exposed to the wider landscape. This may also impact on adjacent trees which lend a wooded appearance to this end of the cutting, including future management requirements.

Whilst the disused railway has a visible presence in the landscape it is a remnant feature which gives a sense of time depth to the landscape. Its reinstatement would result in the loss of elements that the disused railway imparts on the landscape character, removing the richness and sense of time depth.

The impact of the railway on the landscape is likely to be dependent on individual perspective. For those who see the project as the restoration of an historic heritage railway, the reinstatement of the track is likely to be considered to have a beneficial effect, enriching the landscape. However, for those that see the project as a tourist fun-ride, the reinstatement of the railway is likely to be considered to have an adverse effect on an unsplit landscape.

The landscape mitigation comprises a section of new native species hedgerow to the northern side of the central field and replacement native scrub planting at Killington Bridge and between Parracombe Lane Cricket Field Lane halt.

Construction: Construction works would be temporary but over a phased four year period. The impact would be most apparent at Broadoak Hill / Killington bridge, Cricket Field Lane halt and Parracombe Lane. The elements likely to cause most impact are:

- The excavation of a significant amount of infill from the original cuttings, including stockpiling soil, handling soil within the site and exporting it by road
- Construction traffic, a mobile crane and machinery
- Vegetation removal including scrub and sections of stone-faced Devon hedges
- Road works and diversion route

The excavated infill would amount to some 9490 m³, of which 8507m³ would be moved off site. This is stated to equate to 850 truckloads being moved off site, mostly to be stockpiled at Blackmoorgate and used to infill sites nearby (relating to future phases of railway restoration) and the surplus taken to a licenced facility.

The LVIA describes the magnitude of change as low for all landscape elements and the construction effects as minor adverse at worst (for hedges, the undulating landscape, landscape character and the National Park). Whilst the construction works would be temporary, they would harm the character and scenic beauty of the

landscape and the tranquillity and sense of remoteness for their duration. The influence and effect of the construction works would not just be in the immediate area.

Visual impacts

The railway extension would be seen in close proximity from several rights of way, local roads and a residential property. The LVIA has recorded viewpoints within 1km, but has not recorded a number of potential viewpoints further afield within the ZTV, such as rights of way at Heale Down and Kemacott which are on higher ground and with a direction of travel facing towards the site. Given the potential impact on the wider landscape, including viewpoints further afield would have been useful.

The LVIA recognises that whether the reinstated railway is perceived as beneficial or adverse depends on whether it is viewed as restoring a declining feature in the landscape or as a built infrastructure element in an unspoilt landscape. The LVIA summarises the effects as being, on balance, neutral for all viewpoints at year 15 onwards.

The railway would add a degree of visual clutter to the landscape, including the track itself, the installation of concrete post and wire fencing on both sides of the track, lineside signals and signage and other ancillary items. It would form a prominent feature for viewers nearby but for those within the wider landscape, much of this would be less apparent than the moving trains.

Of the representative viewpoints included in the LVIA, the greatest effects would be on users of the public footpath alongside the railway which runs from Broadoak Hill to Parracombe Lane, from which the track, lineside features and moving trains would be in close proximity. For these the effect would be moderate, and for the remainder viewpoints the effects are assessed as minor or negligible due to intervening landform or vegetation restricting views.

Construction: The elements of construction described above would have the most impact on viewers close to the works on the footpath alongside the track and at Broadoak Hill. The presence of construction machinery, equipment and personnel, along with the operational works would dominate views, cause noise intrusion and detract from the scenic quality of the locality for the duration of the works. Residents at Higher Bodley Farm would have some direct views of the construction works to the middle section and it is likely that there may be some visibility of the construction works at the halt from the edge of Parracombe, given the scale of the works required and the raising of levels above adjacent ground.

The restored line and ancillary features would result in a permanent change to landscape character and visual amenity in the local area. In the vicinity of the line, it would form a prominent feature whereas in the wider local area it would impose itself less on the landscape. The most concentrated change, particularly to landscape features, would be at Killington Bridge and the halt at Parracombe

ENPA - Future Landscapes Officer – 01/04/2025

There's not a great deal to respond on for the landscape comments –the rebuttal is mostly restating elements of the application with a few points of clarification. I don't think it changes anything. These don't relate to any order in the rebuttal as the comments aren't numbered.

Red text is their rebuttal response to my comments.

Landscape impacts

1 - The original cuttings are to be re excavated. The embankment is not within a cutting. The trace of the original cuttings are to be fully reinstated.

The Arup rebuttal to Parracombe PC comments (December 2024): 'It is confirmed that the level of the proposed new railway embankment at the Cricket Field Lane Halt is 2m above existing ground level.'

Between proposed halt and Cricket Field Lane, sections 1-5 show the levels built up above existing levels to accommodate the track and platform, and these would be higher than the adjacent ground towards Parracombe, exposing the platform and track more widely. Further along (sections 7-9), the cutting is shown to be excavated.

2 - There is no intention to stockpile the majority of excavated material, it will be placed directly in its required fill location

The table 'Summary of excavation quantities and transport movements' in the Excavated Materials Assessment states that material will be stockpiled at Blackmoorgate for 'onward transport' for F3 and F4 fill locations. No timescale is given and the report states elsewhere 'when access is enabled' for one of the locations so some of the material could potentially be stockpiled for some time.

Visual impacts

3 - LVA viewpoints

Just a bugbear, but if viewpoints beyond 1km were tested and found not to have intervisibility, then stating so in the LVA would be good practice and helpful, rather than leave it to conjecture.

I'm sure you state it in your report that the NPPF is clear (paragraph 189) that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. I don't want this lost sight of.

ENPA – Woodlands Officer – 07/02/2025 -

Thank you for consulting me on the above application. I have reviewed the submitted information, with particular attention to the following documents:

Arboricultural Statement by JP Associates, dated 21st June 2024.

Planning Statement by Arup, dated 16 September 2024

Bridge 65 Killington Lane site layout and temporary access plan

Killington Lane Bridge proposed arrangement plan

Cricket Field Lane proposed site layout plan sheet 1 of 4

Cricket Field Lane Landscape Plan sheet 1 of 4, and sheet 4 of 4

I have a number of concerns about the proposals with regards to successful tree retention during the site clearance and construction phases of the project and, following a recent site visit, have set these out below.

- 1) The applicant has provided some tree related information in the form of the arboricultural statement, but not the original BS5837 tree survey that was used to inform the statement and produce the tree plans. Without the original tree survey information, it is not possible to fully assess the condition of the trees and the statements that refer to them.
- 2) In addition, the two tree plans included in the statement only show the trees on the existing site layout. There are no tree constraints plan or tree protection plan with root protection areas and the proposed layout, again making it very difficult to interpret what impact the proposals will have on the roots of the retained trees.
- 3) I agree with the comments regarding the Ash trees with advanced Ash Dieback, and have no objections to their removal should the project proceed. If permission is not granted, such trees should be retained in the landscape as valuable biodiversity habitat features.
- 4) At the Broadoak Hill end of the project, the arboricultural statement refers to a length of mature Beech hedgerow (labelled as HG1 in the document and plans) that is suggested to be coppiced and 'returned' to a hedge. However, these trees are now a substantial line of individual trees, quite visible in the landscape, and in overall good health. While I understand the concerns about potential future problems with these trees and the adjacent overhead fibre optic BT line (on the opposite side of the road), I disagree that coppicing them is a viable way forward, and instead suggest a considered crown reduction programme to these trees would ensure their retention as trees and reduce any perceived future risks.
- 5) There are also three mature hedgebank trees immediately offsite to the North of Broadoak Hill that have only been mentioned in passing but could have the potential for significant root disturbance from the proposed works to excavate the cutting back to its original profile and the construction of the new bridge wall. Protection of these 3rd party trees has not been considered in the statement provided.
- 6) It would appear from the plans, that the extent of the excavation and bridge construction works will either pass directly beneath the West end of the hedgerow group 1 or will necessitate the removal of that end of the hedgerow entirely.
- 7) The planning statement, section 1.4, states 'construction of fencing both sides of the railway corridor using concrete posts and 7 no. tension wires and sheep netting, are part of the proposals. No information has been provided on how these posts are to be put in (concreted in presumably?), their location in relation to the root protection areas of the retained trees or a method statement on how the works will not damage any roots.

8) The Cricket Field Lane landscape plan sheet 1 of 4 indicates extensive planting beneath the existing trees, right across their presumed root protection areas, but again, no method statement has been provided on how this will be achieved without causing root damage.

9) No tree protection drawing has been provided for the site clearance phase of the project, or the construction phase of the project, other than a blue line on tree plan one within the arboricultural statement.

10) It can be presumed that relatively heavy duty machinery will be required for the site clearance, excavation works and ground level build up works, all of which will have a detrimental impact upon the roots within the root protection areas of the retained trees, particularly if the machinery has to make multiple journeys back and forth. No information has been provided on how the underlying roots would be protected from the crushing impacts of such vehicle movements.

Given the above, I have concerns for the long-term health and retention of the existing trees on site, and should you be minded to grant permission, the following conditions should be applied:

An up to date, comprehensive tree / hedgerow survey should be submitted, and be in accordance with 'BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations' and carried out by a suitably qualified arboriculturist.

No development, to include demolition or site clearance, shall commence until a Tree Protection Plan (in accordance with BS 5837:2012) has been submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall contain full details of the following:

- (a) Trees and hedges to be retained/felled clearly identified and marked on the plan
- (b) Trees and hedges requiring surgery clearly identified and marked on the plan
- (c) The root protection areas to be identified on plan for retained trees and hedges
- (d) The type and detail of the barrier fencing to be used to safeguard the root protection areas
- (e) The precise location of the barrier fencing, to be shown on plan.

The development shall be carried out in accordance with the approved Tree Protection Plan.

An Arboricultural Method Statement should accompany the above, clearly setting out how the proposed works will be implemented without damaging any tree roots of retained trees during all phases of the works.

No operations of any description (this includes all forms of development, tree felling, tree pruning, temporary construction access, soil moving and operations involving the use of motorised vehicles or construction machinery), shall commence on site in connection with the development until the Root Protection Barrier fencing has been installed in accordance with the approved Tree Protection Plan and inspected by the local authority woodland officer. No excavation for services, storage of materials or

machinery, parking of vehicles, deposits or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within the Root Protection Area. The fencing shall be retained for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

No development, to include demolition or site clearance, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for -

- (a) Supervision and monitoring of the approved Tree Protection Plan
- (b) Supervision and monitoring of the approved tree felling and pruning works
- (c) Supervision of the alteration or temporary removal of any Barrier Fencing
- (d) Oversee working within any Root Protection Area
- (e) Reporting to the Local Planning Authority - the Arboricultural Consultant will provide site progress reports to the Local Authority's Woodland Officer at intervals to be agreed by the Local Authority.

ENPA - Senior Ecologist – 17/11/2024 - The application is supported by an Ecological Assessment (LUC, August 2024) which details the findings of a desk study (including consultation with the local records centre), extended Phase 1 habitat survey (October 2023), ground level bat roost assessment and ecological impact assessment.

Protected sites

The site lies in close proximity to several designated sites of nature conservation interest and lies within the Impact Risk Zones for these. I understand consultation with Natural England has occurred and they do not have an objection from the perspective of designated sites. West Exmoor Coast and Woods lies around 1.2km north-west of the site and is connected hydrologically and via the hedgerow network. There are also several non-statutory designated sites in close proximity to the work area, the nearest being around 210m from the site. With appropriate precautionary measures in place, secured through a suitable Construction Environmental Management Plan, impacts should be avoidable.

Habitats/BNG

With reference to the habitat survey/BNG assessment, please can further information be provided to support the condition assessments. I am not convinced by the assessment that all the grassland on site is modified grassland in poor condition. I note the surveys were undertaken at the end of October, which is outside the optimal time for grassland assessment. Whilst the limitation of this has been considered (para 2.20), the 'body of previous ecological assessments' referred to has not been referred back to or directly referenced to support the assessment. Having visited the site myself (also at the end of October), I noted more than the two grass species listed within the condition assessments. Further justification is therefore required (for example quadrat data) before we can accept the baseline of the grassland as all

being modified grassland in poor condition, which significantly affects the baseline BNG calculation. Otherwise, given the assessment in October, a precautionary approach may be required.

I would also query the southern section of the site (SV1) being classed as ruderal/ephemeral in poor condition. Whilst I acknowledge it is hard to split this mosaic between ruderal/scrub it does not fit well into the short ruderals/ephemeral description within UKHab and is therefore given a fail on the condition assessment. One could argue this is because it is not ephemeral species but grassland under succession with tussocky grasses, ruderals and scrub developing, with the additional value of a wet ditch. This is a high value area for biodiversity on site and should be valued as such.

The loss of several sections of hedgerow will have a cumulative effect alongside the impacts of the railway itself.

Species

Bats: The hedgerows and trees on site provide suitable bat foraging and commuting habitats and are connected to other suitable habitat in the wider landscape. The existing shed has been identified as having negligible suitability for roosting bats. 14 trees have been identified as having potential bat roosting features. Soft felling and sensitive timing of works has been recommended for low-risk situations, and further surveys for potential bat roosts in trees have been recommended for higher risk situations, which were due to be undertaken by Orbis Ecology in 2024, but a report for these is still outstanding – please can this be provided?

hedgerows and trees on and adjacent to the site offer suitable foraging and commuting habitats for bats.

Badger: The site offers suitable habitat for badger, though no evidence of activity or setts was found. Badger are likely to use the site occasionally alongside other habitats locally.

Birds: The site offers suitable bird nesting habitat, particularly the hedgerows and trees. The existing railway shed has evidence of nesting birds.

Dormouse: Whilst connected to suitable habitat with known records of dormouse, the site has been assessed as offering limited habitat for dormouse due to the 'poor' connectivity of the hedgerows to other more suitable habitat and lack of fruiting hazel. I do not agree with the assessment that dormouse are unlikely to be present on site. A view supported and elaborated on by the objection submitted by Devon Wildlife Trust. The proposed mitigation includes complete vegetation clearance during winter, which as noted by DWT is not standard precaution for dormouse who often hibernate at ground level. This needs further consideration.

Reptiles: The area to the south of the site (identified as ruderals/ephemeral) offers suitable habitat for reptiles. In my opinion the lower suitability of adjacent habitats (particularly the sheep-grazed fields) is likely to increase the importance of the site for these species rather than limit it and the proposed works are likely to result in a loss of habitat in the long-term, particularly refuge and foraging habitat.

INNS: Rhododendron is present to the south of the site, which has not been addressed in the report. Measures must be put in place to avoid the spread of this invasive non-native species.

Precautionary measures have been recommended to ensure the protection of retained hedgerows and trees, bats, badgers, amphibians and nesting birds. Species-specific enhancements have also been recommended, however these are limited to three bird boxes, three bat boxes and log/brush piles recommended. Given the length of the route I suggest that consideration is given to increasing these as well as providing formal hibernacula as compensatory refuge for reptiles, in particular.

Precautionary measures have also been recommended for dormouse and reptiles, though these both need further consideration. As detailed above, further bat surveys were recommended, for which the results are pending.

For any permission granted, conditions will be required to secure the recommendations within the report, a HMMP (implemented for the full 30 years), a CEMP, sensitive lighting strategy and enhancements. However, the issues above need addressing first please.

ENPA - Senior Ecologist – 10/01/2025

Protected sites

We're in agreement and they have committed to preparing a CEMP which is entirely appropriate and should be secured by way of suitable condition please.

Habitats/BNG

Modified grassland – further information has been provided to support their assessment of the grassland as G4 modified grassland, I am prepared to accept this. Ruderals/scrub – further discussion is provided to justify their approach and whilst I am not entirely happy with it, it is probably not reasonable to query this further. I think the difficulty is in the metric and the discussion provided accepts this and does appreciate the value of these habitats (even if this cannot be fully accounted for in the metric). It would be a shame to see these habitats lost but I can see that efforts have been made to provide similar alternative provision post-development.

Hedgerow – whilst the loss of several small sections of hedgerow is still not ideal, I had not appreciated the length of new hedgerow will connect two existing ones as alternative and additional provision. I think this is ok.

Species

Bats: The bat survey report requested has been referred to (Morgan, A. (2024). Final Bat Survey Report: Tree Removal (Ash Die Back), Cricket Field Lane, Devon. Orbis Ecology, Devon) but unfortunately I cannot see a copy of this – please can I see a copy? Based on the summary provided, recommendations within the report are likely to need to be secured by condition, this will need carefully wording as additional recommendations have been included in the letter. Bat box provision has been increased from three to six and specified within the letter – please secure this by way of condition.

Badger: A commitment has been made for the CEMP to include an updated badger survey no more than 3 months prior to the start of works.

Birds: Bird box provision has been increased from three to six and specified within the letter – please secure this by way of condition.

Dormouse: Suitable precautionary methods of working have now been provided, comprising two-stage clearance at appropriate times, under the supervision of and following a fingertip search by a licensed dormouse ecologist and a toolbox talk for contractors. This must be secured by condition.

Reptiles: We are in agreement that there is suitable habitat for reptiles at the southern end of the site and we must condition precautionary methods of working as detailed in their previous report. They have provided further commentary on the balance of habitats pre and post development and a commitment has also been made to provide a bespoke reptile refuge which is satisfactory. The hibernacula should also be secured by way of appropriate condition.

/NNS: Thanks to them for submitting the invasive species report previously submitted in support of a DOC application (Orbis Ecology, ORB2799_BG) dated 14 February 2023. This acknowledges the presence of rhododendron in multiple locations and the supporting letter from John Barton dated 28 June 2023 confirms the L&B Railway Trust's proposed approach which is acceptable.

The Exmoor Society – Support – 11/11/2024 - The Exmoor Society, a charity promoting the protection of Exmoor National Park for the benefit of all, has noted the application for the proposed railway line between Killington Lane and Cricket Field Lane, near Parracombe.

The Society is well aware of the long history relating to the proposed reinstatement of the Lynton & Barnstaple Railway and has commented on previous applications. The Society is also conscious that the reinstatement of the railway – an important heritage asset and tourist attraction – is supported in the Exmoor Local Plan, but within the framework of strict criteria set out in the Local Plan.

Against that background, the Society is broadly supportive of the current application, which appears to the Society to be considerably better and less disruptive of

Parracombe village life than the last proposal. In the Society's view, the modest landscape impacts are outweighed by the benefits.

Notwithstanding the Society's support in principle for the proposals, the Society is very conscious of local concerns and the need to ensure that:

- Disruption to the lives of residents of Parracombe (in particular noise and vehicular access) during the construction phase and thereafter is minimised and closely controlled by means of conditions on any grant of permission;
- Environmental concerns are foremost in any permission that may be granted, e.g. minimising earthworks and the impact on the landscape and nature (including trees);
- Archaeological heritage assets are protected by means of appropriate conditions;
- All associated construction of (e.g. bridges) is architecturally appropriate and high quality;
- The construction period is kept as short as possible;
- Insofar as possible, local residents are protected from ongoing piecemeal development of the railway line

NDC - Environmental Health and Housing – 10/10/2024 - I have reviewed this application in relation to Environmental Health matters on behalf of North Devon Council's Environmental Protection service and comment as follows:

1 Land Contamination

Bearing in mind the findings of previous contamination investigation reports addressing the application site and proposals, I do not expect land contamination issues to arise.

The Environment Agency may wish to comment in relation to protection of the water environment.

I recommend the following condition be included on any permission to cover the possibility that unexpected contamination is discovered during development work: -

Contaminated Land (Unexpected Contamination) Condition

Should any suspected contamination of ground or groundwater be encountered during development of the site, the Local Planning Authority shall be contacted immediately. Site activities within that sub-phase or part thereof shall be temporarily suspended until such time as a procedure for addressing the contamination is agreed upon with the Local Planning Authority or other regulating bodies.

Reason: To ensure that any contamination exposed during development works is assessed and remediated in accordance with National Planning Policy Framework guidance.

