
EXMOOR NATIONAL PARK LOCAL PLAN

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EXMOOR NATIONAL PARK LOCAL PLAN EXAMINATION

Public Consultation on the Exmoor National Park Local Plan took place between 15 June and 31st July 2015. All the representations have now been considered and have been submitted to the Planning Inspectorate for independent Examination. The Inspector appointed is Mr Roger Clews BA MSc DipEd DipTP MRTPI. **The Hearings will open at 9.30am on Tuesday, 12 July 2016 and will be held in the Committee Room, Exmoor House, Dulverton, Somerset TA22 9HL**

Enclosed with this note are:

- Procedural Guidance Notes from the Inspector;
- A copy of the Draft Programme detailing the Issues and Questions identified by the Inspector for examination and showing those respondents who have requested to appear in person regarding these matters.

Details of all representations and the Council's responses are available on the Council website.

<http://www.exmoor-nationalpark.gov.uk/planning/planning-policy/local-plan-examination>

If you are participating in the hearings ...

- please read all documents carefully and having done so ...
- Check your appearance dates and times on the programme.
- Contact me immediately if you decide not to appear at any or all of the sessions.
- If, having considered the Inspector's Issues and Questions, you feel you would like to make a further written statement but not participate in the Hearing Sessions you may do so, but let me know if this is your decision as soon as possible because I will need to amend the programme.
- If you are sending a further statement (see Inspector's note on content, format and timing) I must receive the **THREE** hard copies **and** the **electronic copy** by **5pm on Monday 20 June 2016**. Don't leave the preparation until the last minute!

All the Hearings are open to the public and you may wish to attend to listen to the proceedings even if you are not participating.

If I can be of further help, please do not hesitate to contact me either by email or by phone as above.

Christine Self

Programme Officer

26 May 2016

Please Note: This is my last communication except to those who are appearing in person. Details about the progress of the Hearings and any changes to the Draft Programme can be found in the Local Plan Examination section on ENP's website.

Exmoor National Park Local Plan
EXAMINATION HEARINGS
GUIDANCE NOTE FROM THE INSPECTOR

The hearings on the Exmoor National Park Local Plan ["the Plan"] will open on Tuesday 12 July 2016 as part of the examination of the Plan.

The Programme Officer

1. Christine Self, the Programme Officer [PO], is responsible for the administration of the Examination. This includes ensuring that all Examination documents are made available to participants and organising the hearings programme. Christine works under my direction. She is not an employee of the Exmoor National Park Authority [ENPA] and has not been involved in the preparation of the Plan.
2. Any procedural questions or other matters that you wish to raise should be directed to Christine. Her contact details are:

Mrs Christine Self, Homefield House, Homefield Road, Saltford, Bristol BS31 3EG

Telephone: 01225 872654 Mobile: 0777 9497934
Email: ac.self@blueyonder.co.uk
3. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided.

The Exmoor National Park Examination webpage

4. There is a dedicated Examination webpage which can be accessed via this link:

<http://www.exmoor-nationalpark.gov.uk/planning/planning-policy/local-plan-examination>
5. All the material produced for the examination hearings will appear on the webpage. If you do not have access to the internet, documents and other information can be obtained from the Programme Officer. Hard copy documentation will be available at the ENPA offices prior to the Hearings and available to view upon appointment to ensure availability.

The Inspector's role

6. My role is to consider whether the Local Plan complies with relevant legislation and is sound. The *National Planning Policy Framework* [NPPF] makes it clear that in order to be found sound the Plan must be:
 - (a) **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - (b) **justified** – the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence;
 - (c) **effective** – deliverable over its period and based on effective joint working; **and**
 - (d) **consistent with national policy** – able to achieve sustainable development in accordance with the NPPF's policies.

7. The Exmoor National Park Authority [ENPA] have submitted what they consider to be a sound plan, as the NPPF requires. Those seeking changes must demonstrate why the Plan is unsound by reference to one or more of these tests.

Representations on the Plan and Evidence Base

8. All the representations received on the Plan and the Evidence Base which contains all the documents that informed the preparation of the Plan are available via the Exmoor National Park Examination webpage link above.

Schedule of Proposed Changes to the Plan

9. The ENPA have published a schedule of proposed changes to the Plan (document SD5). Although this is not part of the Plan itself, it will help to inform the discussions at the hearing sessions. Participants should therefore ensure that they are aware of its contents.

Attending the hearing sessions

10. Anyone can come and observe the hearings, but only those who are proposing changes to the Plan in order to make it sound or legally-compliant have the right to participate and speak. I may invite additional participants to attend the hearings because I think their representations are particularly relevant to the matters under discussion. All those who are participating at the hearings are shown on the programme.

