

# EXMOOR NATIONAL PARK LOCAL PLAN 2011-2031 EXAMINATION HEARINGS

## STATEMENT OF COMMON GROUND BETWEEN EXMOOR NATIONAL PARK AUTHORITY AND THE NATIONAL TRUST

### 1. DATE OF HEARING

- 1.1. Commencing 12<sup>th</sup> July 2016
- 1.2. The Statement of Common Ground is relevant to Hearing Sessions 1 and 4

### 2. INTRODUCTION

- 2.1. The purpose of the Statement of Common Ground is to establish the main areas of agreement, before the hearing sessions are held for the Exmoor National Park Local Plan Examination.
- 2.2. The Statement has been prepared jointly between the parties consisting of Exmoor National Park Authority (“the Authority”) and the National Trust (“the Trust”), and sets out the confirmed points of agreement between the Authority and the National Trust with regard to the submitted Exmoor National Park Local Plan 2011-2031.
- 2.3. The Statement is provided without prejudice to other matters of detail that parties may wish to raise during the hearings.

### 3. BACKGROUND

- 3.1. This statement addresses the objections raised by the National Trust (ID 0044) in response to the consultation on the Exmoor National Park Publication Draft Local Plan (PDLP) during June – July 2015, with regard to the following policies.
  - GP2 Major Development
  - CE-S1 Landscape Character and CE-D3 Protecting Exmoor’s Landscapes and Seascapes, CC-S2 Coastal Development
  - Objectives (para. 2.3) regarding seascape
  - CE-S4 Cultural Heritage and Historic Environment

[Link to representation](#)

3.2. The objections raised by the National Trust can be summarised as follows:

<b>Policy/Paragraph</b>	<b>Representation Number and Summary of Representation</b>
<p>Para. 3.25 GP2 - GENERAL POLICY: MAJOR DEVELOPMENT</p>	<p><b>0044/01</b> The National Trust considers the Plan is not sound (not effective) in relation to policy GP2 and supporting text. Further consideration is recommended to be given to the local context and the potential for development to harm the natural beauty and special qualities of the National Park. The Trust seek to modify the Plan by inserting additional text into para. 3.26 to clarify this statement.</p>
<p><b>Para. 4.15</b> <b>CE-S1 - LANDSCAPE CHARACTER</b></p>	<p><b>0044/03</b> The National Trust considers the Plan is not sound (not effective or consistent with national policy) in relation to policy CE-S1 and protection of the Heritage Coast. The Trust considers that as the settlements have no development boundaries there are implications for the protection of the undeveloped coast which are solely reliant on policy CE-D1 which is not cross-referenced in para. 4.15 relating to the Heritage Coast.</p>
<p><b>Paras. 2.3; 4.15</b> <b>CE-D1 - Protecting Exmoor's Landscapes and Seascapes</b></p>	<p><b>0044/02 and 0044/04</b> The National Trust considers the Plan is not sound (not effective) in relation to section 4 objectives and specifically policy CE-D1. The Trust considers that the term seascape should be included in within the Plan Objectives listed under para. 2.3, and the Seascape Character Assessment commissioned by key partners should be tied into the Local Plan through policy CE-S1 - to address Landscape 'and Seascape' Character.</p>
<p><b>CE-S4 - CULTURAL HERITAGE AND HISTORIC ENVIRONMENT</b></p>	<p><b>0044/06</b> The National Trust considers the Plan is not sound (not effective or consistent with national policy) in relation to policy CE-S4. The Trust considers that criterion 4 of the policy should require a systematic approach to the assessment of the impact of development proposals on the setting of heritage assets is required. The Trust have suggested revised wording to reflect this view.</p>
<p><b>Para. 5.31</b> <b>CC-S2 - COASTAL DEVELOPMENT</b></p>	<p><b>0044/05</b> The National Trust considers the Plan is not sound (not effective or consistent with national policy) in relation to policy CC-S2 and protection of the Heritage Coast. The Trust considers that as the settlements have no development boundaries there are implications for the protection of the undeveloped coast which are solely reliant on policy CE-D1 which is not cross-referenced in para. 5.31 relating to the undeveloped coast and policy CC-S2. Modifications are sought to include these cross references.</p>

3.3. The Authority considered the objections raised by the National Trust and set out the response and actions proposed in [SD4](#) Issues Raised by Respondents and Exmoor National Park Authority Response. The specific amendments proposed to the Plan are included within [SD5](#) Schedule of Proposed Changes; both documents were submitted to the Secretary of State with the Publication Draft Local Plan (PDLP) for examination.