2 Noise and Vibration I have reviewed the Arup Noise and Vibration Assessment Report dated 21 August 2024.

The assessment considers potential noise and vibration impacts in relation to the closest dwellings to the development. The report concludes that no significant adverse noise impacts are likely to arise based on the operating times and circumstances proposed and that noise mitigation is not required except in relation to use of the warning whistle. The report recommends use of the warning whistle be limited to use for safety and communication purposes only.

I accept the conclusions of the report.

In order to ensure that operation of the development occurs in accordance with the circumstances assumed and assessed in the Arup report I recommend a condition along the following lines be included on any permission: -

Operating Restrictions Condition

Operation of the approved railway line shall be in accordance with the following restrictions:

- a) Operation on up to a maximum of 200 days per calendar year
- b) A maximum of 7 return trips per operating day
- c) Trains to be operated only between the hours of 9am to 6pm
- d) Warning whistle use to be limited to essential safety and communication purposes only.

Reason: To control noise impacts associated with operation of the development in the interests of protecting the amenity of residents and the area.

3 Construction Phase Impacts

In order to manage and control potential dust, noise and other construction related impacts I recommend the following condition be included on any permission: -
Construction Management Plan Condition

Prior to the commencement of development, including any site clearance, groundworks or construction (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) detailing how development works will be managed during the life of the works shall be submitted in writing for the approval of the Local Planning Authority. For the avoidance of doubt and where relevant, the CMP shall include:-

- a) details of control measures for addressing fugitive dust from earthworks and construction activities;
- b) a noise control plan which details maximum hours of operation and proposed mitigation measures;
- c) specified parking for vehicles associated with development works;
- d) details of measures to prevent mud contaminating public footpaths and roads;
- e) arrangements for materials deliveries, storage and waste materials removals;

f) a point of contact (such as a Construction Liaison Officer/site manager) responsible for dealing with any complaints.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance throughout and until completion of the development.

Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and to safeguard the amenities of local residents from potential construction related impacts.

NDC - Environmental Health and Housing – 19/12/2024 - Further to my emailed comments of 10 October 2024, I have reviewed the additional documents submitted since I commented.

I do not wish to add anything to my previous comments, which stand.
Environment Agency

South West Water – 30/09/2024 - Asset Protection

Please find enclosed a plan showing the approximate location of a public 3 inch water main in the vicinity. Please note that no development will be permitted within 3 metres of the water main, and ground cover should not be substantially altered.

Should the development encroach on the 3 metre easement, the water main will need to be diverted at the expense of the applicant. The applicant/agent is advised to contact the Developer Services Planning Team to discuss the matter further.

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 2020.

Surface Water Services

The applicant should demonstrate that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Water re-use (smart water butts/rainwater harvesting, grey flushing toilets)
2. Discharge into the ground (infiltration); or where not reasonably practicable,
3. Discharge to a surface waterbody; or where not reasonably practicable,
4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
5. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

No surface water strategy details were provided with this planning application. Please note that a discharge into the ground (infiltration) is South West Water's favoured method and meets with the Run-off Destination Hierarchy. Should this method be unavailable, SWW will require clear evidence to demonstrate why the preferred methods listed within the Run-off Destination Hierarchy have been discounted by the applicant.

For Highway run off please contact the Highway Authority to agree disposal method.

South West Water – 11/12/2024 - I can confirm South West Water has no comment.

North Devon Council – Planning, Housing and Health – 01/10/2024 - The North Devon District Council in pursuance of powers under the above mentioned Act hereby determines that there are NO OBSERVATIONS found for the above planning application alongside the below:

INFORMATIVE:

1. In accordance with the agreed protocol, the District Council, as a consultee to the Exmoor National Park Authority, has no observations.

If this development involves any building or engineering works, it is the applicant's responsibility to ensure that any consent under the Building Regulations is also obtained, before work begins

Office of Rail Regulation

Devon and Somerset Fire and Rescue Service – 01/10/2024 - The Fire & Rescue Service have no comments or objections to make at this time.

North Devon Coast National Landscape – 10/10/2024 - The proposed development is within the setting of the designated North Devon Areas of Outstanding Natural Beauty.

However at some five miles distance from the AONB boundary and features, there are not considered to be any adverse landscape or visual impacts from the proposed development.

We do not have any further landscape comments.

Devon Wildlife Trust – 09/10/2024 - We object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraph 180a or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation.

The comments provided below are based on an Ecological Assessment produced by LUC (August 2024). We consider that insufficient evidence has been provided because –

1. The report states that previous surveys undertaken by Arup (2013) and LUC (2015) identified the presence of dormice within the landscape surrounding the site. The report

goes on to describe four hedgerows which will be affected by the works, stating that they are 'poorly connected to better quality habitat within the surrounding landscape' and that 'the preferred food plant, fruiting hazel, was also limited'.

The implication that dormice can only inhabit areas with strong connectivity and abundant fruiting hazel is outdated. Dormice are ubiquitous in Devon and given the recorded presence in the surrounding landscape and the presence of suitable habitat on site, their presence within vegetation which will be affected by the proposed works is highly likely.

Dense scrub is also present on site (Phase 1 habitat maps), but the likely presence of dormice within these areas is not considered within the report. The Biodiversity Net Gain Assessment report (LUC, September 2024) states that 50% of the bramble scrub and 86% of the mixed scrub on site will be removed.

The report goes on to state that works will be carried out under a non-licensed method statement to minimise any risk to dormice. The report states that the works will be carried out 'during the winter, when dormouse are least likely to be present'. This statement is misleading, particularly without clarification that winter clearance must be planned as a two stage process, with stumps and roots removed in May. During the winter, dormice hibernate at ground level beneath woody vegetation such as hedgerows and scrub, and are thus affected by ground disturbance at this time. Deliberately or recklessly disturbing a dormouse while it is in a structure or place of shelter or protection will result in a contravention of wildlife legislation.

The report must fully assess the extent of the impact on dormice and then identify a methodology which protects the dormice which are likely to be present. Standard methodology involves clearance of vegetation during September/October, avoiding the sensitive breeding and hibernation seasons. This would also take into account other protected species considered in the report including reptiles and nesting birds. A licensed dormouse ecologist must provide an appropriate methodology for habitat clearance works which ensure that any dormice which may be present are protected, and that the population is maintained at a favourable conservation status.

For the reasons given above, we object to the planning application and recommend that it is refused.

Devon Wildlife Trust – 21/01/2025 –

Thank you for your message and for responding to the points raised in our comments dated 9th October 2024.

Devon Wildlife Trust doesn't withdraw objections (unless there are cases where we have made errors) or write in support of developments. This is in part because this isn't required by the LPA - If the LPA consider our reasons for objection are valid, and they have been subsequently addressed by the applicant, it is surplus to their needs to have a letter of withdrawal. It is their assessment which carries the weight. Also, and rather more subjectively, withdrawing an objection is often considered by local stakeholders (especially in complex or controversial cases) as support for a given development. We also aren't always able to revisit revised applications in fine detail to have sufficient comfort that every aspect has been fully addressed.

Office of Rail Regulation – 17/10/2024 - The relevant team at ORR have reviewed the application and have advised that ORR have no further representations to make on this occasion.

Office of Rail Regulation – 09/12/2024 - The Office of Rail and Road (ORR) has no comment.

Environment Agency – 17/10/2024 - Environment Agency Position

We consider that planning permission should only be granted to the proposed development as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

For the protection of controlled waters.

We have reviewed the Planning Statement Reference: 02 | 16 September 2024 and other supporting documents. It is reported that there are no watercourses within the application site boundary and the nearest watercourse is a spring located about 100m west of the site. In order to minimize the proposal's effects on the site environment, we support any mitigation measures that are suggested, both during the construction and operating stages.

Environment Agency – 04/12/2024 - The information submitted does not change our position from our response dated 17th October 2024. If information is submitted that may change our position, please reconsult us for further comments.

Historic England – 18/10/2024 - Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

Historic England – 16/12/2024 – On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

DCC – Flood and Coastal Risk Management – 16/12/2024 - We have no in-principle objections to the above planning application, from a surface water drainage perspective.

The applicant have submitted Bridge 65 Killington Lane Site Layout and Temporary Access Drawing (Drawing No. 3004, Rev. 01, dated 08th June 2022) and Drawing Killington Lane Bridge Proposed Arrangement (Drawing No. LBR-65-008, Rev. -, dated 07th May 2024) to show the proposed works and temporary access during construction.

As per my previous consultation response, detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted shall be submitted during detailed design.

DCC – Flood and Coastal Risk Management – 21/10/2024 - We have no in-principle objections to the above planning application, from a surface water drainage perspective.

If the Planning Case Officer is minded to grant planning permission in this instance, I request that the following pre-commencement planning condition/s is/are imposed:

- (a) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

The applicant has submitted Reinstatement of the Lynton & Barnstaple Railway on land between Killington Lane and Cricket Field Lane Planning Statement (Report Ref. 282133-00, Rev. 02, dated 23rd July 2024).

The application site is a linear site located on the former railway line between Killington Lane halt (Grid Ref. SS671459) and Cricket Field Lane (Grid Ref. SS673451).

The area within the redline boundary is approximately 1.6ha.

The planning application seeks full planning permission for the following:

- Repair track formation, reinstate original cess drainage, lay hardcore, ballast, sleepers and rails for approx. 941m section of former railway line between Killington Lane and Cricket Field Lane.
- Construction of a new road bridge 65 over the railway at Killington Lane;
- Excavate infill from the original railway cutting each side of Killington Lane;

-
- Renovate and reinstate existing cattle creep accommodation bridge 64 at Higher Bodley Farm;
 - Renovate existing highway bridge 63 that carries Parracombe Lane over the railway;
 - Excavate infill from the original railway cutting each side of Parracombe Lane and form a level zone to accommodate a temporary halt and run around loop with a head shunt siding that terminates in the triangle of land north of Cricket Field Lane; and
 - Construction of fencing both sides of the railway corridor using concrete posts and 7No. tension wires and sheep netting.

The applicant mentioned that a Surface Water Management Plan was approved to discharge Condition 10 under planning application 62/50/16/001, to include the application site for the reinstatement of the railway between Killington Lane and Cricket Field Lane. The proposed remedial works to address surface water drainage would be prepared in alignment with this Management Plan where feasible.

In addition, a Water Resources Risk Assessment was approved to discharge several conditions associated with the water environment across the lapsed planning applications (refs: 62/50/16/001, 62/50/16/002, 62/50/16/003, 62/50/16/004). This assessment considered the likely effects of proposed works to reinstate the railway pre- and post-mitigation in place, resulting in a residual effect of negligible significance and low risk of hazard occurrence. Recommended mitigation measures for both the construction and operation phases would be applied where necessary for the proposed development. This information shall be submitted prior to the commencement of the work to ensure the proper management of surface water and silt runoff from the site during construction of the development.

Natural England – 24/10/2024 – The proposed development is for a site within or close to a nationally designated landscape namely Exmoor National Park.

Natural England has concluded that impacts on the nationally designated landscape and the delivery of its statutory purposes to conserve and enhance the area's natural beauty wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public, can be determined locally by the local planning authority, with advice from its landscape or planning officers.

Natural England is not confirming that there would not be a significant adverse effect on landscape or visual resources or on the statutory purposes of the area, only that there are no landscape issues which, based on the information received, necessitate Natural England's involvement. As the closest SSSI (West Exmoor Coasts & Woods) is 2km away, we deem that air pollution from extending the steam railway is unlikely to have a significant effect on designated sites.

We advise that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and

statutory framework to guide your decision and the role of local advice are explained below. Your decision should be guided by paragraph 182 and 183 of the National Planning Policy Framework, which requires great weight to be given to conserving and enhancing landscape and scenic beauty within National Landscapes, National Parks, and the Broads and states that the scale and extent of development within all these areas should be limited. Paragraph 183 requires exceptional circumstances to be demonstrated to justify major development within a designated landscape and sets out criteria which should be applied in considering this proposal.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The relevant local authority landscape or planning officers should be able to advise you based on knowledge of the site and its wider landscape setting, together with the aims and objectives of the area's statutory management plan. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. The Broads have additional purposes to promote their enjoyment by the public and protect the interests of navigation. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes.

Furthermore, Section 245 (Protected Landscapes) of the Levelling Up and Regeneration Act 2023 places a duty on relevant authorities (which includes local authorities) in exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty in England, to seek to further the statutory purposes of the area. This duty also applies to proposals outside the designated area but impacting on its statutory purposes.

The National Park's planning or landscape officers may be able to offer advice in relation to the duty, including on how the proposed development aligns with and contributes to delivering the aims and objectives of the area's statutory management plan.

National Amenity Society – 17/12/2024 - We have reviewed the submitted documentation and do not wish make any comments on this occasion. We defer to the specialist advice of your Authority's Conservation Officers to determine the application in accordance with local and national policy.

No other comments from consultees received

Representations

178 public letters of representation have been received. These are broken down as follows:

90 letters of objection (including more than one letter from the same property) have been received. These raise comments including:

- The development must be considered Major Development as defined in Section 2(1)(e) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 - “development carried out on a site having an area of 1 hectare or more.”. There are no ‘exceptional circumstances’ with which to approve this Major Development
- Local Plan Policy – the proposal fails to satisfy Policies GP1 (especially 1, 2(a) and (b), 3(f, h, l and j) and GP2.
- Under RT-S2 Reinstatement of The Lynton and Barnstaple Railway paragraph B:
“any additional new development over and above the original historic former railway should provide demonstrable evidence that it is essential for the operation of the reinstated former railway or is a restoration of a historic feature and that there are no alternative solutions which would reasonably meet the need for the development in any other way”
- The proposed halt is not essential as there is already a halt at Killington Lane and the railway own the Halt at Parracombe and a new halt 250 meters from an existing one can hardly be deemed essential.
- The proposed plans reveal that the will be 2 to 3 m higher than it is currently as it approaches the proposed terminus at Cricket Field Lane. The construction of a platform would add to this increase in height
- Whilst landscape plans have been submitted these appear to address the biodiversity and not screening around the new halt which is 3 meters above the current field level
- Qualities of the landscape including its charm and tranquillity are at serious risk due to this development
- the removal of medieval hedgerows
- There is no historical precedence for the terminal at CFL.
- The proposals will undoubtedly lead to increased noise and pollution in the Parracombe conservation area.
- The significantly raised trackbed and terminus will be an eyesore to the Historic village and landscape of Parracombe with a number of nearby buildings being grade 1 and 2 listed.
- There is no submitted plan for excavation and/or recording of existing heritage assets which should include features and structures associated with the original railway and the medieval field system which would be damaged by this proposal
- No evidence or documentation regarding the potential economic benefits to the area

-
- No business plan
 - The railway is likely to be uneconomic/inefficient on all days outside of school holidays including weekends when weather is poor. As such, residents will have to endure disruption without any benefit to tourists
 - Given the substantial environmental and landscape harm this project would cause, it is essential that any development demonstrate clear and tangible benefits to justify such damage.
 - Referring to figures of income and benefits that allegedly could be expected when the plan was to reinstate to Wistlandpound have no relevance to this latest application which gives just a few extra minutes further than currently on offer by L&BRT
 - The operation being a duplication of the existing track layout but 900m longer, will not create any increase to paid workforce for day to day running of the rolling stock and track, I expect any claims of a requirement of inflated workforce again will be filled by volunteers.
 - While some may argue that it could boost local commerce, it is unclear how this development would benefit the village's economy the predicted economic benefit to the area is completely unsubstantiated and, in any event, is so tiny that it will be hardly noticeable.
 - The planning statement from the applicant states there is no planning requirement for a business case for this application without this it is impossible to gauge the detrimental impact of construction and operation of this extension against the gains to the local economy
 - Environmental Health Consultant recommends that operations be restricted to a maximum of 200 days per calendar year, with no more than seven return trips per day, and limited to the hours of 9.00am to 6.00pm. if these conditions are implemented, how would they affect the railway's economic forecast and business plan? We do not know, and neither do the Trustees, as they have not provided a business plan or economic forecast
 - The proposal to offset carbon emissions inevitably generated by steam trains does nothing to protect the health and well-being of local residents – it is all well and good planting more trees far away, but people living near the line will breathe in more particulate matter arising from burning fuel
 - There is a "right to breath clean air bill" currently progressing through parliament. Coal is being phased out. Does the railway company understand that any such permissions granted could be challenged under this new legislation?
 - Steam trains belch out smoke and soot, nitrogen oxide which contribute to respiratory illnesses, particulates which contribute to lung disease and sulphur dioxide which runs off into streams and contributes to acid rain.
 - The train pollution has a high chance of affecting the quality of the local drinking water for those villagers using bore holes and wells in the area.
 - PM2.5 particulates are emitted due to burning fossil fuels. There is a reason there are no more coal burning power stations in UK. The World Health Organisation states "Air pollution is now recognized as the single biggest

environmental threat to human health”. These particulates are worse than smoking as they stay in your lungs.

- The railway has admitted in a previous application that there will be a ‘small amount of pollution’. Any pollution is unacceptable in this era of dangerous climate change
- ARUP claims the railway will transition to Ecoal by 2025; whilst this does reduce pollution, it does not prevent it and so residents will suffer. I would like to request that if consent is granted that this is a condition of operation and that licenses are removed if the service is found to use anything less than 100% Ecoal after 2025.
- It is over two years since the IPCC explicitly stated that fossil fuel supply and demand should be rapidly phased out – coal by 95%, oil by 60% and gas by 45%. In other words, coal is by far the worst contributor to climate change. If this application is approved, it will increase the amount of coal burnt in the national park five years after Exmoor National Park Authority declared a climate emergency. New coal-dependent developments are wrong wherever you put them. To allow one in the heart of the National Park flies in the face of reason, science, a climate emergency and common sense.
- In the midst of a climate crisis, reintroducing a railway powered by fossil fuels seems irresponsible. While these structures may have been revered in the past, times have changed, and we must prioritize sustainable solutions over nostalgic projects that contribute to environmental harm.
- Plastic sleepers are being used which will result in microplastic pollution in the park as they inevitably degrade. I do not believe an environmental impact assessment has been done on this within the park. The damage would take many years to recover. Better to prevent the contamination in the first place.
- The carbon emissions associated with the construction of the extension are not taken into account or even mentioned.
- The site plans submitted clearly mark out the ‘alignment of future extension’ beyond Cricket Field Lane towards Parracombe Halt. This is at odds with L&BR statements that they do not plan to extend beyond CFL.
- It does not seem correct that this application does not require the whole scheme to be considered and an Environmental Impact Assessment / business plan to be weighed against the obvious detriment to the environment.
- An independent legal opinion is required, and I believe that such opinion should be sought and made completely transparent. This application is obviously a case of “Salami Slicing” the wider project which is known to be the objective of the railway. Surely there exist some “anti-avoidance” provisions in the regulations and legislation which would require the impact of the wider scheme to be considered?
- The previously approved railway extension, which has now expired, stipulated that any extension beyond Killington Lane must comply with Grampian conditions, including land ownership and secured funding for the complete project—not a piecemeal approach. This current application describes the runaround at Cricketfield Lane as temporary, with plans to extend to Wistlandpound in the future. However, L&BRT does not currently own the

necessary land for this plan. How long can “temporary” be, and is this application merely a way to bypass the established Grampian conditions to enable future extensions into Parracombe?