The hearings programme

11. Updates to the hearings programme will be posted on the Examination webpage. **It is the responsibility of individual participants to check the latest programme for the hearings, either on the Examination webpage or with the PO, and to ensure that they are present at the correct time.**
12. Morning and all-day sessions will normally start at 9.30 am, and afternoon sessions at 2.00pm or 2.30pm. Short breaks will be taken at convenient points in the mid-morning and mid-afternoon, and there will be a lunch break at about 1.00pm.
13. The hearings programme sets out the **issues and questions** that will be discussed at each session. The issues and questions cover the matters on which I need to hear discussion in order to help me determine whether or not the Plan is sound and legally-compliant. They take into account the representations made on the publication draft plan.

Format of the hearing sessions

14. Each hearing session will consist of a structured discussion led by me and based on my list of issues and questions. I will invite particular participants to begin the discussion on each question, and others will then have a chance to contribute.
15. There will be no formal presentation of evidence as I will have read all the relevant representations and other written material beforehand, and will expect all the other participants to have done so as well. Nor will there be any cross-examination unless I consider it is necessary to deal with a particular issue or question. Barristers and solicitors, if present, will be treated as part of the respective team. There should be no more than two people per participant at the hearing table.

Representations and hearing statements

16. Oral and written representations carry equal weight. Representors should have put their full case in their representations on the publication draft plan¹, and my issues and questions take account of the representations made. So there should normally be no need for hearing participants to submit an additional hearing statement.
17. If, exceptionally, participants do wish to produce written hearing statements to supplement their original representations, for each matter they should cover only:
 - (i) the issues and questions identified in the programme which are relevant to their original representations, and
 - (ii) any relevant new matters that have arisen since their original representations were submitted.
18. Similarly, the ENPA should not produce additional written material for any of my issues and questions that are already answered by material already published, including evidence documents and "LPA responses" to representations on the Publication Draft Plan.
19. Statements should be no longer than is necessary to deal with their subject matter and, in any event, must contain no more than 3,000 words. This limit will be strictly applied. **Three hard copies and one electronic copy must be sent to the PO to arrive by 5pm on Monday 20 June 2016.**
20. Hearing statements will be posted on the Examination webpage, so that they are available to all participants and anyone else who wishes to read them. Because they will be available in this way, they will **not** be circulated directly to participants. However, anyone who is unable to access them on the webpage may request copies from the PO.

Statements of Common Ground

21. Statements of Common Ground, agreed between two or more hearing participants, will be welcome where they would help to identify points not in (or remaining in) dispute, and so enable the hearing to concentrate on the key issues that need further discussion. At the very latest, any Statements of Common Ground should be submitted to the PO by **Monday 20 June 2016**.

Roger Clews

Inspector

May 2016

¹ See *Examining Local Plans Procedural Practice* (The Planning Inspectorate, Dec 2013), para 2.15.

ANNEX A

SOURCES OF RELEVANT DOCUMENTS AND ADVICE

A. The Exmoor National Park Examination webpage

All documents for and information about the Plan are available via the Exmoor National Park Local Plan Examination webpage at:

<http://www.exmoor-nationalpark.gov.uk/planning/planning-policy/local-plan-examination>

All the material produced for the examination hearings will appear on the Examination webpage.

If you do not have access to the internet, documents and other information can be obtained from the Programme Officer whose contact details appear on page 1 above.

B. Relevant legislation

These documents can be searched for and found at:

<http://www.legislation.gov.uk/>:

- *Planning and Compulsory Purchase Act 2004*
- *Planning Act 2008*
- *Local Democracy, Economic Development and Construction Act 2009*
- *Localism Act 2011*
- *The Town and Country Planning (Local Development) (England) Regulations 2012 [SI No 2012/767]*
- *The Environmental Assessment of Plans and Programmes Regulations 2004 [SI No 2004/1633]*

This document can be found at:

<http://ec.europa.eu/environment/eia/sea-support.htm>:

- *European Directive on Strategic Environmental Assessment (2001/42/EC)*

C. National Guidance and guidance from the Planning Inspectorate

See: <http://www.gov.uk/guidance/local-plans>

which provides links to the following:

- *The National Planning Policy Framework*
- *Examining Local Plans: Procedural Practice* (December 2013)

The National Planning Practice Guidance [PPG] is available via:

<http://planningguidance.communities.gov.uk/blog/guidance/local-plans/>

HEARING SESSIONS - DRAFT PROGRAMME

Between 12th July 2016 and 15th July 2016

VENUE : EXMOOR HOUSE, DULVERTON, SOMERSET, TA22 9HL:

Normal sitting times: Tuesday to Thursday – 9.30 to 13.00 and 14.00 to 17.30

NB – all references to policy and paragraph numbers below are to those in the Publication Draft of the Local Plan (SD1)

Initials in brackets after a question indicate participant(s) who have made a representation particularly relevant to it.