4. MATTERS SUBJECT TO AGREEMENT

4.1. The proposed changes to the PDLP in response to the objections raised by the National Trust are set out in the following table and reflect those changes listed in SD5 Schedule of Proposed Changes. **These are considered to be matters which are subject of agreement within this Statement of Common Ground.**

REF	Policy/ Paragraph	Proposed Change	Justification
44	Page 19, para. 3.26	The National Park Authority will therefore 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: <del>the National Park and in its local context</del> a) <u>the local context – this 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; and</u> b) <u>the potential harm to the natural beauty, wildlife and cultural heritage of the National Park by reason of its scale, character and nature. The decision will not be on the basis of likely impact after that harm is reduced through mitigation. The extent to which harm could be moderated will be considered as part of the assessment process.</u>	Change to provide clarification, in response to representation number 0044/01
39	Page 8, para. 2.3, Objective 1	1. Exmoor's distinct and diverse landscapes <u>and seascapes</u> <del>is</del> <u>are</u> maintained and enhanced, with an increased awareness of <del>its</del> <u>their</u> importance.	In response to representation number 0044/02
44	Page 19, para. 3.26	The National Park Authority will therefore 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: <del>the National Park and in its local context</del> a) the local context – this 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; and b) the potential harm to the natural beauty, wildlife and cultural heritage of the National Park by reason of its scale, character and nature. The decision will not be on the basis of likely impact after that harm is reduced through mitigation. The extent to which harm could be moderated will be considered as part of the assessment process.	Change to provide clarification, in response to representation number <b>0044/01</b>

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REF	Policy/ Paragraph	Proposed Change	Justification
66	Page 33, insert new subheading and paragraphs after 4.9	<p><b><u>SEASCAPE CHARACTER ASSESSMENT</u></b></p> <p><u>4.9a Seascape is defined by Natural England in the terms of the ELC as: “An area of sea, coastline and land, as perceived by people, whose character results from the actions and interactions of land with sea, by natural and/or human factors” this is reinforced by the Marine Policy Statement as ‘landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other’.</u><sup>x1</sup></p> <p><u>4.9b The North Devon and Exmoor Seascape Assessment (SCA) covers 90 miles of coast, including the whole of the National Park coastline. The SCA will help support a number of activities including spatial planning with regard to development at sea and on the coast, complementing published Landscape Character Assessments. There are nine seascape character areas along the Exmoor coastline, including seven coastal areas and two offshore marine areas. The SCA defines the key characteristics, special qualities and key seascape sensitivities for each area.</u><sup>x2</sup></p> <p><i>Insert footnotes:</i>  <sup>x1</sup> HM Government, <i>et al.</i> (March 2011): UK Marine Policy Statement. <i>The Stationery Office, London</i>  <sup>x2</sup> LUC (2015) <i>The North Devon and Exmoor Seascape Character Assessment</i></p>	Change in response to the publication of the North Devon and Exmoor Seascape Character Assessment.
67	Page 33-34, para 4.15	<p><b>Seascape and Heritage Coast:</b> Seascape is defined as ‘landscapes with views of the coast or seas, and coasts and the adjacent marine environment with cultural, historical and archaeological links with each other’<sup>60</sup>. Exmoor has some of the most scenic, unspoilt stretches of coastline in England that is also considered as part of its spectacular seascape. Many areas of high coastal heath and woodland are in as natural a condition as possible and are important areas for wildlife. The whole coastline was defined as Heritage Coast in 1991 as identified on the Policies Map. The national purposes of Heritage Coasts are compatible with the statutory purposes for National Parks and also reflect the socio-economic duty. Policies CES1 (Landscape and Seascape Character), <u>CE-D1 Protecting Exmoor’s Landscapes and Seascapes</u>, and CC-S2 (Coastal Development) aim to ensure that development proposals retain the character of the predominantly undeveloped nature of the Heritage Coast and are consistent with national purposes.</p>	<p>Deletion of seascape text – to be moved elsewhere following the publication of the North Devon and Exmoor Seascape Character Assessment.</p> <p>Add cross-reference to policy CE-D1 in response to representations <b>0044/03</b> and <b>0044/04</b></p>

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REF	Policy/ Paragraph	Proposed Change	Justification
72	Page 37, CE-S1 Landscape Character	<p><b>CE-S1 – LANDSCAPE AND SEASCAPE CHARACTER</b></p> <p><b>1. The high quality, diverse and distinct landscapes and seascapes of Exmoor National Park will be conserved and enhanced.</b></p> <p><b>2. Development should be informed by and complement the distinctive characteristics of the:</b></p> <p><b>a) Landscape Character Types and areas identified in the Exmoor National Park Landscape Character Assessment (LCA); and</b></p> <p><b>b) Seascape character areas and types identified in the North Devon and Exmoor Seascape Character Assessment.</b></p> <p><b>3. Development proposals should also have regard to, and be appropriate in terms of impact with the conservation of significant landscape and seascape attributes, including:</b></p> <p><b>a) Section 3 Land;</b></p> <p><b>b) Heritage Coast;</b></p> <p><b>c) Landscape setting of Exmoor’s settlements;</b></p> <p><b>d) Historic field patterns and boundary features;</b></p> <p><b>e) Important trees, tree groups and orchards.</b></p> <p><b>4. Opportunities to conserve, enhance and restore important landscapes, seascapes and their landscape characteristics as identified in the LCA, including minimising existing visual detractions, will be encouraged.</b></p>	<p>Change in response to the publication of the North Devon and Exmoor Seascape Character Assessment.</p> <p>The listing of landscape and seascape attributes responds to representation number <b>0044/02</b> (reflects the approach in the Draft Local Plan – November 2013).</p>
95	Page 59, para. 4.110	<p>Development proposals should seek to avoid adverse cumulative impacts on the setting of the heritage assets, and the erosion of its aesthetics. The National Park Authority will encourage the enhancement of heritage assets and their setting, including the repair or restoration of important features, the improvement or removal of unsightly features, and measures that better reveal the significance of the asset. <u>Further detailed guidance is set out in the Historic England good practice advice note for The Setting of Heritage Assets<sup>x</sup> (or any replacement guidance) to provide and understanding of the potential impact of the proposal on the significance of the asset and contribution made by its setting. This will help inform any Heritage Statement that may be required when submitting a planning application.</u></p> <p>Insert footnote: <sup>x</sup> Historic England (March 2015) <u>Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets</u></p>	<p>In response to representation numbers <b>0044/06</b> and <b>0120/07</b>. Footnote references updated.</p>
126	Page 88, Para 5.32	<p>Development at the coast has the potential to be visually intrusive, for example by affecting the skyline and views along the coast including</p>	<p>Clarification in response to representation</p>