- The proposals will undoubtedly lead to increased noise and pollution in the Parracombe conservation area.
- The obvious work of raising or lowering ground levels to allow clearance under the bridges will involve massive excavating and movement of soil, and the use of heavy machinery and a constant use of lorries for this work, is at the sacrifice of the peaceful life of the area. Parracombe does not need this extension.
- The four-year construction timeline would cause ongoing disruption through noise, traffic, and a loss of privacy for residents—disruptions that would continue long after the railway becomes operational.
- The topography of land means Parracombe acts as an amphitheatre and no mitigation has been offered for the accumulative effects of noise.
- There will not be any provision for car parking near to Cricket Field Lane and hence foot fall in Centery Track will potentially be greatly increased. Who will be responsible for maintaining the footpaths?
- Any increase in traffic or pedestrians will need to use either Parracombe Lane or Church Lane (past the school) to approach the site, and there is no provision for parking
- The construction of the 2 bridges may seriously impact the regular bus service, much to the detriment of the local people using this service
- The existing infrastructure is inadequate to support the anticipated increase in visitors. Our roads and footpaths are not equipped to handle the heightened traffic and construction activity, posing significant safety risks for both pedestrians and drivers
- The old line and tunnel at Parracombe lane head would have to be dug out. There are thousands of tonnes of substrate that would have to be moved. This would require heavy plant, diggers, lorries etc working in proximity to the dangerous junction at Parracombe lane head
- There is currently already an issue with the lack of available parking space and congestion due to narrow thoroughfare, which is particularly evident when the village becomes busier, notably in the summer months. This is when the railway would be at it's busiest. The proposal to develop a halt at cricket field lane would only exacerbate this
- It is proposed that they reinstated a bridge in Parracombe Lane, which is the major access for larger vehicles coming off the A39. In a previous submission the Office of Rail Regulation (ORR) raised concerns over the bridge at Parracombe halt as to whether this type of bridge would meet today's safety standards. I would respectfully draw their attention to this bridge being the same type as the one at Parracombe halt as I think this has been overlooked. Whilst Devon highways have approved the installation of a parapet wall no analysis or structural guidance has been given in this plan to reinforce or make safe this bridge given modern vehicle use. It is just assumed soil can be removed

-
- The incline from the major road (A39) into Parracombe Lane is significant and there are safety issues should tourists stop or park there to take photos or watch the train approach from the halt or go under the bridge. I would therefore recommend visibility is reduced and 'No Parking' is enforced
 - We expect that Bridge 61 will become a focal point for visitors wishing to view the old trackbed, leading to increased foot traffic along Century Lane toward the proposed runaround at Cricketfield Lane. This influx will exacerbate the already insufficient parking at the junction of Church Lane and Bridge 61
 - The proposal is to use the land known as Cricket Field Lane to gain access to the new terminus from Century Lane footpath. However, there is no public right of way (PROW) along Cricket Field Lane. Without a legal right of access, this could cause even more issues if local residents or landowners challenge the plans.
 - Horses are protected, theoretically, by the Highway Code, what will protect them from a steam train and all the noise and heavy machinery, which many equines will find terrifying? The noise and machinery of a construction site at both ends of the proposed new track will render it dangerous to ride there. too.
 - The footpath from Parracombe Lane to Higher Bodley runs through fields of permanent pasture. The track would run alongside it with a negative effect of a fenced track, trains running, and narrow gateways which both footpath and train have to pass through
 - If this project were to be implemented the proposed 4 year timescale could expand to a decade and more if no controls are able to be applied. I believe that ENPA would need to mandate that all of the funds required to complete the whole project are in place before any work is started and that a credible plan should be approved whereby the whole scheme could be completed in 2 years and not 4 years.
 - Public Safety during the construction phase is not addressed. I can see no structural survey of the current structural condition of the filled in at the top of Parracombe Lane or estimate of how works will be carried out and for how long
 - Do not overlook the negative social impact already experienced by local residents, most of whom object to this application, while only a few support it.
 - The applications have divided our community and have negatively affected the social fabric, unity and harmony of Parracombe
 - It shows a lack of ambition and imagination not to mention humility in applying for an extension which will gravely impact the community at large for the build time of 4 years. Questionably when previously 3 km was estimated as a 2 to 3 year build time. This is 850 meters and 4 years. That time will be to the detriment of other local businesses and the communities lifestyle. I could suggest that this equates to their lack of funds available and their reliance on volunteers and unpaid workers for much of the grounds works and track laying

88 letters of support have been received (including more than one letter from the same property). These raise comments including:

- Reinstatement of the Lynton and Barnstaple Railway is supported by Exmoor National Park Local Plan.
- Will bring more visitors and consequently wealth to the area
- Is a positive benefit to the local economy
- The railway is a wonderful Exmoor attraction for tourists and locals, providing a living history experience that is appealing to all ages. In a year when hospitality businesses in the area have been hard hit by various economic and social factors, I think enhancing the attractions we have here is of vital importance.
- Provide more jobs and transport options for the locals in an area that needs the economic stimulus, particularly after the effects of Covid-19 means Devon's economy was rated 'red' by Government
- The L and B generates national and international interest, and an extension project over the next 5 years will drive ongoing engagement with both the railway and the area, potentially resulting in increased visitor numbers even before the extension opens
- Fears about visitors overwhelming the town or village are seriously misplaced: on the contrary, they provide a valuable source of income for the local community
- The proposed extension will follow the line of the original railway so will not cause any new disruption or disfigurement of the landscape.
- The railway also creates a 'green corridor', enabling movement of wildlife between habitats.
- This short extension will in itself only provide minor incremental benefits, but is an essential step in extending to Wistlandpound and beyond, which will ultimately provide very significant economic and ecological benefits to the region
- Creation and enhancement of a nationally important heritage asset.
- The railway is a restoration of the line which served the area for many years. it is faithful to the original in as many ways as possible and this extension of the track follows the existing track bed last used in 1935
- Rebuilding a unique and historic asset in its original form is a wonderful project!
- considerable research has been done to find the least polluting fuel used by the engine
- The railway also creates a 'green corridor', enabling movement of wildlife between habitats.
- Increased access to the National Park.
- The railway provides a great way to see the delights of Exmoor for those who due to age or infirmity cannot walk the footpaths. The extension will allow passengers to see even more of the area by travelling through scenery which is quite different from the existing one-mile route.

-
- I am sure that all the construction work proposed will be undertaken with consideration and will have a minimal impact on access such as along Killington Lane.
 - I have been finding out more about the history of Cricket Field Lane; what is essentially a footpath used by residents for a very long time, to access The Cricket Field which was at the top. So far, I have evidence of a map from 1905 with the Lane clearly labelled. I have heard personal accounts of walking the Lane and Field, going back to the 1940s and I have personally been using this route for walking our dogs, going back 26 years, to present day and never been challenged.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. In this case, the development plan is the Exmoor National Park Local Plan (Local Plan) adopted in July 2017.

The aims and purposes of national parks are laid out by law. The 1949 National Parks and Access to the Countryside Act, was a law made by parliament that set out what national parks would be like. When the aims and purposes conflict with each other, then the Sandford Principle should be used to give more weight to conservation of the environment. The Environment Act 1995 set out two statutory purposes for National Parks in England and Wales and these are as follows:

- 1. Conserve and enhance the natural beauty, wildlife and cultural heritage**
- 2. Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public**

When national parks carry out these purposes, they also have the Duty to: **Seek to foster the economic and social well-being of local communities within the national parks.**

The key Local Plan Policies are detailed below.

EXMOOR NATIONAL PARK LOCAL PLAN 2011 – 2031 ADOPTED JULY 2017

GP1 General Policy: National Park Purposes and Sustainable Development

GP2 Major Development

GP3 Spatial Strategy

GP4 The Efficient Use of Land and Buildings

GP5 Securing Planning Benefits – Planning Obligations

CE-S1 Landscape Character

CE-D1 Protecting Exmoor’s Landscapes and Seascapes

CE-S2 Protecting Exmoor’s Dark Night Sky

CE-S3 Biodiversity and Green Infrastructure
CE-S4 Cultural Heritage and Historic Environment
CE-D3 Conserving Heritage Assets
CE-S6 Design & Sustainable Construction Principles
CC-S1 Climate Change Mitigation and Adaption
CC-D1 Flood Risk
CC-S5 Low Carbon and Renewable Energy Development
CC-S6 Waste Management
CC-S7 Pollution
SE-S1 A Sustainable Exmoor Economy
SE-S3 Business Development in the Open Countryside
RT-S1 Recreation and Tourism
RT-D10 Recreational Development
RT-D12 Access Land and Rights of Way
RT-D13 Safeguarding Land Along Former Railways
RT-S2 Reinstatement of the Lynton and Barnstaple Railway
AC-S1 Sustainable Transport
AC-S2 Transport Infrastructure
AC-D1 Transport and Accessibility Requirements for Development
AC-D2 Traffic and Road Safety Considerations for Development
AC-S3 Traffic Management and Parking
AC-D3 Parking Provision and Standards

A key material planning consideration is the advice from the National Planning Policy Framework. There is an emphasis on supporting a prosperous rural economy and supporting sustainable rural tourism. There is also an emphasis on conserving and enhancing the natural and historic environment.

English National Parks and the Broads UK Government Vision and Circular 2010 is a material consideration. The National Park Circular provides policy guidance specifically for the English National Parks and for all those whose decisions or actions that might affect them including, amongst others, government departments, government agencies, local authorities and other public bodies. The Circular includes a vision and sets out key outcomes:

- a) a renewed focus on achieving Park Purposes;
- b) leading the way in adapting to, and mitigating climate change;
- c) a diverse and healthy natural environment, enhanced cultural heritage and inspiring lifelong behaviour change towards sustainable living and enjoyment of the countryside;
- d) fostering and maintaining vibrant, healthy and productive living and working communities; and
- e) working in partnership to maximise the benefits delivered.

Planning Considerations

- 2.1 The main planning considerations are considered to be the impact of the proposal on the character and appearance of the landscape, the impact on the historic environment, the impact on protected species and habitats, the impact on living conditions/amenity, the impact on the economy, the impact on highway safety, the impact on Public Rights of Way and the impact on climate change.
- 2.2 In accordance with Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the proposed scheme constitutes 'major development' in that the total site area is 1.6 hectares. It is therefore above the threshold for major development, which is 1 hectare or more.
- 2.3 The NPPF at paragraphs 189 and 190 sets out an approach that Local Planning Authorities should take when determining applications within National Parks. In accordance with paragraph 189 the NPPF, National Parks (as well as the Broads and National Landscapes) have the highest status of protection in terms of landscape, scenic beauty, wildlife and cultural heritage. For this reason, the scale and extent of proposed development in National Parks should be limited and permission should be refused for major development other than in exceptional circumstances.
- 2.4 Notwithstanding the DMPO definition, whether a proposal is 'major development' for the purposes of paragraph 189 and 190 of the NPPF is a matter for the decision maker.

3. MAJOR DEVELOPMENT

- 3.1 The Exmoor National Park Local Plan (paragraph 3.21) acknowledges that Exmoor National Park's landscape is recognised as being relatively free from major structures or development. The Government's longstanding view has been that planning permission for major developments should not be permitted in National Parks except in exceptional circumstances, as set out in the NPPF and National Parks Circular 2010.
- 3.2 The NPPF advises that planning permission should be refused for major development in a National Park except in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 190 of the NPPF applies, is a matter for the relevant decision taker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined (footnote 67 of the NPPF).
-

3.3 The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas (paragraph 189) irrespective of whether the policy in paragraph 190 for ‘major development’ is applicable. In relation to this national policy context, the term ‘major development’ is not specifically defined. Paragraph 190 of the NPPF advises that consideration of major development applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

3.4 The Planning Practice Guidance (PPG) at Paragraph: 041 Reference ID: 8-041-20190721. Revision date: 21 07 2019 states ‘All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, paragraph 172 of the Framework sets out a number of particular considerations that should apply when deciding whether permission should be granted’. The NPPF has subsequently been updated and the relevant paragraph is now 189.

3.5 In *Aston v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin), The judge concluded that:

3.6 ‘the word major has a natural meaning in the English language albeit not one that is precise’; and

3.7 ‘to provide a precise definition would mean that the phrase has an artificiality which would not be appropriate in the context of national planning policy’.

3.8 In another judgement, *R. (Forge Field Society) v Sevenoaks DC* [2014] EWHC 1895 (Admin), the judge affirmed the approach taken in the *Aston* case in defining “major development” according to “the normal meaning to be given to the phrase” and confirmed that the decision as to whether or not a development was “major development” was a matter of planning judgement.

3.9 The Local Plan advises (paragraph 3.22) that due to the relative remoteness, tranquillity and natural beauty of the National Park and the scale and size of most proposals, ‘major development’ is considered to be of a scale that is context-specific and a matter of planning judgement, i.e. it would exceed the local-scale development to address the social and economic needs of Exmoor’s communities, and would be considered to also have potential

adverse impacts on the National Park's statutory purposes. In the context of this policy, major development is not defined just in terms of scale, but also the impact on the National Park and its special qualities.

- 3.10 The Local Plan (paragraph 3.24) explains that the National Park Authority will consider whether a proposed development is deemed to be 'major' on a case by case basis taking into account the potential impacts of the proposed development on the National Park including its natural beauty, wildlife and cultural heritage and in its local context, which should include taking into account the nature and sensitivity of the site, including landscape character and the size and form of any local settlements, as well as the degree of change over time in terms of the level and scale of past development.
- 3.11 The Local Plan advises (paragraph 3.23) that the application of the following criteria will be relevant considerations, but may not determine whether the development is considered 'major': -
- whether the development is Environmental Impact Assessment (EIA) development, or
 - development that falls within Schedule 2 of the EIA Regulations, or
 - the Development Procedure Order definition of major development in terms of the classification of planning application, or
 - developments that require the submission of a Transport Assessment or Statement.
- 3.12 When considering whether the proposed development is 'major development' the Authority may consider its potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park by reason of its scale, character or nature.
- 3.13 The consideration of major development is a matter revisited and discussed later in this report.

4. Policy RT-S2 Reinstatement of The Lynton and Barnstaple Railway

4.1 Policy RT-S2 is specifically related to proposals for the reinstatement of the Lynton and Barnstaple Railway. It is therefore a directly relevant Policy to this application, Policy RT-S2 is considered within the sections below and is shown below for ease of reference:

RT-S2 Reinstatement of The Lynton and Barnstaple Railway

1. Proposals for the reinstatement of the Lynton and Barnstaple Railway should be in accordance with the following criteria:
 - a) the proposal should seek to reinstate and replicate the former narrow gauge railway including the line of the original route and the siting, design, appearance, and materials of the associated structures or buildings;
 - b) any additional new development over and above the original historic former railway should provide demonstrable evidence that it is essential for the operation of the reinstated former railway or is a restoration of a historic feature and that there are no alternative solutions which would reasonably meet the need for the development in any other way;
 - c) reinstatement proposals should:
 - i) Seek to re-use the original buildings associated with the former railway.
 - ii) Where it can be demonstrated that the re-use of the original buildings cannot be achieved, existing buildings in suitable proximity to the reinstatement proposal may be considered.
 - iii) New buildings will only be considered where it can be demonstrated that there are no existing buildings suitable for re-use.
 - d) new infrastructure, buildings and structures should complement the character of the original railway;
 - e) the proposal should respond to landscape character and ensure landscaping is appropriate to the site and character of the area and having regard to traditional features of the former railway (CE-S1 Landscape and Seascape Character);
 - f) the proposal should safeguard wildlife, habitats and sites of geological interest (CE-S3 Biodiversity and Green Infrastructure);
 - g) sustainable construction methods should be used, unless they compromise the historical accuracy and appearance of the former railway;
 - h) the proposal should accord with policy AC-D1 Transport and Accessibility Requirements for Development, and provide a travel plan to incorporate measures to enable safe access by walking, cycling and public transport that will help to minimise traffic generation and the need for parking;
 - i) parking provision should be in accordance with policies AC-S3 Traffic Management and Parking, and AC-D2 Traffic and Road Safety Considerations for Development; and
 - j) provision of temporary overflow parking to help address peak parking demand should accord with policy AC-D3 Parking Provision and Standards.

5. Impact on the character and appearance of the landscape

- 5.1 Policy GP1 of the Local Plan relates to achieving National Park Purposes and sustainable development and states that sustainable development for the National Park will conserve and enhance the National Park, its natural beauty, wildlife and cultural heritage and its special qualities; promote opportunities for their understanding and enjoyment by the public, and in so doing, foster the social and economic wellbeing of local communities.
- 5.2 Policies CE-S1 and CE-D1 of the Local Plan seek to conserve, enhance and protect Exmoor's landscapes and seascapes. Policy CE-D1 states that development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor's landscapes and seascapes.
- 5.3 Clause 1(e) of Policy RT-S2 of the Local Plan states the proposal for the reinstatement should respond to the landscape character and ensure that landscaping is appropriate to the site and character of the area and having regard to traditional features of the former railway.
- 5.4 The application site lies in the Enclosed Farmed Hills with Commons landscape character type as outlined in the Exmoor National Park Landscape Character Assessment (LCA) 2018. It is a broad rolling terrain of hills and ridges with a patchwork of fields and wooded combs. The fields are largely permanent pasture enclosed by beech hedgebanks. Features of the historic railway remain visible in the landscape.
- 5.5 The character of the landscape in this part of the National Park is very distinctive and is marked by enclosed farmland, where the route of the former railway is still evident as a ghost relic in the landscape and where features and remnants of the historic railway remain visible. Although clearly manmade in respect of field patterns and hedgerows, it has a marked natural beauty. The route of the former railway as it approaches Cricket Field Lane is largely set within a cutting. The landscape is mainly undeveloped with small-scale buildings and development nucleated at Churchtown and Parracombe. There is an obvious absence of built development in the landscape.
- 5.6 The development proposed would reinstate 941 metres (0.6 miles) of the original former railway track and introduce some notable new features into the landscape, including reinstating a road bridge at Killington Lane, a new halt and run around loop at Cricket Field Lane, the track itself, and associated permanent fencing and ancillary trackside features.
- 5.7 The formation of an embankment to carry the track, and the building up of levels to form a level platform at Cricket Field Lane, would raise the ground
-

level above the height of the adjacent field by approximately 1.8 metres. All traces of the cutting would be removed, and the track and platform would be exposed to the wider landscape.