The timetable and list of participants may be subject to change

Hearing participants are respondents who have requested an oral hearing.

Any participants who no longer wish to take part should contact the Programme Officer as soon as possible. For further information see the Guidance Note from the Inspector.

WEEK 1	12-15th JULY	
<p>TUESDAY</p> <p>12th JULY</p> <p>9.30am</p>	<p>Introduction by the Inspector</p> <p>Opening Statement by the Council</p> <p>Session 1: SECTION 4 (Conserving and Enhancing Exmoor) & SECTION 5 (Responding to Climate Change and Managing Resources)</p> <p>ENP Statement No(s):</p> <p>AGENDA:</p> <p>1.1 Do policies CE-S1 and CC-S2 provide adequate protection for the undeveloped character of the Heritage Coast? (NT)</p> <p>1.2 Is the protection given by policy CE-S3 to the hierarchy of designated sites, protected species, ancient woodlands and veteran trees fully consistent with national policy?</p> <p>1.3 Is the protection given by policies CE-S4 and CE-D3 to heritage assets and their settings fully consistent with national policy, and are these policies likely to be effective? (NT)</p> <p>1.4 Are the requirements of policy CE-S5 compatible with the objective of preserving the distinctive landscape and heritage of the National Park and with national policy? (CE)</p> <p>1.5 Are the requirements of policy CE-S7, clause 1(f) justified and are they consistent with those of clause 1(b)? (BE)</p> <p>1.6 Is the proposed deletion of policy CE-S8 justified?</p> <p>1.7 Is policy CC-S5 justified in seeking to limit renewable energy development to small-scale schemes? (BE)</p> <p>1.8 Does policy CC-D3 adequately reflect national policy, in particular the Written Ministerial Statement of 18 June 2015 on wind energy</p>	<p>ENP Team:</p> <p>Assisted by:-</p> <p>Participants:</p> <p>Mr R Briden (ID: 66)</p> <p>Business Exmoor (ID: 58) <i>Mark Sanders</i></p> <p>The Crown Estate (ID: 67) <i>Steve Briggs - Savills</i></p> <p>National Trust (ID: 44) <i>Michael Calder</i></p>

	<p>development?</p> <p>1.9 Is there justification for the restrictions that policy CC-S6, clause 6 places on the area from which feedstocks and waste for small-scale anaerobic digestors and waste management facilities may be sourced? (CE)</p> <p>1.10 Is policy CC-D5 fully consistent with what is said in paras 5.127-5.130? For example, would the policy permit use of septic tanks in new development?</p> <p>1.11 Are the policies in these sections of the Plan sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?</p>	
<p>TUESDAY 12th JULY</p> <p>2.00pm</p>	<p>Session 2: SECTION 7 (Achieving a Sustainable Economy)</p> <p>ENP Statement No(s):</p> <p>AGENDA:</p> <p>2.1 Are policies SE-S2 & SE-S3 justified in preferring the conversion of traditional buildings to non-traditional ones? (BE)</p> <p>2.2 Are policy SE-S2 and the proposed change to policy SE-S3 justified in seeking enhancement when redevelopment occurs?</p> <p>2.3 Should parts of paragraph 7.23 of the reasoned justification, and of the new paragraphs that form proposed changes 366 & 368, have policy status?</p> <p>2.4 Should policy SE-S3 allow more opportunities for new business development and change of use in the open countryside? (BE, CE)</p> <p>2.5 Should policy SE-D1 give greater scope for the development of live-work accommodation, including through the conversion of existing non-residential buildings? (CE)</p> <p>2.6 Are the restrictions on extensions imposed by policy SE-D1, clause 1(b) justified? (BE)</p> <p>2.7 Is the reference in paragraph 7.40, lines 2-3 of the reasoned justification to “an enhanced level of employment-generating uses” consistent with the requirements of policy SE-D2 itself?</p> <p>2.8 Are clauses 1(c) & 3 of policy SE-S4 justified in restricting the location of new agricultural and forestry development? (BE)</p> <p>2.9 Is policy SE-S4, clause 2 consistent with national policy? (BE)</p> <p>2.10 Should the second sentence of paragraph 7.58 of the reasoned justification have policy status?</p> <p>2.11 Are the policies in this section of the Plan sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker</p>	<p>ENP Team: Assisted by:-</p> <p>Participants: Mr R Briden (ID:66) Business Exmoor (ID:58) <i>Mark Sanders</i> The Crown Estate (ID:67) <i>Steve Briggs - Savills</i></p>