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REF	Policy/ Paragraph	Proposed Change	Justification
		undeveloped stretches (CE-S1 Landscape and Seascape Character). Proposals must demonstrate that there will be no adverse impact on the coastline, landscape character and seascape in accordance with CE-D1 (protecting Exmoor's Landscapes and Seascapes). Any coastal issues that may arise will need to be carefully considered including direct, indirect, cumulative, long-term and short-term impacts. Proposals must also demonstrate they are appropriate to the coastal location and that they will not affect natural coastal processes <sup>179</sup> or result in coastal water pollution (CC-S7 Pollution) to the detriment of surrounding areas including those outside the National Park.	number <b>0044/05.</b>

5. FURTHER MATTERS SUBJECT TO AGREEMENT

5.1. The following areas are subject to agreement between the Authority and the National Trust within the Statement of Common Ground and form additional modifications to policies CC-S2 and CE-S4.

**Rep: 0044/05**

5.2. The Trust have suggested Policy CC-S2 (Coastal Development), part 2. C, includes a reference to CE-D1 as well as CE-S1, for the purposes of conserving the undeveloped nature of the Heritage Coast.

5.3. The Authority proposes to include the following change to Policy CC-S2, clause 2.c):

**c) is appropriate to the setting and character of the coastline (CE-S1, CE-D1) and does not adversely affect coastal interests including coastal biodiversity and heritage assets; and**

**Rep: 0044/06**

5.4. The National Trust notes the proposed action by the Authority with the proposed change to paragraph 4.110. However, reference to the Historic England guidance on *The Setting of Heritage Assets* is required in paragraph 4.99 which relates to information requirements and the assessment process for development.

5.5. The Authority proposes to include the following change to paragraph 4.99:

4.99 Where heritage assets are likely to be affected by development proposals, these should be identified at pre-application stage. Applications should describe

the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance, in order to understand the potential impact of the proposal on their significance. The Exmoor Historic Environment Record should be consulted as a minimum to determine whether or not a heritage asset and/or its setting is likely to be affected and its significance; however the National Park Authority should be contacted if data is required in support of a planning application. In some circumstances, a Heritage Assessment may be required. The National Park Authority can provide further guidance and early discussion with officers is also encouraged. Historic England provides guidance through Advice Note 2 Making Changes to Heritage Assets and Good Practice Advice Note 3 The Setting of Heritage Assets.

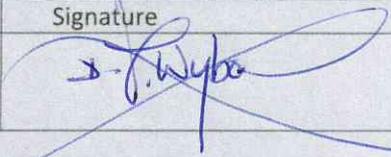
5.6. The Trust also feels the policy wording of CE-S4 criterion 4 needs modification. It is unclear if the policy itself only deals with information requirements in relation to assets with archaeological interest. To ensure consistency with national policy criterion 4 of policy CE-S4, should state clearly what is required in relation to development proposals likely to affect heritage assets, ***including development likely to affect the setting of heritage assets***, and the requirement should specify that the assessment should describe the significance of the assets affected. This is necessary to ensure consistency with paragraphs 128 and 129 of the NPPF.

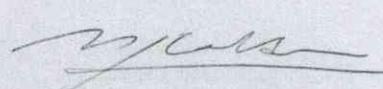
5.7. The Authority proposes to include the following changes to CE-S4, clause 4:

**4. Development proposals likely to affect heritage assets and/or the setting of heritage assets should be supported by a desk-based assessment appropriate to their significance ~~and i. In appropriate certain cases, developers will be required to arrange for archaeological field or historic building evaluations – these should be prepared in accordance with the Conduct of Archaeological Work and Historic Building Recording within Exmoor National Park (Annex 1).~~**

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**Statement of Common Ground**

Signed on behalf of Exmoor National Park Authority		
Name and Position	Signature	Date
DAVID WYBORN HEAD OF PLANNING & SUSTAINABLE DEVELOPMENT		13-6-16

Signed on behalf of the National Trust		
Name and Position	Signature	Date
MICHAEL CALDER PLANNING ADVISER (SOUTH WEST REGION)		13-06-2016