- 5.8 The features and remnants of the historic former railway that remain visible offer a sense of time depth to the landscape. The Authority's Future Landscapes Officer states that the reinstatement would result in the loss of elements that the disused railway imparts on the landscape character, removing the richness and that sense of time depth. The Authority's Future Landscapes Officer also states that the impact of the proposed development on the landscape is likely to be dependent on an individual's perspective.
- 5.9 The landscape mitigation comprises a section of new native species hedgerow to the northern side of the central field and replacement native scrub planting at Killington Bridge and between Parracombe Lane and Cricket Field Lane halt.
- 5.10 The construction works would be temporary but would be carried out over a four year period. The impact of those works would be most apparent at Broadoak Hill/Killington Bridge, Cricket Field Lane Halt and Parracombe Lane. The elements of the works likely to cause most impact are:
- The excavation of a significant amount of infill from the original cuttings, including stockpiling soil, handling soil within the site and exporting it by road.
 - Construction traffic, a mobile crane and machinery.
 - Vegetation removal including scrub and sections of stone-faced Devon hedges.
 - Road works and diversion route.
- 5.11 The excavated material mostly relates to infill around the cuttings used along the original route at Killington Lane, Broadoak Hill and Parracombe Lane. The excavated material assessment submitted alongside this application indicates that the excavated material would amount to approximately 9490m³, of which 8507m³ would be moved off site. 983m³ of the excavated material would be used at Cricket Field Lane.
- 5.12 6767m³ of excavated material will be used at satellite sites related to the reconstruction of the railway that have planning approval from North Devon Council and the surplus (1741m³) will be disposed to a licenced facility(s).
- 5.13 This is stated to equate to 850 truckloads being moved off site, mostly to be stockpiled at Blackmoor Gate for onward transport.
- 5.14 The submitted Landscape and Visual Impact Assessment (LVIA) describes the magnitude of change as low for all landscape elements and the construction effects as minor adverse at worst (for hedges, the undulating landscape, landscape character and the National Park).
-

-
- 5.15 The Future Landscapes Officer considers that whilst the construction works would be temporary, they would harm the character and scenic beauty of the landscape and the tranquillity and sense of remoteness for their duration. The influence and effect of the construction works would not just be in the immediate area. Nevertheless, these would be short term impacts, which would cease once the construction has been completed.
- 5.16 In terms of the visual impact of the proposed development, it would be seen in close proximity from several rights of way, local roads and residential properties. The LVIA summarises the effects of the development as being, on balance, neutral for all viewpoints at year 15 onwards. It should be noted that the LVIA only recorded views within 1km. It is nevertheless considered that the proposed development could also have a potential impact on visual amenity from further afield.
- 5.17 The LVIA predicts short-term adverse effects from construction of the proposed development, but once operational and mitigation is established, it predicts minor beneficial landscape residual effects and neutral visual residual effects arising from the proposed development.
- 5.18 Notwithstanding that, the Future Landscapes Officer states that the proposed development would add a level of visual clutter to the landscape, including the track itself, the installation of the concrete post and wire fencing on both sides of the track, lineside signals and signage and other ancillary items. It would form a prominent feature for viewers nearby but for those within the wider landscape, much of this infrastructure would be less apparent than the moving trains.
- 5.19 The Future Landscapes Officer also states 'that of the representative viewpoints included in the LVIA, the greatest effects would be on users of the public footpath alongside the railway which runs from Broadoak Hill to Parracombe Lane, from which the track, lineside features and moving trains would be seen in close proximity. For these, the effect would be moderate, and for the remainder viewpoints the effects are assessed as minor or negligible due to intervening landform or vegetation restricting views'.
- 5.20 The Authority's Woodland Officer has commented in relation to the long-term health and retention of the existing trees on site. She states that should planning permission be granted conditions should be attached requiring the submission of an up-to-date, comprehensive tree/hedgerow survey in accordance with BS5837:2012, a tree protection plan, the submission of an arboricultural method statement, the installation of a root protection barrier in accordance with the approved tree protection plan and the appointment of an arboriculturalist for the duration of the development.
-

-
- 5.21 The Future Landscapes Officer further states that the restored line and ancillary features would result in a permanent change to landscape character and visual amenity in the local area. In the vicinity of the line, it would form a prominent feature whereas in the wider local area it would impose itself less on the landscape.
- 5.22 It is considered that the majority of the proposed development would be seen in context with the existing landscape and existing remnant historic railway features.
- 5.23 Policy RT-S2 of the Local Plan accepts the principle of the reinstatement of the Lynton & Barnstaple Railway and advises that proposals for its reinstatement should accord with certain criteria, which are set out in the Policy and listed in this report. The proposal would reinstate and replicate the former narrow gauge railway including the line of the original route and siting, design, appearance, and materials of the associated structures or buildings.
- 5.24 Clauses 1a) and 1b) of Policy RT-S2 state that proposals should seek to reinstate and replicate the former narrow gauge railway, including the line of the original route and the siting, design, appearance and materials of the associated structures or buildings and that any additional new development over and above the original historic former railway should provide demonstrable evidence that it is essential for the operation of the reinstated former railway.
- 5.25 The proposed alignment of the track follows the route of the original railway and seeks to reinstate former cuttings, where they have been filled in, and embankments where they have been removed. The alignment would be over the historic line, but the ground levels and alignment would be altered to provide a new halt at Cricket Field Lane.
- 5.26 The proposal for a new halt requires a significant change to the ground levels within the context of the site. It would see the track bed raised much higher (approximately 1.8 metres) than it would have been originally and higher than the level of the unaltered original track alignment outside of the application site. This would mean the track and halt would be much more prominent in the landscape and it would leave an awkward visual relationship with the adjacent unaltered ground levels of the original track. It would have the effect of building up the original track to form an embankment, which would be noticeable from the wider landscape. Consequently, there would be landscape harm caused by the formation of the halt at Cricket Field Lane, which includes raising the ground level to form a level surface for the train to run around. The train would also remain stationary for a period of time at this location to allow it to be turned but to also allow passengers to alight and/or board the train.
-

-
- 5.27 As a consequence of this, the proposed development would cause harm to the character and appearance of the landscape. It would not therefore conserve and enhance or respond to the landscape and it would fail to comply with Local Plan Policies GP1, CE-S1, CE-D1 and RT-S2 where they seek to conserve and enhance the scenic beauty and character of the National Park landscapes.
- 5.28 In accordance with clause 1(b) of Policy RT-S2 any new development over and above the original historic former railway should provide demonstrable evidence that it is essential for the operation of the reinstated former railway or is a restoration of a historic feature and that there are no alternative solutions which would reasonably meet the need for the development in any other way.
- 5.29 In having regard to this, it is acknowledged that the applicants own all of the former track bed up to and including the original Parracombe Halt. However, the applicant has explained that a residential property (known as The Halt) occupies the site of the former Parracombe Halt. Consequently, if the proposal were to reinstate the railway up to and including the original Parracombe Halt, the existing bungalow on the site would need to be demolished. As such, whilst in the future, a proposal may come forward for such development, in order to avoid the demolition of an existing dwelling and achieve a safe halt for the proposal, a new halt is proposed alongside the line of the original track bed at Cricket Field Lane.
- 5.30 The agent also indicates that the proposal to locate a halt at Cricket Field Lane is a positive response to concerns raised by some residents of Parracombe and the Parish Council over the railway stopping at the original Parracombe halt which has road access, in closer proximity to a number of dwellings and lies within the Conservation Area.
- 5.31 Nevertheless, even if it is accepted that the new halt is essential, the harm identified to the character and appearance of the landscape would not be outweighed.
- 5.32 The NPPF is clear (paragraph 189) that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks. That great weight should be weighed against any public benefit the proposed development may provide. This is considered further in this report.
-

6. Impact on the Historic Environment

- 6.1 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, local planning authorities shall, in considering whether to grant planning permission for development which affects a listed building or its setting, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.2 Policy CE-S4 relates to cultural heritage and the historic environment and states that Exmoor National Park's local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities and that development proposals affecting heritage assets and their settings, will be considered in a manner appropriate to their significance.
- 6.3 Policy CE-D3 states that development proposals that affect heritage assets and their settings (Clause 3) should demonstrate; a) a positive contribution to the setting through sensitive design and siting; b) promote the understanding and enjoyment of the heritage asset and its setting or better reveal its significance and appreciation of the setting; and c) avoid unacceptable adverse effects and cumulative visual effects that would impact on the setting. Clause 5 of Policy CE-D3 relates to redundant heritage assets and assets at risk and states that a) development proposals that seek to bring heritage assets, that are redundant or at risk, into a viable use in ways that are consistent with their long term conservation will be encouraged; and b) proposals should be consistent with Policy CE-S4 cultural heritage and historic environment and CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings to ensure they continue to positively enhance local character and distinctiveness.
- 6.4 The site encompasses two entries on the historic environment record (HER); Lynton and Barnstaple Branch Railway (MMO42) and Medieval Field System north, east and west of Bodley (MMO3794). It lies within close proximity to three entries on the HER: 19th century landscape gardens at Heddon Hall (MEM25381), 19th century former coach house and stables north east of Heddon Hall (MEM23496) and Heddon Hall (MDE21126). The site also lies close to Holwell Castle; a Scheduled Monument (1003872) and St Petrocks Church; Grade I Listed Building (1325740).
- 6.5 The site also lies within close proximity to the Parracombe Conservation Area, the historic settlement core of Churchtown, and two listed building entries;
-

Heddon Hall (Grade II – 1106781) and Heddon Hall kitchen garden walls (Grade II – 1169241).

- 6.6 The Parracombe Conservation Area Appraisal sets out a summary of the significance of the Conservation Area. It states that much of the special interest of Parracombe is in the historic pattern of settlement, which developed into four geographically discrete hamlets, within an open pastoral landscape. The appraisal also specifically mentions that Churchtown has three of the most striking buildings including Heddon Hall, set within its own landscaped grounds.
- 6.7 Whilst the track bed itself is a non-designated heritage asset and bringing such assets back to their originally intended former use is generally seen as a positive action supported under Local Plan Policy CE-D3, the Authority's Senior Heritage Officer has objected to the proposed development. He states that the impact on the Conservation Area and Heddon Hall is his primary concern, even though there is considered to be no direct physical impact on any designated heritage sites from the proposed development, there would be impacts on the setting of these sites.
- 6.8 Annex 2: Glossary of the NPPF defines what the setting of a heritage asset is and states: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.9 The Senior Heritage Officer notes that the definition has not changed since the previously approved applications in 2018 and that neither Historic England, nor the Historic Buildings Officer for the National Park at the time, objected to the 2018 approvals. He further notes that this application differs from the 2018 approvals in that the trains will no longer run through the village but will stop behind Heddon Hall at Cricket Field Lane where there will be a new halt created.
- 6.10 The Senior Heritage Officer advises that the visual impact of the raising of the track is unlikely to be significant to the setting of Heddon Hall or the Conservation Area due to landform and vegetation cover which restrict these views. Nevertheless, he is of the opinion that this would cause a level of harm that is less than substantial harm to the settings of Heddon Hall, its kitchen garden walls, and Parracombe Conservation Area.
- 6.11 The proposed works would involve a substantial amount of engineering within the setting of the designated sites of the Parracombe Conservation Area and the listed Heddon Hall and kitchen garden walls. Whilst the proposed works
-

would be shielded, somewhat, by the landscape and trees it would still be noticeable, and this is not without harm to the designated sites.

- 6.12 The open pastoral landscape surrounding the site is important when considering the significance of Parracombe Conservation Area and the Grade II Listed Heddon Hall and Heddon Hall kitchen garden walls, which are also set within their own landscaped grounds.
- 6.13 It is considered that harm would be caused through the change in the landscape to form a much more significant, engineered linear embankment together with the associated infrastructure (track/platform/signage etc), which would erode the largely natural and undeveloped setting of the Parracombe Conservation Area and listed Heddon Hall and kitchen garden walls, positive contribution to the significance of the Heritage Assets.
- 6.14 Whilst some interested parties have expressed concerns that smoke or steam from locomotives could damage the stonework of St Petrocks Church (a grade I listed building), there is no substantive evidence to demonstrate that this would be the case. As such, having regard to the rural and exposed position of the church and its position in relation to the application site, Officers are not convinced that such damage would occur. Moreover, given the relationship, including its juxtaposition and distance of separation, the proposal is not considered to cause a material effect on the significance of St Petrocks Church, or that of Howell Castle, which is a scheduled Ancient Monument to the south west of Churchtown.
- 6.15 Clauses 1a) and 1b) of Policy RT-S2 state that proposals should seek to reinstate and replicate the former narrow gauge railway, including the line of the original route and the siting, design, appearance and materials of the associated structures or buildings and that any additional new development over and above the original historic former railway should provide demonstrable evidence that it is essential for the operation of the reinstated former railway.
- 6.16 The proposal seeks to reinstate and replicate the former narrow gauge railway including the line of the original route. Additional works are required to achieve this through the reinstatement of bridge 64, reinstatement of bridge 63, construction of new road bridge 65 over the railway at Killington Lane and the excavation of infill from the original railway cutting each side of Parracombe Lane.
- 6.17 The proposal also seeks to provide additional new development through the formation of a level zone to accommodate a temporary halt and run around loop with a head shunt siding. The existing halt at Killington Lane would not be used for passenger services except during annual gala weekends. The new
-

halt at Cricket Field Lane does not form part of the original historic former railway.

- 6.18 The original halt lies in Parracombe, approximately 300 metres further south east of the new halt at Cricket Field Lane. The original platform and shelter can still be seen.
- 6.19 The agent has advised that the applicant owns the former track bed from Cricket Field Lane towards Parracombe Halt. However, a residential property (known as The Halt) occupies the site of the former Parracombe Halt. Consequently, if the proposal were to reinstate the railway up to and including the original Parracombe Halt, the existing bungalow on the site would need to be demolished. As such, whilst in the future a proposal may come forward for such development, in order to avoid the demolition of an existing dwelling and achieve a safe halt for the proposal, a new halt is proposed alongside the line of the original track bed at Cricket Field Lane.
- 6.20 The agent also indicates that the proposal to locate a halt at Cricket Field Lane is a positive response to concerns raised by some residents of Parracombe and the Parish Council over the railway stopping at the original Parracombe halt which has road access, is in closer in proximity to a number of dwellings and lies within the Conservation Area.
- 6.21 Additionally, the agent states that the proposed location of the Cricket Field Lane Halt is the only land the applicants own where a new halt can be accommodated.
- 6.22 In this context, officers are satisfied that the weight of evidence demonstrates that the proposed new halt, over and above that with the original historic line, is essential for the operation of the reinstated railway.
- 6.23 There is a medieval field system adjacent to the track to the west of Parracombe Lane. However, given the line will run on the existing track bed, the impact on this feature would be minimal.
- 6.24 Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 6.25 The NPPF is clear (paragraph 212) that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. That great weight should be weighed against any public benefit the proposed development may provide (paragraph 215). Additionally, Paragraph 189 states
-

that the conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks.

- 6.26 The whole linear formation of the railway line where it survives is a non-designated heritage asset. The line has historic, evidential, aesthetic and communal value. The proposals for its restoration would better reveal its significance. Whilst this results in heritage benefits, the proposal for a new halt at Cricket Field Lane would introduce a new embankment and alignment that would result in a substantial amount of engineering works and development at an elevated level. Such development would harmfully erode the open and pastoral setting to Parracombe Conservation Area and to the listed buildings of Heddon Hall and the kitchen garden walls and cause harm to the positive contribution this makes to the significance of these heritage assets.
- 6.27 The proposed development would not positively contribute to the setting through sensitive design or siting, which would harm the significance of these heritage assets contrary to policies GP1, CE-S4 and CE-D3 of the Local Plan. Whilst the harm would amount to less than substantial harm, in accordance with the NPPF, this harm to heritage assets must be afforded great weight and should be weighed against the public benefit(s) the proposal provides. This is considered further in this report.
- 6.28 As noted earlier, the applicants own all of the former track bed up to and including the original Parracombe Halt. Even if it is accepted that the new halt is essential, for the purposes of Policy RT-S2 and noting the need to achieve a relatively level track bed, the harm identified to the significance of the heritage assets would not be outweighed.

7. Impact on protected species and habitats

- 7.1 Clause 1(f) of Policy RT-S2 of the Local Plan states that proposals for the reinstatement of the Lynton & Barnstaple Railway should safeguard wildlife, habitats and sites of geological interest. The proposals do not impact on sites of geological interest in this case. Policy CE-S3 is a more detailed policy in terms of biodiversity and green infrastructure.
- 7.2 Policy CE-S3 of the Local Plan states that the conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight.
- 7.3 Policy CE-S3 also requires, among other things, that sites designated for their international, national or local importance, protected species, ancient woodland or veteran trees be protected from development likely to have direct or indirect adverse effects on their conservation objectives, including notified features and ecological functioning of cited habitats and species. The Policy advises that
-

where, in exceptional circumstances, the wider sustainability benefits of the development are considered to outweigh the harm to habitats, species or the geological interest of sites, then measures will be required to first avoid such impacts, and if they cannot be avoided, then mitigation and appropriate compensatory measures are required.

- 7.4 An Ecological Assessment prepared by LUC and dated August 2024 and a Final Bat Survey Report carried out by Orbis Ecology and dated October 2024 have been submitted alongside the application.
- 7.5 The Ecological Assessment states that the site lies in close proximity to several designated sites of nature conservation interest and sets out mitigation measures in the form of tree protection measures and best construction measures.
- 7.6 The Ecological Assessment considers impacts from the proposed development on protected species including habitat connectivity and suitable roosting opportunities for bats, further bat surveys are required prior to the removal of a mature ash tree (BRS4 (G3)), nesting birds, section felling the mature ash tree, badgers, dormouse, reptiles, amphibians, landscape enhancements and protected species enhancements.
- 7.7 The Ecological Assessment and the Orbis bat survey also set out mitigation and compensation measures through conditions and recommendations.
- 7.8 The Ecological Assessment sets out that the site boundaries provide some suitable habitat for dormouse. However, the presence of dormouse within these features is considered unlikely given the limited connectivity to better-quality habitats in the surrounding landscape and a European Protected Species (EPS) mitigation licence from Natural England would not be required. The assessment further sets out mitigation measures in relation to dormice.
- 7.9 Natural England have commented on the application and have no objection and state that as the closest SSSI (West Exmoor Coasts & Woods) is 2km away, they deem that air pollution from extending the steam railway is unlikely to have a significant effect on designated sites.
- 7.10 Whilst Devon Wildlife Trust had raised concerns, following the receipt of further information, including a further bat survey and measures regarding dormice, the Authority's Senior Ecologist is satisfied the proposals are acceptable from a wildlife perspective, subject to the imposition of conditions in the event planning permission is granted.
-

7.11 The reports submitted alongside the application set out mitigation and enhancement measures. Conditions could be attached to any grant of planning permission requiring the development to be carried out in accordance with the mitigation and enhancement measures set out within the reports.

7.12 As such, it is considered that through the use of appropriate conditions, the development accords with Policy CE-S3 of the Local Plan ensuring that the conservation status of protected species would be conserved and enhanced. Moreover, there would be no conflict with clause 1(f) of Policy RT-S2 where it requires proposals for the reinstatement of the Railway to safeguard wildlife, habitats and sites of geological interest.

8. Impact on living conditions and local amenity

8.1 Clause 3(f) of Policy GP1 requires that opportunities must be taken to contribute to the sustainable development of the area and particular attention will be paid to the impact on the amenities of local residents, occupiers of neighbouring properties, and visitors, and conserving or enhancing the quiet enjoyment of the National Park. Policy CE-S6 of the Local Plan requires that, among other things, the use and activity of new development should not detrimentally affect the amenities of surrounding properties and occupiers, including by way of overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts.

8.2 Higher Bodley Farm lies approximately 170 metres to the south west of the proposed track. The existing station at Killington Lane lies approximately 245 metres north east of Higher Bodley Farm. The owners of Higher Bodley Farm have commented on the application and have objected raising concerns including the lack of a contamination plan, that the new halt does not reflect historic character and appearance in line with Policy RT-S2, that the extension would cause more noise, pollution and smell and that the train would pass Higher Bodley 14 times per day infringing their privacy and their peace and mental wellbeing would be challenged. The owners also state that there are two dwellings, not one as identified in the submitted Noise and Vibration Report.

8.3 Heddon Hall lies within 100 metres of the proposed halt and would occupy lower ground. The owners of Heddon Hall have commented on the application and have objected raising concerns with the proposed development including the visual impact of the proposed raising of the existing ground levels to create the level platform for the halt, contamination from the materials to be imported to create the level platform, no historical precedent for the proposed halt at Cricket Field Lane, the lack of evidence or documentation regarding the potential economic benefits to the area and lack of business plan included with the application, the potential noise and activity disturbing stock, concern with a proposed construction plan that entails a programme of work that will take 4

years to complete, an increase in traffic or pedestrians if journeys are allowed to start at Cricket Field Lane as there is no infrastructure or car parking provision together with increased noise and pollution from the proposed development in the Conservation Area.

- 8.4 The owners of Heddon Hall also state that they own Cricket Field Lane under General Common Law Principles and *ad medium filum*. The owners state that there is, therefore, no public right of way (PROW) along Cricket Field Lane and anyone wanting to use Cricket Field Lane would therefore need the owners permission.
- 8.5 Additionally, the owners of Heddon Hall state that it appears that no provision has been made for emergency access e.g. ambulance or police to the site.
- 8.6 Further residential properties lie to the south east within Churchtown, approximately 200 metres south east of the site lies Hednacott, approximately 240 metres south east of the site lies Fair View and approximately 280 metres south east of the site lies St Petrock's Church. The owners of both Hednacott and Fair View have commented on the application and have objected.
- 8.7 A noise and vibration report has been submitted alongside the application and states that *'For this updated assessment of operational railway noise, we propose to draw from noise planning policy. For operational railway noise, a daytime Lowest Observed Affect Level (LOAEL) of 50dBLAeq,16hrs has been identified (IEMA Guidelines). It is proposed that the predicted operational rail noise levels from the reinstated railway are compared against this level and any exceedance considered with any change to the existing noise levels (IEMA Guidelines).'*
- 8.8 *Operational assumptions for the proposed development would be 200 days a year operating schedule, with 7 No. return trips per day. Trains will not operate outside of the hours of 9am until 6pm, with timetabled hours of services would be between 10.30am – 4.45pm'.*
- 8.9 The noise and vibration report concludes that 'Sound levels from operation of the trains is predicted to be at least 10dB below the LOAEL of 50dBLAeq,16hrs at the nearest noise sensitive receptor (Heddon Hall). The levels at other nearby noise sensitive receptors would be lower than those at Heddon Hall and therefore further below the LOAEL.
- 8.10 The warning whistle and steam safety release valve could be audible at Heddon Hall and other nearby residential receptors however the duration of each event is short (around 2 seconds for the warning whistle and 5 seconds for the safety relief valve).
-

-
- 8.11 Noise mitigation is not anticipated to be required based on this updated assessment of operation of trains. However, it is recommended that the use of the warning whistle is limited to use only when required for safety and communication purposes’.
- 8.12 The Environmental Health Consultant for North Devon Council states that he does not expect land contamination issues to arise. He recommends that a condition is added to any grant of permission that covers the possibility that unexpected contamination is discovered.
- 8.13 He also states that the Environment Agency may wish to comment in relation to protection of the water environment. The Environment Agency have commented on the application and state that planning permission should only be granted if their recommended condition in relation to contamination is imposed.
- 8.14 The Environmental Health Consultant also states that the Noise and Vibration Assessment submitted alongside the application ‘considers potential noise and vibration impacts in relation to the closest dwellings to the development. The report concludes that no significant adverse noise impacts are likely to arise based on the operating times and circumstances proposed and that noise mitigation is not required except in relation to use of the warning whistle. The report recommends use of the warning whistle be limited to use for safety and communication purposes only’.
- 8.15 He further states that he accepts the conclusions of the report and recommends an operating restrictions condition. The operating restrictions are the same as those stated in the noise and vibration report as the Operational assumptions for the proposed development. The operational assumptions would be 200 days a year operating schedule, with 7 No. return trips per day. Trains will not operate outside of the hours of 9am until 6pm, with timetabled hours of services between 10.30am – 4.45pm.
- 8.16 The Environmental Health Consultant further recommends that a pre-commencement condition is added to any grant of permission relating to a construction management plan to minimise the impact of the works during construction in the interests of highway safety and to safeguard the amenities of local residents from potential construction related impacts.
- 8.17 There would be a degree of existing impact on the occupiers at Higher Bodley from the existing station, trains and noise. The impact would be added to, through the proposed development. This would be more transitory in nature as the trains would pass by, rather than stop.
- 8.18 There are a number of residential properties including Heddon Hall and Higher Bodley Farm that lie within close proximity to the proposed
-

development and are considered likely to have the potential to be impacted upon, both as a result of the construction and through the future operation of the railway. There are a number of other properties within a relatively close proximity to the development, including Hednacott and Fair View.

- 8.19 It is considered that through the use of conditions and having regard to the scale and character of the trains, the proposed development would not detrimentally affect the amenities of surrounding properties and occupiers, including by way of overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts in accordance with Policies GP1 and CE-S6 of the Local Plan.

9. Impact on highway safety including parking

- 9.1 Policy AC-D2 'Traffic and Road Safety Considerations for Development' seeks to ensure that road safety is protected within Exmoor National Park, stating that:

1. The Exmoor Route Network will be taken into consideration in the determination of proposals for development to ensure that the capacity of the roads serving the development is adequate for the traffic likely to be generated.

2. Development which will cause unacceptable levels of traffic in terms of the environmental or physical capacity of the local road network, or would prejudice road safety interests, will not be permitted.

- 9.2 Policy AC-D3 'Parking Provision and Standards' seeks to ensure that development within Exmoor National Park makes appropriate provision for parking for multiple vehicle types, stating that:

Proposals will be permitted where they make appropriate provision for parking including for bicycles, motorcycles, disabled users and car sharing, guided by the standards set out in Table 9.1.

Parking provision should take into account environmental constraints, be well designed and integrated with a high quality environment."

- 9.3 The railway site entrance is accessed off the A39. The access road has good visibility to the east towards Lynton, and to the west towards Parracombe. To the west side of the access road is a customer car park, and to the east is a staff car park and a disabled badge holders car park. The proposal does not seek to alter the existing access or parking arrangements.

- 9.4 Devon County Council Highways Authority have not commented on the application.
-

-
- 9.5 Paragraph 116 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This sets a high bar for objecting to a development proposal for highway related reasons.
- 9.6 In terms of impact upon the highways network, it is noted that, the visitor attraction is open and currently already attracts a level of vehicle movements and parking. The proposal, whilst resulting in a larger attraction in the sense that it would offer a longer section of railway track, would not increase the capacity of the trains and there would be no significant change to the operating timetable.
- 9.7 Consequently, Officers consider that the number of cars utilising the existing parking and car journeys to and from the site would not unacceptably increase should the proposed development be granted. The existing site already generates traffic movements in association with the visitor attraction. Given the scale of the proposed development and the anticipated associated traffic movements, it is likely that the resulting impact on the local highway network both from a highway safety and operational perspective would be limited.
- 9.8 As such, the capacity of the roads serving the development would be adequate for the traffic likely to be generated through the proposed development, would not prejudice road safety interests and the proposal is considered to be in accordance with Policy AC-D2.
- 9.9 Turning to matters of parking, it is noted that the site currently provides sufficient parking for the existing use and there would be satisfactory parking for the proposed use. As such, Officers consider that the proposal accords with Policy AC-D3 of the Exmoor National Park Local Plan.
- 9.10 Policy RT-S2, reinstatement of the Lynton and Barnstaple Railway, clause 1.h) says that the proposals should accord with Policy AC-D1 'Transport and Accessibility Requirements for Development' and provide a travel plan. However, having regard to the above and the scale of development proposed, the absence of a travel plan is not considered to be fatal to the scheme. Clause 1.i) of Policy RT-S2 requires proposals for the reinstatement of the Railway to ensure parking provision is in accordance with Policies AC-S3 and AC-D2. Clause 1(j) of RT-S2 refers to provision of temporary overflow parking and, as no temporary parking is proposed, there would be no conflict with this section of Policy RT-S2.
- 9.11 Having regard to the above, the access to the site is not considered to be unsafe. The development would not give rise to any unacceptable highway safety impact and the residual cumulative impacts of the development on the local highway network would not be severe. Accordingly, the proposal would
-

not conflict with Local Plan Policies AC-D2, AC-D3 and RT-S2, where together these policies seek to ensure new development does not cause unacceptable levels of traffic or prejudice road safety, and provides adequate parking.

10. Impact on Public Rights of Way

10.1 Policy RT-D12 of the Local Plan states that the access network will be safeguarded by ensuring that development proposals will not adversely affect;

- a) the condition of the access network,
- b) users' interests and
- c) character and appearance.

10.2 At Killington Lane, public Bridleway 250BW9 continues south west and away from the proposed extension. The proposals would not adversely affect the character, users interests or character and appearance of the bridleway.

10.3 Public Footpath 250FP8 runs parallel to the original line, in a southwards direction and ends at Parracombe Lane Head, where the proposal seeks to reinstate existing highway bridge 63 that would carry Parracombe Lane over the railway. The submitted proposed plans appear to indicate that the right of way (250FP8) falls within the red line boundary in places and would pass through a temporary contractor's compound at Parracombe Lane Head and appears to run through Bridge 64 (cattle creep accommodation to be renovated and reinstated). Nevertheless, it would be possible to secure a temporary diversion of the footpath in accordance with the advice of the Senior Public Rights of Way and Access Officer. This could be secured via planning condition in the event planning permission is granted.

10.4 The papers submitted explain that the proposed halt at Cricket Field Lane would operate in a similar fashion as that at the Killington Lane halt. The intention would be that rail passengers would alight from the train and join the public footpath network, with links back to Woody Bay Station or to Parracombe Village. There would be no vehicular access to the proposed halt. Nevertheless, the Senior Public Rights of Way and Access Officer has advised that there is no recorded public right of way on Cricket Field Lane. Consequently, despite the applicant's intention, there would be no link to the public right of way or highway network from the proposed new halt at Cricket Field Lane.

10.5 The Planning Statement refers to a Statutory Declaration that the lane was used for access to the track bed by its previous owner. There is no substantive evidence that there would be a right of access for the public. Moreover, the owners of Heddon Hall say that they own the land either side of Cricket Field Lane, and they have disputed that there would be public access along it.

10.6 Whilst there is no substantive evidence of access over Cricket Field Lane, the proposed development would not adversely affect the public rights of ways either through their condition, its users' interests or affect its character and appearance subject to either a temporary or permanent diversion of the public footpath (250FP8) in advance of any works. It is considered that the proposed development accords with policy RT-D12 of the Local Plan in respect of the existing public rights of way.

11. Impacts on Climate Change

11.1 In May 2019 the UK government declared a climate emergency, Exmoor National Park Authority followed this by declaring a Climate Emergency in October 2019 and agreed to work towards carbon neutrality as an organisation by 2030 and contribute to the wider response to climate change within the National Park through the response in Somerset and Devon. Exmoor also forms part of a commitment by all 15 UK National Parks to achieve net-zero as places by 2045. The Local Plan includes policies which seek to influence, contribute and challenge development to help mitigate climate change.

11.2 GP1 'Achieving National Park Purposes and Sustainable Development' sets out that the needs of future generations should be considered, through sustainability and resilience to climate change and adapting to and mitigating the impacts of climate change.

11.3 Policy CC-S1 states that climate change mitigation will be encouraged, development which reduces demand for energy, using small scale low carbon and renewable energy, looks to situate development which avoids sites that would put wildlife at risk together with measures which avoids the risk of flooding, and Policy CE-S6 seeks to incorporate sustainable construction methods which future-proof against climate change impacts, including flood risk.

11.4 Paragraph 161 of the NPPF requires that "the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

11.5 A carbon emissions plan (CEP) has been submitted alongside the application. The CEP sets out that the carbon baseline has been developed for 2019, as this was deemed the most recent year which is representative of 'normal' operations of the railway before impacts of the Covid-19 pandemic.

11.6 The CEP sets out that the carbon baseline has been developed using a bottom-up approach, where the Greenhouse Gas (GHG) Protocol has been used to list out the operational activities and GHG sources for the railway under Scope 1 and 2 emissions:

Scope 1: Direct GHG emissions: L&BRT's direct emissions, controlled at source such as on-site fuel combustion and trust-owned vehicle usage.

- Coal powered locomotives
- Diesel powered locomotives
- Trust-owned vehicles
- Maintenance machinery
- Generators

Scope 2: Indirect GHG emissions: Emissions which L&BRT can control the use of, but not the source, such as:

- Electricity consumption

11.7 The CEP states that in 2019 the applicants produced 154 tCO₂e (carbon dioxide equivalent) which accounted for 0.02% of the total annual emissions in North Devon that year (761,039 tCO₂e).

11.8 It is noted that, comparatively, this would equate to 0.06% of the total annual emissions for the National Park (based on total annual emissions of 244,000 tCO₂e).

11.9 The CEP sets out that the proposed extension, under a business as usual approach (i.e without any additional mitigation implemented) that the trajectory for future annual baseline coal emissions rises.

11.10 Paragraph 3.2 of the CEP sets out the assumptions that have been made when establishing the carbon baseline emissions and includes the line extension lengths of 1.44km from 2019 to 2028 with an additional 0.77km from 2029 onwards.

11.11 It is noted, however, that the proposed extension length has been incorrectly calculated within the CEP. The application submitted proposes an extension from Killington Lane to Cricket Field Lane of approximately 941 metres (0.94km), which is an addition of approximately 18.2% over the 0.77km referenced in the CEP. This would impact the proposed overall carbon footprint of the line and the proposed extension and in turn the estimated carbon savings that have been reported within the submitted CEP.

11.12 The CEP sets out an action plan (section 4) which states that due to the economic and heritage value of the railway, the emissions generated cannot

be totally avoided. It also sets out that the railway is exploring options to reduce its emissions by reducing the number of annual running days and limiting the use of the railway on days that are underutilised. It also states that the applicants are planning to switch over to a less-carbon intensive fuel.

- 11.13 The CEP (Figure 4) indicates that through the reduction in the number of trips together with switching to e-coal the total overall projected carbon emissions would be reduced by approximately a third over the 2019 baseline emissions and approximately half over the total baseline emissions including those emissions that would be produced from the proposed extension.
- 11.14 The proposed action plan includes the use E Coal 50 which is made from a mixture of coal dust and crushed olive stones which are a by-product of the olive oil industry. The CEP set out that it is assumed that the introduction of e-coal starts in 2024 and accounts for 15% of the coal mix and 100% from 2025 until 2030. The assumption has been made that E Coal 50 could result in a 40% reduction in carbon emissions compared to domestic coal, based upon the manufacturers product description.
- 11.15 It should be noted that steam coal and domestic coal are not the same. Officers sought clarification from the agent who states that *‘The Heritage Railway Association describe steam coal as “a high quality, low pollution coal that produces very little smoke. Steam coal produces large amounts of energy and high temperatures that can be harnessed by locomotives. It is very different to house coal that most people are familiar with, which burns at lower temperatures and produces more emissions. The chemical makeup of the two types is not the same.”*
- 11.16 For the purposes of the CEP, the assumption has been made based on the e-coal producing 40% less carbon emissions compared to domestic coal. Officers queried what the percentage reduction of e-coal in comparison to steam coal is. The agent states that in ‘anticipation of the closure of the steam coal mine in South Wales last year, CPL Industries developed a range of alternative fuels that were initially targeted at the domestic market and standardised comparative tests were made against domestic coal.
- 11.17 CPL Industries have subsequently worked with the Heritage Railway Association to refine their recipe to better suit the specific performance needs of locomotives and the current product that most railways use, including the Lynton and Barnstaple, is branded ‘Heritage Smokeless Steam Coal’. CPL Industries indicate that it produces 23 % less CO₂ than domestic coal. There is currently no comparative data with natural steam coal’.
- 11.18 Nevertheless, the assumptions made in the CEP are that the reduction in emissions is based on a comparison with domestic fuel and so would likely over-estimate the level of reduction in emissions.
-

-
- 11.19 The agent indicates that the 'annual calculations for the CEP are made using conversion factors appropriate to the fuels used. These factors will change over time in line with available data on evolving products in the marketplace. The Lynton & Barnstaple Railway Trust monitors annual fuel usage and CO₂ production. These actual results are compared to the Carbon Emission Plan 2019 baseline and predicted emissions in annually prepared reports which are published on the railways website'.
- 11.20 The Lynton & Barnstaple Railway Trust currently use a 'Heritage Smokeless Steam Coal', which has a reduction in the amount of CO₂ produced when compared to domestic coal (23%). This reduction is lower than that used in the assumptions (40% reduction when compared to domestic coal). Consequently, the emissions that need to be offset would be higher than that stated in the CEP.
- 11.21 The CEP also sets out that the applicants have explored the use of on-site solar renewable generation. Photovoltaics are currently used to operate the Woody Bay workshop to reduce the electrical demand on the grid (enabling increased decarbonisation) and could be used as an offset where the electricity is exported. The CEP also sets out that there is a disused solar thermal array on the mess room which provided heating and hot water. This array is to be refurbished or replaced as part of wider decarbonisation efforts and when up and running its annual generation should be in the region of 1500kWh.
- 11.22 Based on the carbon emission plan submitted, the action plan indicates that projected carbon emissions for the railway will result in an overall reduction in carbon emissions including those associated with the proposed extension.
- 11.23 The CEP indicates that the railway will continue to use lower carbon alternatives to steam coal. At present this includes heritage smokeless steam coal for the trains themselves and the use of the existing solar panels together with the use of a solar thermal array that will either be refurbished or replaced for the existing buildings. Trials and research continue across the rail sector into lower carbon alternatives to steam coal and the applicants will continue to test alternative fuels into the future as new products come to market.
- 11.24 The CEP concludes that the railway has demonstrated how operational activities can achieve carbon neutrality by 2030 and sets out the key steps to achieving this (Section 6 Conclusions of the CEP).
- 11.25 It is considered that the proposed development may increase the reliance on fossil fuels between the projected completion date of 2029 and the projected carbon neutrality by 2030. As such, it would have more impact on carbon emissions than the current line. However, the railway uses and will
-

continue to use lower carbon emitting coal products in their locomotives compared to natural steam coal.

- 11.26 The CEP and the projected carbon neutrality of the railway by 2030 aligns with the National Park Climate Neutrality commitments by 2030 and with the National Parks commitment to achieve net-zero places by 2045.
- 11.27 There would be an impact on the climate from the construction process, the sourcing of construction materials and the running of the trains. The CEP sets out steps for the railway to be carbon neutral by 2030. The action plan indicates that projected carbon emissions for the railway will result in an overall reduction in carbon emissions including those associated with the proposed extension.
- 11.28 The proposed development would therefore mitigate the impacts of climate change through a reduction in carbon emissions including those as existing. It also seeks to use small scale renewable energy in the form of solar panels and solar thermal systems. It is judged that a condition can be added to any grant of planning permission to ensure that the measures outlined in the CEP are carried out within the time frame outlined within the CEP.
- 11.29 Overall, it is considered that the development, as proposed, seeks to mitigate the impacts of climate change and uses small scale renewable energy in accordance with Local Plan policies GP1, CC-S1, CC-S5 and CE-S6.
- 11.30 The proposed development also complies with Paragraph 161 of the NPPF in that it supports the transition to net zero by 2050 (2030 in the case of the Railway).
- 11.31 Officers consider that the impact on the climate resulting from the construction and operation of the proposed development would not be such that a reason for refusal should be given.

12. Major Development

- 12.1 When considering whether the development, as proposed, is 'major development' the Authority may consider its potential to have a serious adverse impact on the natural beauty and recreational opportunities provided by a National Park by reason of its scale, character or nature.
- 12.2 The previous sections of this report have analysed the impacts of the proposed development. The fact that this application exceeds the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) definition of major development (having a site area that is more than 1ha in size) is material, but not determinative as to whether or not it falls within the definition of major development.
-

12.3 In this case the proposed development itself, relates to an extension of the existing railway line through the reinstatement of 941 metres (0.6 miles) of railway track and associated works.

12.4 The report concludes that the proposal does cause harm to the character and appearance of the landscape and to the historic environment. However, in the context of the National Park, features of the historic railway remain visible in the landscape, the scale of development for the reinstatement of 941 metres (0.6 miles) of railway and the associated works involved together with their character, setting and nature are unlikely to result in significant adverse impacts on the National Park's statutory purposes.

12.5 As such, this leads Officers to conclude that the development is not major development under the NPPF and National Parks Circular 2010.

13. Other Matters

13.1 Biodiversity Net Gain (BNG) forms a material consideration for planning applications under the National Planning Policy Framework. From 12th February 2024 in England a minimum 10% biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) for all major developments.

13.2 A Biodiversity Net Gain Assessment has been submitted alongside the application. The outcome of the assessment shows that the proposals within the assessment propose a level of biodiversity net gain (BNG) above the required 10% and is broken down as:

13.2.1 A net gain of 1.95 habitat units which is a 33.01% increase from the baseline units.

13.2.2 A net gain of 1.33 hedgerow units which is a 14.58% increase from the baseline units.

13.2.3 A net gain of 1.14 watercourse units, which is a 226.55% increase from the baseline units.

13.3 The assessment also sets out that the key influential factor to the BNG calculations for habitat units was the replacement of large areas of poor condition grassland with species rich neutral grassland and mixed scrub. In addition, tree planting off site at Rowley Moor Farm offset the losses in individual trees on site for ash dieback removal.

13.4 The assessment also sets out that the existing levels of protection afforded to protected species and habitats are not changed by use of this or any other metric. Statutory obligations will still need to be satisfied.

-
- 13.5 The assessment also sets out that to ensure the BNG is delivered within the site, it is required that habitat creation and enhancement measures are secured through a Habitat Management and Monitoring Plan (HMMP).
- 13.6 The HMMP checklist and companion document have been submitted alongside the application. The HMMP will be secured through a S106 agreement should planning permission be granted to accord with statutory legislation.
- 13.7 The Flood and Coastal Risk Management team at Devon County Council have commented on the application. They have stated that they have no in-principle objections to the proposed development from a surface water drainage perspective subject to the imposition of a condition requiring details of the proposed surface water and silt runoff management prior to the commencement of any development. Such a condition could be added to any grant of planning permission.
- 13.8 Objectors have raised concerns in relation to the Grampian condition that was attached to the previous permissions. The previous permissions considered that it would be unacceptable for the development to be started but not completed and accordingly, Officers considered an equivalent Grampian condition be added to ensure that the development was not started until there was some certainty that it would be completed was necessary and Officers were content that there are prospects that the actions required to carry out the development would be performed.
- 13.9 In the case of this application, objectors are stating that the fact that a Grampian condition was required previously to avoid piecemeal development should be a material consideration, as the proposed development would seek to break up the whole original route into smaller portions to avoid the need to submit an Environmental Impact Assessment.
- 13.10 A screening assessment was carried out alongside the submission of this application, by the Authority, in accordance with Regulation (6) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 13.11 The Authority considered that the proposed development is and can be pursued independently of other development and can be justified on its own merits as a standalone project. The proposed development is a single project for the purposes of EIA development and does not seek to deliberately salami slice a wider project.
- 13.12 On that basis, it is considered that a Grampian condition would not be reasonable or necessary in this instance.
-

13.13 Policy RT-D13 of the Local Plan relates to safeguarding land along former railways and states that the land on the route of the former Lynton and Barnstaple Railway will be safeguarded as important heritage assets and protected from development that would prevent the reuse of the former railways for the expansion of the access network (RT-D12) or the reinstatement of the former Lynton and Barnstaple Railway (RT-S2).

13.14 The proposal seeks to extend the existing line along the historic former route with a new proposed halt at Cricket Field Lane. It is considered that the proposed development accords with Policy RT-D13 in that it does not deviate from the original railway route.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

14 Planning Balance and Conclusion

14.1. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

14.2. The proposed development is not considered to be major development under the NPPF (paragraph 190) and the National Parks Circular 2010 by virtue of its scale, character, setting and nature being unlikely to result in significant adverse impacts on the National Park's statutory purposes.

14.3. The adoption of Policy RT-S2 of the Local Plan must reflect an assessment that there is adequate justification for the reinstatement of the Lynton and Barnstaple Railway within the National Park.

14.4. The proposal seeks to reinstate and replicate the former narrow gauge railway through the extension of the existing line along the historic former route with a new proposed halt at Cricket Field Lane.

14.5. The above report sets out that the restored line and ancillary features would result in a change to landscape character and visual amenity in the local area.

14.6. There would be landscape harm caused by the formation of the halt at Cricket Field Lane which includes raising the ground level by approximately 1.8 metres. The train would remain stationary for a period of time at this location to

allow it to be turned but this would also allow passengers to alight and to board the train.

- 14.7. The proposed development would cause harm to the character and appearance of the landscape. It would therefore fail to conserve and enhance the landscape and would thus fail to accord with Local Plan Policies GP1, CE-S1, CE-D1 and RT-S2, which amongst other things requires new development to be consistent with National Park purposes and to conserve and enhance the existing landscape, as well as that the proposal should replicate the former narrow gauge railway.
- 14.8. In accordance with Paragraph 189 of the National Planning Policy Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks.
- 14.9. The whole linear formation of the railway line where it survives is a non-designated heritage asset. The line has historic, evidential, aesthetic and communal value. The proposals for its restoration would better reveal its significance. Whilst this results in heritage benefits, the proposal for a new halt at Cricket Field Lane would introduce a new embankment and alignment that would result in a substantial amount of engineering works and development at an elevated level. Such development would harmfully erode the open and pastoral setting to Parracombe Conservation Area and to the listed buildings of Heddon Hall and the kitchen garden walls and cause harm to the positive contribution this makes to the significance of these heritage assets.
- 14.10. The proposed development would not positively contribute to the setting through sensitive design or siting, which would harm the significance of these heritage assets contrary to policies GP1, CE-S4 and CE-D3 of the Local Plan. Whilst the harm would amount to less than substantial, in accordance with the NPPF, this harm to heritage assets must be afforded great weight and should be weighed against the public benefit(s) the proposal provides. This is considered further in this report.
- 14.11. As noted earlier, the applicants own all of the former track bed up to and including the original Parracombe Halt. Even if it is accepted that the new halt is essential, for the purposes of Policy RT-S2 and noting the need to achieve a relatively level track bed, the harm identified to the significance of the heritage assets would not be outweighed.
- 14.12. The agent states that the proposed location of the Cricket Field Lane Halt is the only land the applicants own where a new halt can be accommodated. This does not outweigh the harm identified.

-
- 14.13. Turning to the potential public benefits of the proposed development, there is a general need to support the rural economy (paragraph 88 of the NPPF and guidance in the Local Plan) and the proposed development would assist in providing this support, even if only to a limited extent, which is in accordance with Policy GP2 3(b).
- 14.14. The planning statement references an Economic Impact Assessment undertaken in 2021. No further economic assessment has been submitted alongside this application to assess the economic effects of the proposed extension on the economy, visitors or Full-Time Equivalent jobs.
- 14.15. Notwithstanding the absence of an Economic Impact Assessment for this specific development, in Officers experience we anticipate that the proposed extension would provide wider public benefits to the economy through an increase in recreational opportunities, including visitor spend and through the provision of employment. However, the figures provided with the application are based on a much larger project.
- 14.16. Nevertheless, it is considered that an extended railway would provide a larger attraction that would consequently attract more visitors. It would also support the existing visitor attraction. As such, there would be economic benefits attached to the proposal which would weigh in favour of the scheme and can therefore be afforded reasonable weight.
- 14.17. Whilst harm to heritage assets has been identified, there would also be public benefit in reinstating the heritage railway, which is a non-designated heritage asset, and in promoting peoples' understanding and enjoyment of the landscape and cultural heritage of the National Park. The scheme overall would better reveal its significance. The heritage benefit of reinstating the railway is given great weight.
- 14.18. There is little information in the application to help determine or quantify what public benefit is provided beyond employment provided during the works. Bringing visitors to Parracombe could be said to be a public benefit through increased promotion and understanding of the heritage asset. This could also be the case for the railway itself, which as mentioned above is a non-designated heritage asset. However, there is no substantive evidence that there is or would be a public right of way from Cricket Field Lane to the village of Parracombe or the wider rights of way network. Consequently, Officers are not satisfied that users of the railway would be able to connect to facilities within Parracombe from the proposed new halt. Therefore, the potential for the scheme to link to other public rights of way routes is given little weight.

-
- 14.19. Passengers alighting/boarding at the existing halt at Killington Lane, are able to connect to the existing public rights of way network (250FP8 – public footpath) and in turn walk into Churchtown via Centery Lane (250FP14) or walk back towards Woody Bay. Should the proposed development be approved, the agent has indicated that the existing halt at Killington Lane would not be used for passenger services. The existing, lawful connection to the public rights of way would, therefore, no longer be available and would remove that connectivity.
- 14.20. Given the weight attributed above to the public benefits identified and the requirement to give great weight to conserving and enhancing both the landscape and scenic beauty and cultural heritage of the National Park it is considered, on balance, that the public benefits of the proposed development, either individually or cumulatively, would not outweigh the harm caused to the National Park. The proposal would not accord with the Statutory Purposes or the National Parks Circular 2010 which states that the National Park Authorities' primary responsibility is to deliver their statutory purposes and in doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive.
- 14.21. The proposal would not conserve and enhance the high quality, diverse and distinct landscapes of Exmoor National Park. Nor would the proposed development conserve and enhance Exmoor National Park's local distinctiveness, cultural heritage, and historic environment. The proposed development, would not, therefore, accord with Policies GP1, CE-S1, CE-D1, CE-S4, CE-D3 and RT-S2 of the Local Plan or paragraphs 189, 212 or 213 of the NPPF.
- 14.22. Consequently, the proposal would conflict with the development plan as a whole and there are no material considerations, including the provisions of the framework, which justify a decision otherwise than in accordance with the development plan.
- 14.23. On balance, for the reasons given above, the proposal is not considered to comply with the relevant Local Plan policies. Consequently, the application is recommended for refusal.

Recommendation

Refuse for the following reasons:

1. The development proposed, by virtue of the scale, mass, relative level, alignment and position of the proposed halt is considered to harm the scenic beauty and character of this part of the National Park. The development would not therefore accord with the National Park's first purpose, policies GP1, CE-S1, CE-D1 and RT-S2 of the Local Plan or accord with Paragraph 189 of the National Planning Policy Framework.
2. The development proposed, by virtue of the scale, mass, relative level, alignment and position of the proposed embankment and halt would cause harm to the significance of Parracombe Conservation Area and the listed buildings of Heddon Hall and its kitchen garden wall. This harm, whilst less than substantial, would not be outweighed by the public benefits of the scheme. As such, the proposal is contrary to the National Park's first purpose, policies CE-S4, CE-D3 and RT-S2 of the Local Plan or accord with Paragraphs 189, 212, 213 or 215 of the National Planning Policy Framework.

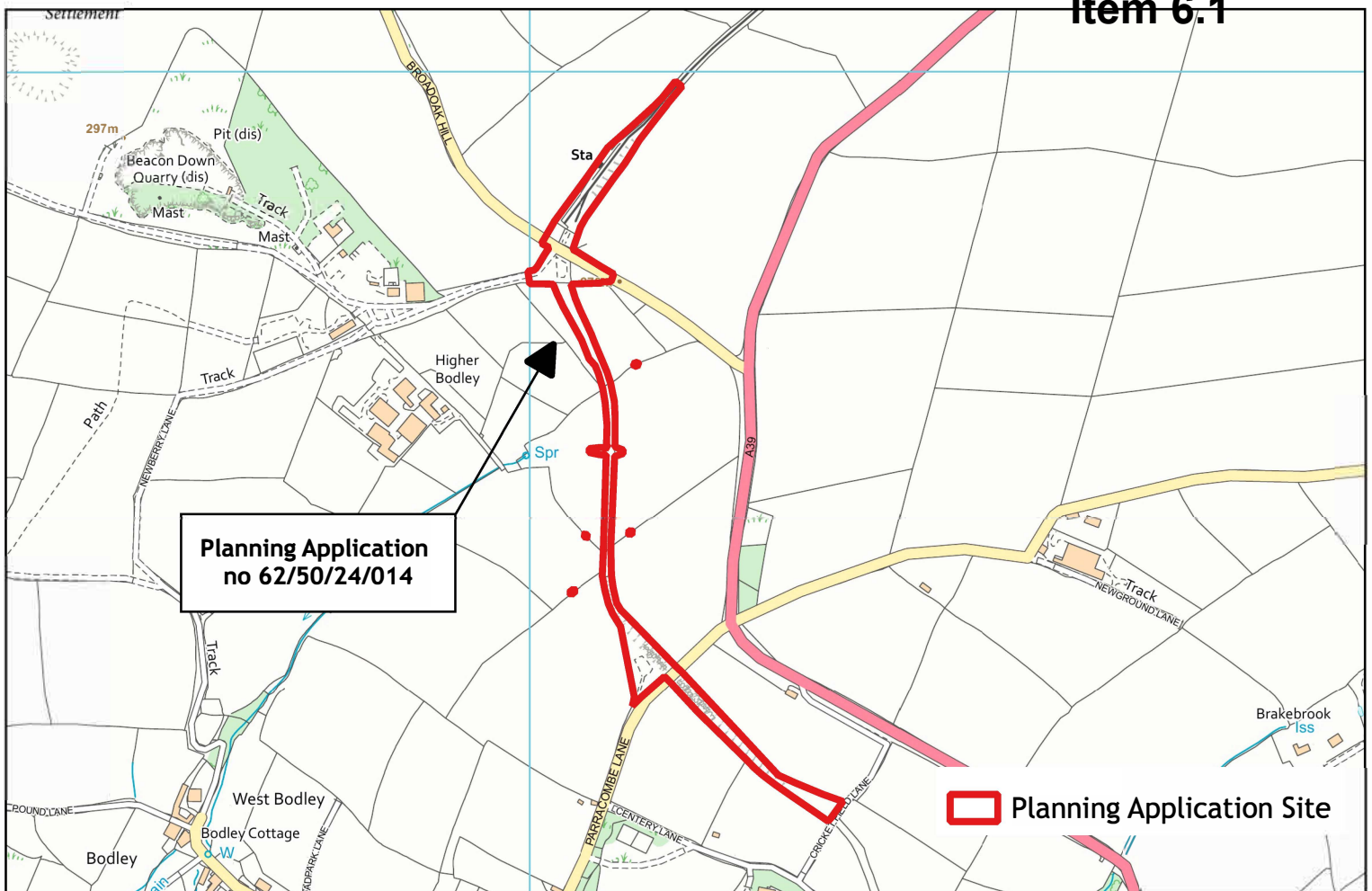
Informatives

POSITIVE & PROACTIVE STATEMENT

This Authority has a pro-active approach to the delivery of development. Early pre-application engagement is always encouraged but was not sought in this case. It is noted that the Exmoor National Park Authority has endeavoured to work positively and proactively with the agent/applicant. This is in accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and in line with the National Planning Policy Framework, which seeks to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome. In this case, the planning objections to the proposal could not be overcome.

APPEAL TO THE SECRETARY OF STATE

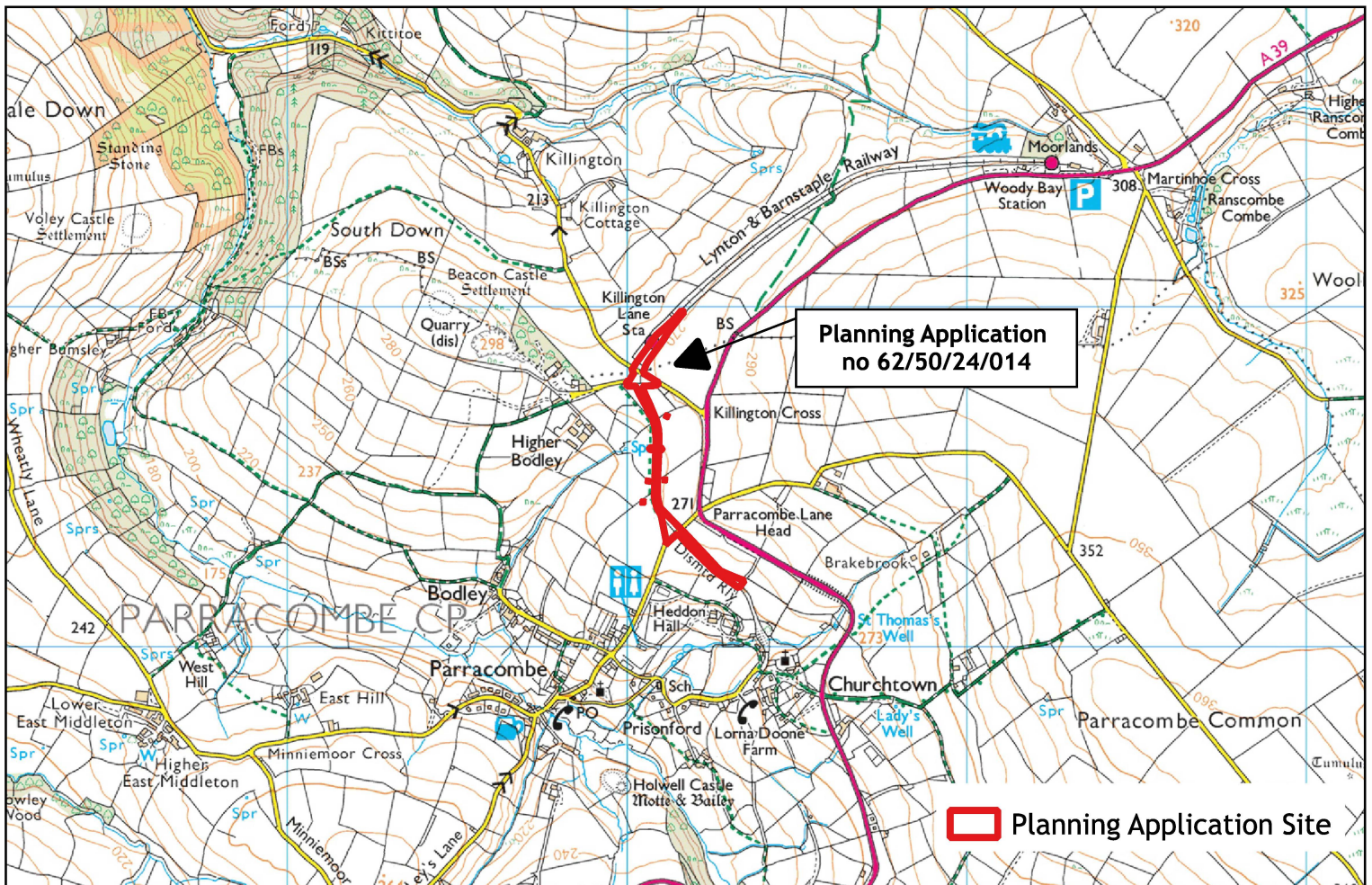
If you want to appeal against your Local Planning Authority's decision, then you must do so within 6 months of the date of this notice.



Site Map

Scale 1:7,500

© Crown copyright and database rights 2025 Ordnance Survey AC0000824720. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form



Overview Map

Scale 1:20,000

© Crown copyright and database rights 2025 Ordnance Survey AC0000824720. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form



Committee Report

Application Number:	6/9/25/002
Registration Date:	07-Mar-2025
Target Determination Date:	29-Apr-2025
Extension of Time:	13-May-2025
Applicant	Mr B Barrett, Exmoor National Park Authority.
Agent:	N/A
Case Officer:	Joseph Rose
Site Address:	EXMOOR NATIONAL PARK AUTHORITY, EXMOOR HOUSE, DULVERTON, TA22 9HL
Proposal:	Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for proposed removal of Air Source Heat Pump and installation of new air conditioning unit in new location on west elevation of outbuilding.
Recommendation:	Approval subject to conditions.
Reason for bringing before Authority Committee:	In accordance with Exmoor National Park Authorities scheme of delegation, as the application is made to the National Park Authority by the National Park Authority itself.

Relevant History

None Relevant.

Site Description & Proposal

Exmoor House is a Grade II listed building and was built as the Dulverton Union Workhouse in 1855. It is now the headquarters of the Exmoor National Park Authority. The property is located next to the River Barle, within a flood risk area. It lies to the north west of Dulverton Town Centre, within the Conservation Area. The building has a formal façade with the front central section jutting forward slightly of the bays at either side. This central bay comprises the main entrance into the building. To the rear (north) is a long two-storey wing with less formal architectural treatment but using the same stone. The Committee room occupies the first floor of this rear wing.

The T-shaped plan was originally divided down the middle, with men accommodated in the west half and women in the east. At first floor level, the physical division between the east and west halves was largely lost in the 1960s when the building was occupied

by Dulverton Rural District Council, but it is still reflected in the current layout of the stairs, which allow ascent on the left or right and two doors giving access to the Committee room.

This application seeks permission for the proposed removal of an Air Source Heat Pump and the installation of a new air conditioning unit in a new location on the west elevation of the outbuilding located to the north-east of Exmoor House and its walled garden area, as shown on the submitted plans. The proposed air conditioning unit will be a Daikin system, capable of both heating and cooling, providing year-round climate control for the building.

Consultee Representations

ENPA Senior Heritage Officer – No objection:

Please accept this is my formal comment for applications 6/9/25/002 and 6/9/25/003LB. The replacement of the broken ASHP and its replacement with a new air conditioning unit in a revised location will have a neutral impact on both the conservation area and the listed building.

ENPA Ecology – No objection:

Thank you for consulting me on this application for the proposed removal of an Air Source Heat Pump and installation of new air conditioning unit at Exmoor House. The photographs provided show negligible opportunities for bats but the vegetation around the existing unit and the location of the proposed unit could provide opportunities for nesting birds, therefore care must be taken during works to minimise vegetation removal and avoid impacts to nesting birds.

Due to the opportunistic behavior of some bats and birds, along with the site's location adjacent to habitats that will support bats and birds. Please attach the following informative to any planning permission granted: The applicant and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity. The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is recommended that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Dulverton Town Council - Support:

All members of the Planning Committee support this application.

Somerset Highways – No observations:

No Observations.

Representations

In response to the above proposals, ENPA has received one letter from a local resident raising concerns. Their primary concerns are summarised below:

- Incremental urbanisation
- Loss of tranquillity and ecological integrity
- Lack of strategic oversight
- Increased traffic and noise
- Urbanising developments
- Loss of biodiversity and natural capital
- Cumulative impact of wider development in Dulverton

Policy Context

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Exmoor National Park Local Plan 2011-2031 (inclusive of minerals and waste policies) is a material consideration:

- GP1 - Achieving National Park Purposes and Sustainable Development
- CE-S3 – Biodiversity and Green Infrastructure
- CE-S4 - Cultural Heritage and Historic Environment
- CE-D3 - Conserving Heritage Assets
- CE-S6 – Design and Sustainable Construction Principles
- CC-S1 - Climate Change Mitigation and Adaptation
- CC-D1 – Flood Risk
- CC-S5 - Low Carbon and Renewable Energy Development

The National Planning Policy Framework (NPPF) is also a material planning consideration.

Planning Considerations

The main planning considerations for these proposals are the principle of the development, impacts on the listed building and surrounding conservation area, design and sustainable construction principles and flood risk.

Policy GP1 states that sustainable development within Exmoor National Park will conserve and enhance the park's natural beauty, wildlife, cultural heritage, and special qualities. It also aims to promote public understanding and enjoyment of these features while fostering the social and economic well-being of local communities.

Policy CC-S5 states that development proposals for small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a carbon neutral National Park will be permitted where they: contribute towards meeting domestic, community or business energy needs within the National Park; are compatible with the landscape and seascape character of the locality and avoid the most sensitive landscapes; do not compromise the natural beauty, wildlife, cultural heritage or historic environment of the National Park, or lessen the enjoyment of its special qualities, either on their own, or in a combination with other schemes; do not adversely affect habitat quality or the maintenance of wildlife populations; provide environmental enhancement or community benefits wherever possible; conserve the amenity of the area including in relation to landscape and visual impact, tranquillity, access and recreation, air and water quality, noise, dust, odour and traffic generation; and make provision for the removal of the facilities and reinstatement of the site, should it cease to be operational. The policy then states that proposals for renewable energy development that do not meet the above criteria will not be permitted.

Furthermore Policy CC-S1 states that climate change mitigation measures will be encouraged by: Promoting the energy hierarchy through first reducing the need for energy; then using energy efficiently; and using small scale low carbon and renewable energy including through sustainable design and construction (GP1 and CE-S6).

The proposal is considered to be in accordance with Policies CC-S5 and CC-S1 of the Local Plan. The proposed works are extremely small in scale and involve the replacement of a redundant air source heat pump with a new energy efficient air conditioning unit. The unit will be discreetly positioned against the side (west) elevation of the existing garden room, within the enclosed garden space of Exmoor House, and will not be visible from the public domain. As such, the proposal is considered by officers to be compatible with the locality and avoids the most sensitive landscapes. It does not compromise the natural beauty, wildlife, cultural heritage or historic environment of the National Park, nor does it lessen the enjoyment of its special qualities.

While the replacement unit is not strictly classed as a “renewable energy system”, it is considered highly energy efficient. The proposed Daikin system is rated A++ for cooling and A+ for heating, indicating strong seasonal energy performance. It provides 5kW of cooling and 6kW of heating output, while operating from a standard single-phase 20

amp electrical supply. It uses inverter technology and an efficient refrigerant to reduce electricity use, offering reliable performance with relatively low environmental impact. As such, it will support the building's ongoing energy needs while helping to minimise greenhouse gas emissions in line with the National Park's aim of moving towards carbon neutrality. While the proposal is located within the curtilage of a listed building, potential impacts on the historic environment will be assessed in a later section of this report. Officers therefore consider the principle of the development in this case to be acceptable.

In terms of the impact on the listed building and surrounding conservation area, as well as the proposal's alignment with good design and sustainable construction principles Policy CE-S4 states that Exmoor National Park's local distinctiveness, cultural heritage, and historic environment will be conserved and enhanced to ensure that both present and future generations can increase their knowledge, awareness, and enjoyment of these special qualities. Development proposals affecting heritage assets, as identified on the Exmoor National Park Historic Environment Record, and their settings, will be considered in a manner appropriate to their significance, including designated conservation areas, scheduled monuments, listed buildings, and registered historic parks and gardens, as well as locally important historic sites and features, including Principal Archaeological Landscapes. Development proposals should make a positive contribution to the local distinctiveness of the historic environment, ensuring that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved or enhanced. Additionally, proposals should reinforce the historic character of Exmoor's settlements by reflecting traditional vernacular architecture and enhancing local distinctiveness.

Policy CE-D3 states that development proposals affecting conservation areas should ensure that the character or appearance of the area is preserved or enhanced, delivering high-quality design and incorporating materials that reflect the scale, architectural quality, and detailing of the area. Additionally, development proposals affecting a heritage asset and its setting should demonstrate a positive contribution through sensitive design and siting, promote the understanding and enjoyment of the heritage asset and its setting, or better reveal its significance and appreciation of the setting. Furthermore, proposals should avoid any unacceptable adverse effects or cumulative visual impacts that would harm the setting.

Policy CE-S6 states that development proposals should deliver high-quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor's built and historic environment. The materials and design elements of new buildings or conversions should complement the local context through the use of traditional and naturally sustainable building materials. The use of locally-sourced sustainable materials will be encouraged.

Furthermore, Section 16 of the NPPF at Paragraph 212 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the

asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Paragraph 215 of the NPPF goes on to outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed works are very small in scale and involve the replacement of an existing, now redundant, air source heat pump with a new air conditioning unit, albeit in a slightly different position. Given its modest scale and siting within the enclosed garden of Exmoor House, officers consider that the proposal will have a neutral impact on the special architectural or historic interest of the listed building to what exists currently and will not result in the loss of any historic fabric as it is not to be placed on the listed building itself. It is considered that the proposed works would accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Furthermore, the proposed development will not impact the wider setting of the conservation area due to its enclosed placement within the garden area of Exmoor House and as such is not considered to detract from its character or appearance. It is considered that the proposal would preserve the character or appearance of the Dulverton Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In order to ensure that this neutral impact is maintained, officers consider it necessary to include a condition requiring the removal of the redundant air source heat pump within six months of the installation of the new air conditioning unit, if not beforehand. In addition, it should be noted that ENPA's Historic Buildings Officer has raised no objections to the proposals.

The proposal is considered to meet the requirements of Policies CE-S4, CE-D3, and CE-S6 of the Local Plan, as well as Section 16 of the NPPF (including Paragraph 212) and the statutory duty under Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In regard to flood risk, Policy CC-D1 states that development proposals will be permitted where they: are consistent with the sequential test and applicants demonstrate that sites at little or no risk of flooding are developed in preference to areas

at higher risk; do not increase the risk of flooding elsewhere; do not reduce the potential of land used for current or future flood management. The policy then states that where appropriate, a site-specific Flood Risk Assessment should support proposals.

The application form submitted with the application confirms that the proposed air conditioning unit will be sited within Flood Zone 3. However, no formal Flood Risk Assessment has been submitted as part of the proposal. The applicant has indicated on the application form that the unit will not be located within 20 metres of a watercourse and that it is not expected to increase the risk of flooding elsewhere. Given the very small scale and nature of the development, and its neutral impact, and that the new unit seeks to replace the current one, Officers consider that the proposal is unlikely to result in any adverse flooding impacts in the locality compared to what exists currently. Even in the absence of a Flood Risk Assessment, officers are satisfied that the proposal will not give rise to any significant risk of flooding. Furthermore, the Environment Agency has been consulted on the application and has raised no objections.

Other Matters:

In response to the above proposals, ENPA has received one letter from a local resident raising concerns. However, the majority of the comments relate to broader development pressures and non-development related issues affecting Dulverton and the National Park as a whole in their view. Officers must consider only the specific applications presented and the details included therein, which in this case relate solely to the replacement of a redundant air source heat pump with a new air conditioning unit. The impacts on the conservation area, the setting of the listed building, and the principles of low carbon and renewable energy development have been fully considered above. Furthermore, both ENPA's Senior Heritage Officer and Ecologist have raised no objections to the proposals in respect of the impacts on the listed building, the wider conservation area and regarding ecology and biodiversity.

ENPA's Ecology department have raised that the photographs provided show negligible opportunities for bats but the vegetation around the existing unit and the location of the proposed unit could provide opportunities for nesting birds, therefore care must be taken during works to minimise vegetation removal and avoid impacts to nesting birds and that due to the opportunistic behaviour of some bats and birds, along with the site's location adjacent to habitats that will support bats and birds. As such, the case-officer agrees with ENPA's Ecologist to include an informative to any permission granted reminding the applicant and their contractors of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 of which is included within the informative section of this report.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

Considering all of the issues outlined above and all other relevant material considerations, it is concluded that the proposed removal of the current air source heat pump and its replacement with a new air conditioning system within the same garden area of Exmoor House is broadly in accordance with the policies of the Exmoor National Park Local Plan 2011-2031 and in particular policies GP1, CE-S3, CE-S4, CE-D3, CE-S6, CC-S1, CC-D1 and CC-S5 as well as Section 16 of the NPPF, Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposed works are very minor in scale and involve replacing a redundant air source heat pump with a new air conditioning unit. The unit will be discreetly positioned against the side elevation of the existing garden room within the enclosed garden space of Exmoor House, making it not visible from the public domain. The proposal is considered compatible with the locality, avoiding sensitive landscapes and not compromising the National Park's natural beauty, wildlife, cultural heritage, or historic environment, whilst contributing towards the business energy needs of Exmoor House. The proposal's scale and siting are considered to have a neutral impact on the architectural and historic interest of the listed building and will not result in the loss of any historic fabric. Its location within the enclosed garden area of Exmoor House ensures it will not affect the wider conservation area. A condition is recommended to ensure the redundant air source heat pump is removed within six months of the new air conditioning unit's installation to maintain this neutral impact.

While the proposal is located in Flood Zone 3, the small scale of the development and the applicant's confirmation that it will not be placed within 20m of a watercourse means that officers are satisfied no significant flooding risks will arise as a result of the development. The Environment Agency has been consulted and has raised no objections.

As such, officers recommend that planning permission be approved, subject to the conditions specified below.

Recommendation

Approval subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990, (as amended by the Planning & Compulsory Purchase Act 2004).

-
2. The development hereby permitted shall not be carried out except in complete accordance with drawings numbered: 6/9/25/002 File No.1 & 6/9/25/002 File No.2 as titled by Exmoor National Park Planning Authority and date stamped: 07/03/2025 and DWG003 & DWG004 and date stamped: 07/03/2025 unless otherwise stated by another condition attached to this permission.

Reason: For the avoidance of doubt and to ensure the development accords with the approved details.

3. The existing air source heat pump located within the garden of Exmoor House shall be permanently removed from the site within six months of the first installation of the new air conditioning unit hereby approved, or prior to its installation.

Reason: To ensure that the overall impact of the development remains neutral with respect to the character and appearance of the listed building and the conservation area, in accordance with Policies CE-S4, CE-D3, and CE-S6 of the Exmoor National Park Local Plan 2011–2031, Section 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives

Protection of Bats:

The applicant and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity. The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is recommended that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Positive & Proactive Statement:

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavored to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

Monitoring of Development:

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email plan@exmoor-nationalpark.gov.uk.

Conditions and Informatives and the Submission of Further Details:

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time. Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis. The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.



Committee Report

Application Number:	6/9/25/003LB
Registration Date:	07-Mar-2025
Target Determination Date:	29-Apr-2025
Extension of Time:	13-Apr-2025
Applicant	Mr B Barrett
Agent:	N/A
Case Officer:	Joseph Rose
Site Address:	EXMOOR NATIONAL PARK AUTHORITY, EXMOOR HOUSE, DULVERTON, TA22 9HL
Proposal:	Application Under Regulation 3 of The Town & Country Planning General Regulations 1992 for listed building consent for the proposed removal of Air Source Heat Pump and installation of new air conditioning unit in new location on west elevation of outbuilding.
Recommendation:	Approval subject to conditions.
Reason for bringing before Authority Committee:	In accordance with Exmoor National Park Authorities scheme of delegation, as the application is made to the National Park Authority by the National Park Authority itself.

Relevant History

None Relevant.

Site Description & Proposal

Exmoor House is a Grade II listed building and was built as the Dulverton Union Workhouse in 1855. It is now the headquarters of the Exmoor National Park Authority. The property is located next to the River Barle, within a flood risk area. It lies to the east of Dulverton within the Conservation Area. The building has a formal façade with the front central section jutting forward slightly of the bays at either side. This central bay comprises the main entrance into the building. To the rear (north) is a long two-storey wing with less formal architectural treatment but using the same stone. The Committee room occupies the first floor of this rear wing.

The T-shaped plan was originally divided down the middle, with men accommodated in the west half and women in the east. At first floor level, the physical division between

the east and west halves was largely lost in the 1960s when the building was occupied by Dulverton Rural District Council, but it is still reflected in the current layout of the stairs, which allow ascent on the left or right and two doors giving access to the Committee room.

This application seeks permission for the proposed removal of an Air Source Heat Pump and the installation of a new air conditioning unit in a new location on the west elevation of the outbuilding located to the north-east of Exmoor House and its walled garden area, as shown on the submitted plans. The proposed air conditioning unit will be a Daikin system, capable of both heating and cooling, providing year-round climate control for the building.

Consultee Representations

ENPA Senior Heritage Officer – No objection:

Please accept this is my formal comment for applications 6/9/25/002 and 6/9/25/003LB. The replacement of the broken ASHP and its replacement with a new air conditioning unit in a revised location will have a neutral impact on both the conservation area and the listed building.

ENPA Ecology – No objection:

Thank you for consulting me on this application for the proposed removal of an Air Source Heat Pump and installation of new air conditioning unit at Exmoor House. The photographs provided show negligible opportunities for bats but the vegetation around the existing unit and the location of the proposed unit could provide opportunities for nesting birds, therefore care must be taken during works to minimise vegetation removal and avoid impacts to nesting birds.

Due to the opportunistic behavior of some bats and birds, along with the site's location adjacent to habitats that will support bats and birds. Please attach the following informative to any planning permission granted: The applicant and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity. The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is recommended that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Dulverton Town Council - Support:

All members of the Planning Committee support this application.

Representations

In response to the above proposals, ENPA has received one letter from a local resident raising concerns. Their primary concerns are summarised below:

- Incremental urbanisation
- Loss of tranquillity and ecological integrity
- Lack of strategic oversight
- Increased traffic and noise
- Urbanising developments
- Loss of biodiversity and natural capital
- Cumulative impact of wider development in Dulverton

Policy Context

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Exmoor National Park Local Plan 2011-2031 (inclusive of minerals and waste policies) is a material consideration:

- GP1 - Achieving National Park Purposes and Sustainable Development
- CE-S3 – Biodiversity and Green Infrastructure
- CE-S4 - Cultural Heritage and Historic Environment
- CE-D3 - Conserving Heritage Assets
- CE-S6 – Design and Sustainable Construction Principles
- CC-S1 - Climate Change Mitigation and Adaptation
- CC-D1 – Flood Risk
- CC-S5 - Low Carbon and Renewable Energy Development

The National Planning Policy Framework (NPPF) is also a material planning consideration.

Planning Considerations

The application property has a Grade II listing. When making a decision on listed building consent applications, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (section 16 of the Planning (Listed

Buildings and Conservation Areas) Act 1990 applies). Preservation in this context means not harming the interest in the building, as opposed to keeping it unchanged.

Section 16 of the NPPF at Paragraph 212 states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Significance is defined as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Local Planning Authority has a statutory duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 215 of the NPPF goes on to outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy CE-S4 of the Exmoor National Park Local Plan also states that Exmoor National Park's local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities. Furthermore Policy CE-D3 goes on to emphasise that development proposals affecting conservation areas and heritage assets should ensure that the character or appearance of the asset and the surrounding area is preserved or enhanced and should make a positive contribution to the setting through sensitive design and siting and avoid unacceptable adverse effects and cumulative visual effects that would impact on the setting.

Regarding the impact of the proposed works on both the Grade II listed building and the surrounding conservation area, the Exmoor National Park Authority's Senior Heritage Officer has noted that the replacement of the broken ASHP and its replacement with a new air conditioning unit in a revised location will have a neutral impact on both the conservation area and the listed building from what exists currently.

The proposal is considered to meet the requirements of Policies CE-S4 and CE-D3 of the Local Plan, as well as Section 16 of the NPPF (including Paragraph 212) and the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are very small in scale and involve the replacement of an existing, now redundant, air source heat pump with a new air conditioning unit, albeit in a slightly different position. Given its modest scale and siting within the enclosed garden of Exmoor House, officers consider that the proposal will have a neutral impact on the special architectural or historic interest of the listed building

to what exists currently and will not result in the loss of any historic fabric as it is not to be placed on the listed building itself and therefore will not lead to any harm to the listed building or its setting.

Furthermore, the proposed works will not impact the wider setting of the conservation area due to its enclosed placement within the garden area of Exmoor House and as such is not considered to detract from its character or appearance. In order to ensure that this neutral impact is maintained, officers consider it necessary to include a condition requiring the removal of the redundant air source heat pump within six months of the installation of the new air conditioning unit, if not beforehand. In addition, it should be noted that ENPA's Historic Buildings Officer has raised no objections to the proposals. Consequently, it is recommended that listed building consent be granted.

Other Matters:

In response to the above proposals, ENPA has received one letter from a local resident raising concerns. However, the majority of the comments relate to broader development pressures and non-development related issues affecting Dulverton in their view and the National Park as a whole. Officers must consider only the specific applications presented and the details included therein, which in this case relate solely to the replacement of a redundant air source heat pump with a new air conditioning unit. The impacts on the conservation area, the setting of the listed building, and the principles of low carbon and renewable energy development have been fully considered above. Furthermore, both ENPA's Historic Buildings Officer and Ecologist have raised no objections to the proposals in respect of the impacts on the listed building, the wider conservation area and regarding ecology and biodiversity.

ENPA's Ecology department have raised that the photographs provided show negligible opportunities for bats but the vegetation around the existing unit and the location of the proposed unit could provide opportunities for nesting birds, therefore care must be taken during works to minimise vegetation removal and avoid impacts to nesting birds and that due to the opportunistic behaviour of some bats and birds, along with the site's location adjacent to habitats that will support bats and birds. As such, the case-officer agrees with ENPA's Ecologist to include an informative to any permission granted reminding the applicant and their contractors of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 of which is included within the informative section of this report.

Human Rights

The provisions of the Human Rights Act 1998 and Equality Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conclusion

Taking into account the details outlined above, and all other material considerations, officers consider that the proposed works will not result in any harm to the listed building, its setting, or the surrounding conservation area. The works are considered to have a neutral impact when compared to what exists currently. As such, the proposal is considered to be in accordance with Sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as policies CE-S4 and CE-D3 of the Exmoor National Park Local Plan 2011–2031. This is subject to the works being carried out in strict accordance with the recommended conditions, including the removal of the redundant air source heat pump. On that basis, it is recommended that listed building consent be granted.

Recommendation

Grant subject to the following conditions:

1. The works hereby consented shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The works hereby consented shall not be carried out except in complete accordance with drawings numbered: 6/9/25/003LB File No.1 & 6/9/25/003LB File No.2 as titled by Exmoor National Park Planning Authority and date stamped: 07/03/2025 and DWG003 & DWG004 and date stamped: 07/03/2025 unless otherwise stated by another condition attached to this permission.

Reason: For the avoidance of doubt and to ensure the works accord with the approved details.

3. The existing air source heat pump located within the garden of Exmoor House shall be permanently removed from the site within six months of the first installation of the new air conditioning unit hereby approved, or prior to its installation.

Reason: To ensure that the overall impact of the works remains neutral with respect to the character and appearance of the listed building and the conservation area, in accordance with Policies CE-S4, CE-D3, and CE-S6 of the Exmoor National Park Local Plan 2011–2031, Section 16 of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Informatives

Protection of Bats:

The applicant and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during works it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity. The applicant and their contractors are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during works it is recommended that works stop until the young have fledged and advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Positive & Proactive Statement:

This Authority has a pro-active approach to the delivery of development. Early preapplication engagement is always encouraged. In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application, Exmoor National Park Authority has endeavored to work positively and proactively with the agent/applicant, in line with the National Planning Policy Framework, to ensure that all relevant planning considerations have been appropriately addressed to achieve a positive outcome.

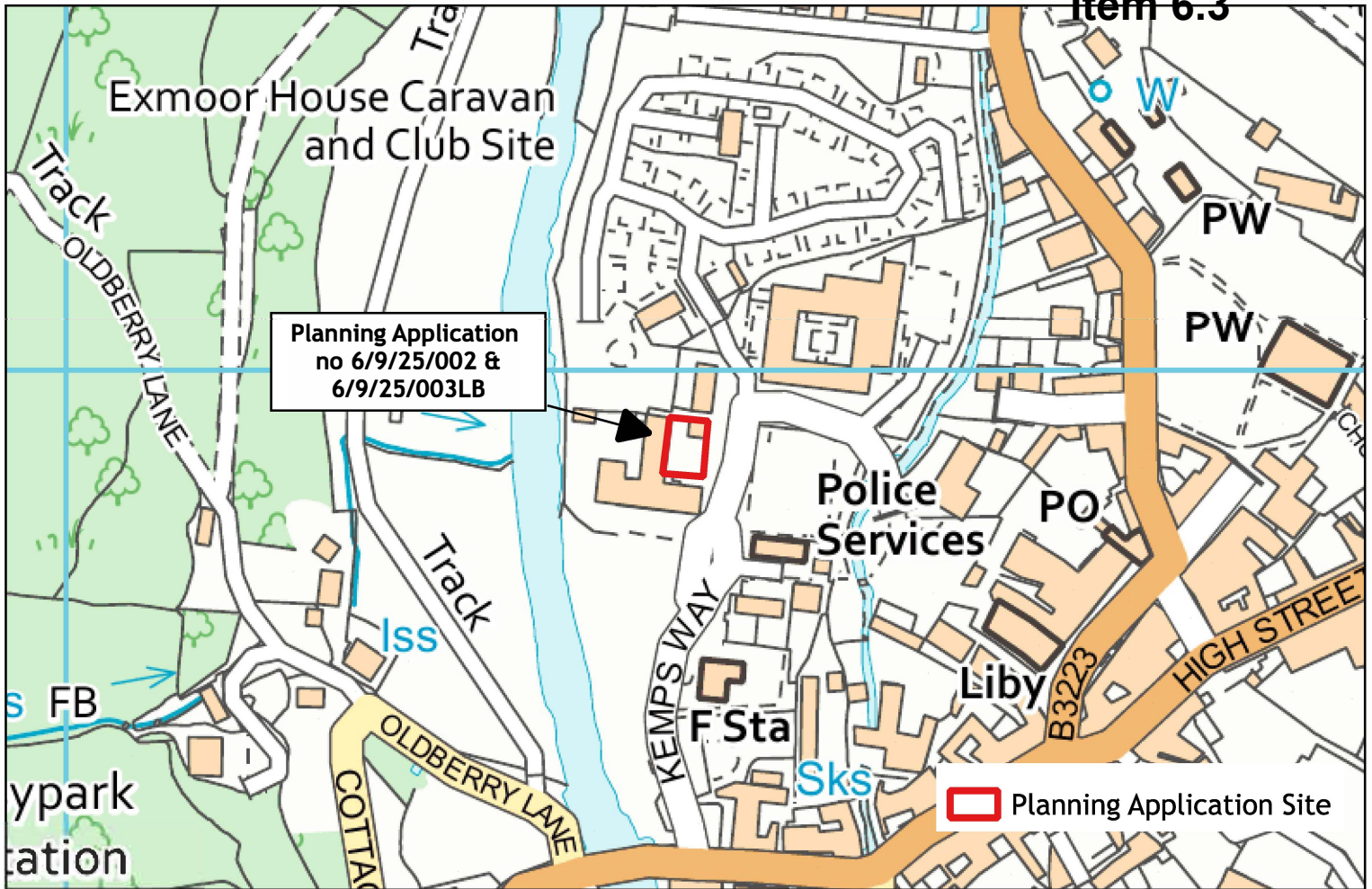
Monitoring of Development:

The applicant/developer is reminded that it is their responsibility to ensure that the requirements of each planning condition are met and that the works are undertaken in accordance with the approved plans. Any failure to meet the terms of a planning condition or work which does not accord with the approved plans leaves the applicant/developer liable to formal action being taken. The National Park Authority endeavours to monitor on site the compliance with conditions and building works. This has benefits for applicants and developers as well as the National Park. To assist with this monitoring of development the applicant/developer is requested to give at least fourteen days notice of the commencement of development to ensure that effective monitoring can be undertaken. The Planning Section can be contacted at Exmoor National Park Authority, Exmoor House, Dulverton, Somerset, TA22 9HL or by telephone on 01398 323665 or by email plan@exmoor-nationalpark.gov.uk.

Conditions and Informatives and the Submission of Further Details:

Please check all the conditions and informatives attached to this Decision Notice. If there are any conditions which require submission of details and/or samples prior to work commencing on site it is vital that these are submitted and agreed in writing by the Local Planning Authority before work starts. Given the High Court's interpretation of the Planning Acts and their lawful implementation it is unlikely that the Local Planning

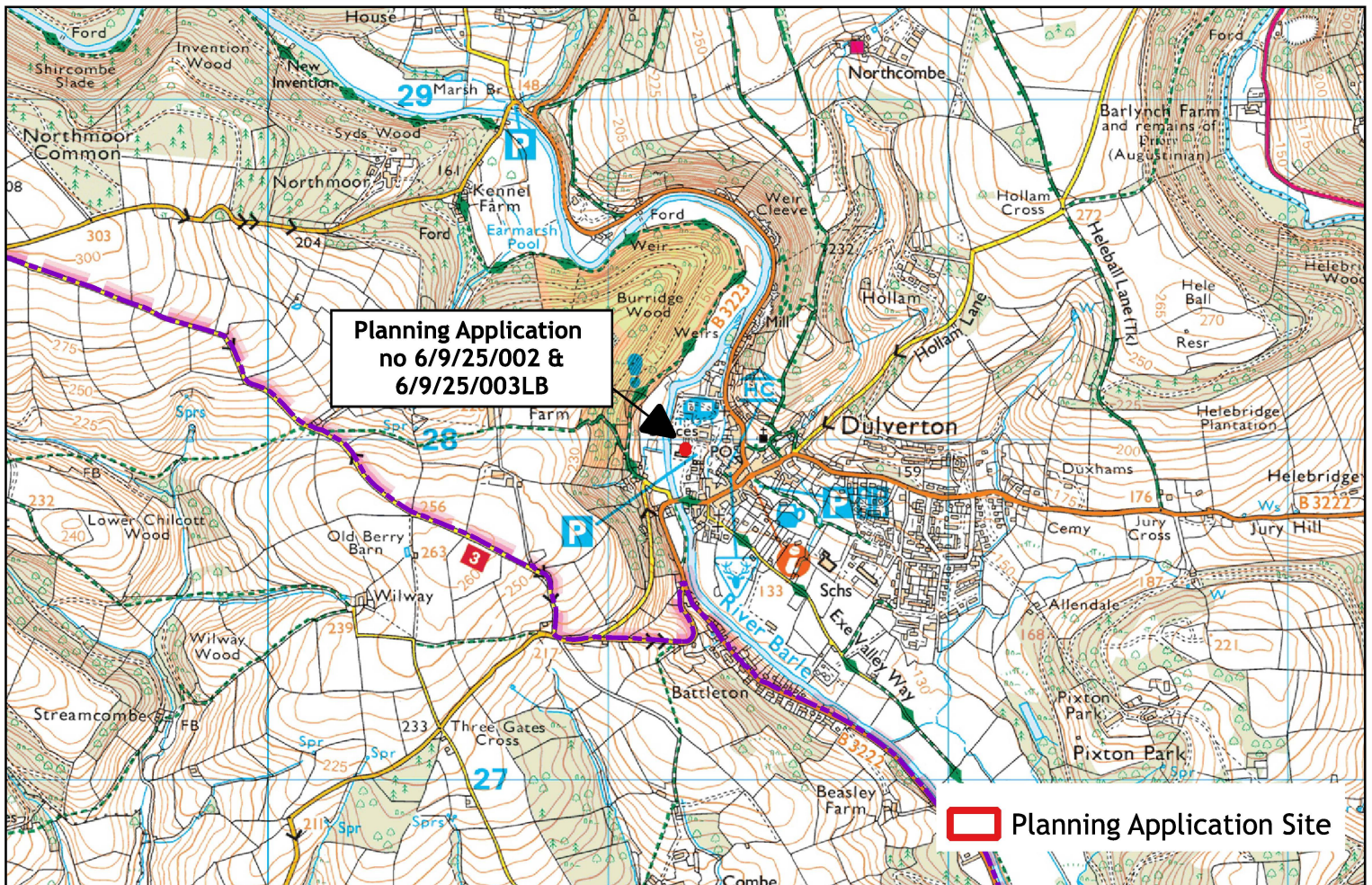
Authority will be able to agree to a sample/details after the commencement of works if that sample/details should have been approved prior to commencement. If a sample/detail is not agreed as required prior to commencement and works have started then it is likely that this matter may only be able to be rectified by the submission of another application. To avoid delay, inconvenience and the need to submit a further application, please ensure that all appropriate details/samples are submitted and agreed at the specified time. Please also note that due to other decisions of the High Court it is now not normally possible for the Local Planning Authority to agree to minor amendments to approved applications on an informal basis. The Department of Communities and Local Government have introduced a process whereby it is now possible to apply for a non-material amendment to a permission. This can deal with changes to plans which do not fundamentally alter the form of permission but are a variation to the approval. The appropriate form is available by request at Exmoor House or by downloading from the National Park Authority web site. Applications can be made via the Planning Portal. Please ensure that works comply with the approved plans so as to avoid the possibility that works are unauthorised and liable for enforcement action.



Site Map

Scale 1:2,500

© Crown copyright and database rights 2025 Ordnance Survey AC0000824720. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form



Overview Map

Scale 1:20,000.00002

© Crown copyright and database rights 2025 Ordnance Survey AC0000824720. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
62/11/25/002DC	Mr. J Wallace, National Trust - Discharge of condition 4 of approved application 62/11/24/008 (Discharge of Condition) - Lorna Doone Farm, Road To Malmsmead Bridge, Malmsmead, Devon, EX35 6NU	10-Mar-2025 Approved
62/43/25/002	Mr H Wassell - Proposed new agricultural storage barn for livestock. Resubmission of refused application 62/43/23/003 (Full) - KILLINGTON HOUSE, MARTINHOE, PARRACOMBE, BARNSTAPLE, EX31 4QW	13-Mar-2025 Approved with Conditions
6/43/25/002	Mr D Preston & Mrs A Bamford - Non-material amendment – householder – of approved application 6/43/23/016 to amend approved window materials from Heritage-style aluminium units to flush casement UPVC units with a wood grain texture. (NMA - Householder) - RIDGEWOOD COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RF	10-Mar-2025 Approved
6/43/25/001	Mr D Preston & Mrs A Bamford - Certificate of lawfulness for proposed installation of a bifold door and re-roofing dwellinghouse (CLOPUD) - RIDGEWOOD COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RF	14-Mar-2025 Approved
GDO 25/01	Mr A Theed - Prior approval for the proposed installation of up to 49 kW roof mounted solar array on non-domestic buildings. (Prior Approval - Part 14 - Class J) - Combe Sydenham Farm, Elworthy, Bishops Lydeard, Somerset, TA4 4JG	11-Mar-2025 Prior Approval Not Req'd
6/8/25/001	Exmoor Rural Health Hub - Proposed construction of health and wellbeing hub and associated works. (Full) - Land at Cutcombe Market [Easting 292211, Northing 138999], Wheddon Cross, Minehead, TA24 7DT	05-Mar-2025 Approved with Conditions
6/15/24/007	Mr M Hollands - Proposed demolition and replacement of garage/workshop. (Householder) - Weirside, Wheddon Cross to Bridgetown Road, Exton, Dulverton, Somerset, TA22 9JU	07-Mar-2025 Approved with Conditions
GDO 24/18	Mr N Webber - Prior approval for the proposed erection of agricultural building (13.5m x 6.5m). (Prior Approval - Part 6 - Buildings (Agri/Forestry)) -	12-Mar-2025 Prior Approval Approved

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
	Land North of Leeford Lane, West of Combe Lawn, Easting: 277388, Northing: 148190, Brendon, EX35 6PS	
6/24/24/001	Mr N Griffiths - Proposed single storey rear extension. (Householder) - BROOK LEA, WOODFORD, WILLITON, TAUNTON, TA4 4HR	05-Mar-2025 Approved with Conditions
6/3/23/005	Mr J Webber - Proposed change of use of land to residential and erection of building for use as private garage, workshop and domestic storage, and associated works. (Full) - LOWER GOOSEMOOR, WHEDDON CROSS, MINEHEAD, TA24 7BY	17-Mar-2025 Approved with Conditions

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
WTCA 25/04	Ms C Wilkinson - Works to tree/s in a conservation area: removal of ash tree. (WTCA) - BALL COTTAGE, WINSFORD, MINEHEAD, TA24 7JF	20-Mar-2025 Approved
WTCA 25/03	Mrs K Draper - Works to trees in a conservation area: removal of 3no. Lawson Cyprus trees to ground level. (WTCA) - PITCOTT MILL, WINSFORD, MINEHEAD, TA24 7JE	20-Mar-2025 Approved
6/14/25/001	Mohammed Gumel, Airwave Solutions Ltd - Retention of existing 26.5m monopole, 3 no. Antennas, 1 no. yagi and GPS antennas, 1 no. equipment cabin, 1 no. meter cabinet, 2 no. 9.5m high timber clad poles on non-ground intrusive concrete blocks, 1 no. dish on each timber clad pole and ancillary development thereto. Retrospective. (Full) - Land at Warren Farm, Warren Farm, Simonsbath, Somerset, TA24 7LN	20-Mar-2025 Approved with Conditions
6/20/25/001DC	Mr T Houle - Discharge of condition 4 (VLT glass) of approved application 6/20/22/107 (Discharge of Condition) - HIGHER PONDS, LUXBOROUGH, WATCHET, TA23 0SN	21-Mar-2025 Approved
6/10/25/002LB	Ms J Copeland Sloan - Listed building consent for the proposed conversion of ground floor rooms to a shop, together with the addition of 5no. metal cowls added to 5no. chimney pots and erection of awnings and signage (amended description). (Listed Building Consent) - 6, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	25-Mar-2025 Approved with Conditions
6/10/25/001	Ms J Copeland Sloan - Proposed conversion of ground floor rooms to a shop, together with the addition of 5no. metal cowls added to 5no. chimney pots and erection of awnings and signage (amended description). (Full) - 6, HIGH STREET, DUNSTER, MINEHEAD, TA24 6SG	25-Mar-2025 Approved with Conditions
6/29/25/001LB	Mr D Jenkins - Proposed removal of rear veranda and installation of stable door to replace window (Listed Building Consent) - KITNORS, BOSSINGTON, MINEHEAD, TA24 8HQ	26-Mar-2025 Approved with Conditions

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
62/43/24/001	Ms. M Lane, National Trust - Proposed installation of new sewage treatment plant. (Full) - THE HUNTERS INN, PARRACOMBE, BARNSTAPLE, EX31 4PY	26-Mar-2025 Withdrawn
62/19/24/001	Mr N Shafran - Proposed demolition and replacement of 2 storey extension. (Householder) - 2 GIRT FARM COTTAGES, KNAPP DOWN, COMBE MARTIN, ILFRACOMBE, EX34 0PG	27-Mar-2025 Approved with Conditions
6/35/25/001	Mrs S Weatherlake - Proposed demolition of barn and erection of new farm office and storage building. (Full) - HIGHER COURT FARM, TREBOROUGH, WATCHET, TA23 0QW	31-Mar-2025 Approved with Conditions
6/14/25/002	Sir S Waley-Cohen - Proposed sub-division, internal alterations and extensions of Lloyds House to form 2no. semi-detached dwellings. (Full) - LLOYDS HOUSE, HONEYMEAD, SIMONSBATH, MINEHEAD, TA24 7JX	02-Apr-2025 Approved with Conditions
62/19/25/001	Mr & Mrs Field - Proposed erection of a detached garage and store along with minor alterations to windows and doors to the main dwelling. (Householder) - MOORLANDS, HOLDSTONE DOWN, COMBE MARTIN, ILFRACOMBE, EX34 0PF	02-Apr-2025 Approved with Conditions
62/41/25/001	Mr. W Ladbury, The Camping And Caravanning Club - Proposed installation of 1no new water tank. (Full) - Lynton Camping & Caravanning Club Site, Caffyns Cross, Lydiate Lane, Lynton, EX35 6JS	03-Apr-2025 Approved with Conditions
62/50/25/001	Mr T Manfield - Proposed removal of condition 2 of approved application 62/50/24/008 to retain existing UPVC windows and doors. (Alteration/Lift Condition) - VALLEY VIEW, CHURCH LANE, PARRACOMBE, BARNSTAPLE, EX31 4RJ	04-Apr-2025 Refused
6/43/25/003	Mr E Bishop & Ms E Dunn - Lawful development certificate for the proposed removal of thatch and installation of slate roof. (CLOPUD) - HANNY COTTAGE, WOOTTON COURTENAY, MINEHEAD, TA24 8RE	04-Apr-2025 Approved
WTCA 25/07	Mr P Hull - Works to Trees in a Conservation Area: Proposed felling of 23no. trees including Ash, Alder	07-Apr-2025 Withdrawn

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
	& Sycamore trees. (WTCA) - The Island, Northmoor Road, Dulverton, Somerset, TA22 9DH	
62/41/25/004	Mr K Harris - Proposed change of use of land to allow the extension of existing cemetery, together with, enclosing the perimeter of site area and inserting a central footpath to access future graves. (Full) - Lynton New Cemetery, Longmead, Lynton, Devon, EX35 6JH	08-Apr-2025 Approved with Conditions
GDO 25/04	Mr. C Turner, National Trust - Prior approval for the proposed demolition of buildings. (Prior Approval - Part 11 - Class B) - Cloud Farm, Oare To Oare Post, Minehead, Somerset, EX35 6NU	09-Apr-2025 Prior Approval Not Req'd
62/50/25/002LB	Mr & Mrs D Billingham - Proposed replacement of the existing windows, windowsills and entrance door to the front elevation along with relaying of the paving in front of the cottage. (Listed Building Consent) - DUNBAR COTTAGE, PARRACOMBE, BARNSTAPLE, EX31 4PE	11-Apr-2025 Approved with Conditions
6/27/25/001	Mr Rigby - Proposed replacement of single storey rear extension and erection of porch, together with, associated works. (Householder) - STABLE COTTAGE, BOSSINGTON STABLES, PORLOCK, MINEHEAD, TA24 8HB	11-Apr-2025 Approved with Conditions
6/10/25/004DC	Mr. D Raymond, National Trust - Discharge of condition 3 (bat licence) of approved application 6/10/22/109LB. (Discharge of Condition) - 7, CASTLE HILL, DUNSTER, MINEHEAD, TA24 6SJ	14-Apr-2025 Approved
6/43/25/004LB	Mr & Mrs A Evans, Annie Evans Architect - Listed Building Consent for the proposed replacement of 5no sash windows on the west elevation. (Listed Building Consent) - RANSCOMBE FARM, WOOTTON COURTENAY, MINEHEAD, TA24 8RA	14-Apr-2025 Approved with Conditions
6/3/21/119	Mr. L Hoather, South West Lakes Trust - Part retrospective application for the retention of two additional hardstanding pitches, the relocation of Glamping Pods, the change of use of land (Lime Park) as a tented campsite for use ancillary to activity centre and the change of use of land as an	15-Apr-2025 Final Disposed of

Application decisions delegated to the Chief Executive

Application Ref	Applicant & Location	Decision and Date
------------------------	---------------------------------	--------------------------

	overflow campsite (1st March – 31st October), together with the proposed addition of 3 glamping pods and associated works. (Amended description) (Full) - Wimbleball Lake Camp Site, Hill Lane, Brompton Regis, TA22 9NU	
--	---	--