	should react to a development proposal?	
<p>WEDNESDAY 13th JULY</p> <p>AM & PM</p> <p>Commencing at 9.30am</p> <p>Continues at 2.00pm</p> <p>following a break for luncheon</p>	<p>Session 3: SECTION 6 (Achieving a Thriving Community)</p> <p>ENP Statement No(s):</p> <p>AGENDA:</p> <p>3.1 Are the housing policies in the Plan based on a sound objective assessment of housing need in the National Park and in the wider housing market area?</p> <p>3.2 Will the Plan, together with other emerging local plans in the HMA, make adequate provision to meet market and affordable housing needs across the HMA? (HBF)</p> <p>3.3 Is the overall approach to housing provision in the National Park set out in policies HC-S1 and HC-S3 justified, particularly with regard to viability considerations, self-build housing and the needs of local businesses? (CE, BE)</p> <p>3.4 Does the Plan make adequate provision for long-term residents of the National Park to continue to live there in retirement? (Mr & Mrs Cook)</p> <p>3.5 Should there be an additional policy in the Plan permitting low-cost dwellings for local needs outside existing settlements? (EU)</p> <p>3.6 Should there be an additional policy in the Plan permitting low-impact dwellings or “one planet development”? (Geo Ltd)</p> <p>3.7 How should the contents of the “Text Box” on p133 of the Plan, and related policies¹, be treated in the light of the Court of Appeal judgment in SSCLG v West Berkshire DC & Reading BC [2016] EWCA Civ 441? (HBF, Mr Briden)</p> <p>3.8 Should the contents of the “Text Box”, or any replacement for them, have HC policy status?</p> <p>3.9 Is there justification for the dwelling size limitations set out in policy HC-S2 and related policies²? (BE, Mr Briden)</p> <p>3.10 Is the proposed use, in policy HC-S2 and related policies³, of the nationally-described space standards and Building Regulations Requirement M4(2) justified in respect of need, viability and timing⁴? (HBF)</p> <p>3.11 Are policies HC-S4 and HC-D1 consistent with national policy in respect of Principal Residence conditions and change of use, and are they deliverable? (BE, Mr Briden)</p>	<p>ENP Team: Assisted by:-</p> <p>Participants:</p> <p>Mr Richard Briden (ID:66)</p> <p>Mr D & Mrs W Cook (ID: 07)</p> <p>Business Exmoor (ID:58) <i>Mark Sanders</i></p> <p>The Crown Estate (ID:67) <i>Steve Briggs - Savills</i></p> <p>Exmoor Uprising (ID: 60) <i>Mrs Molly Groves</i></p> <p>Geo Ltd (ID: 68) <i>James Shorten</i></p> <p>Home Builders' Federation (ID: 63) <i>Ms Sue Green</i></p>

¹ Including HC-DC2 & HC-D6.

² Including HC-D2, HC-D4, HC-D5, HC-D6, HC-D7, HC-D8, HC-D9, HC-D10 & HC-D17.

³ Including HC-D1, HC-D2, HC-D3, HC-D5, HC-D6, HC-D9 & HC-D17.

⁴ See PPG Ref ID: 56-020-20150327 and 56-007-20150327.

<p>Continues at 2.00pm following a break for luncheon</p>	<p>3.12 Should policy HC-D2 also allow for new-build dwellings that meet a local business need? (BE)</p> <p>3.13 Are the provisions of policy HC-D3 justified and are they consistent with those of policy HC-S2?</p> <p>3.14 Is policy HC-D4 consistent with national policy? (BE)</p> <p>3.15 Is policy HC-D5 justified in requiring that self- and custom-build housing must meet local affordable need? (CE, Mr Briden)</p> <p>3.16 Is there justification for the definition of rural communities in paragraph 6.132?</p> <p>3.17 Is there justification for the Council's proposal to delete policy HC-D6?</p> <p>3.18 Should policy HC-D7 also allow for conversions to market housing and/or live-work units? (BE, CE)</p> <p>3.19 Is there justification for including a financial viability test in policy HC-D9 and Appendix 2? (BE)</p> <p>3.20 Should policy HC-D10 also allow conversion of other buildings on the farmstead to market housing, in the interests of viability? (CE)</p> <p>3.21 Is there justification for the 35% ceiling on extensions in policy HC-D15, for the Council's proposed deletion of clause 2(a), and for the policy's approach to dwellings immune from enforcement? (BE)</p> <p>3.22 Are the policies in these sections of the Plan sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?</p>	
<p>THURSDAY 14th JULY 9.30am</p>	<p>Session 4: SECTION 1 (Introduction), SECTION 2 (Vision, Objectives and Strategic Priorities), SECTION 3 (General Policies), SECTION 10 (Exmoor's Settlements), SECTION 11 (Monitoring and Implementation) & the Plan as a whole</p> <p>ENP Statement No(s):</p> <p>AGENDA:</p> <p>4.1 Do section 1 and policy GP1 give adequate emphasis to the remoteness, wildness and tranquillity of the National Park? (RW)</p> <p>4.2 Should the strategic priorities in section 2 include a presumption in favour of sustainable development, and provision of permanent and temporary housing for people working in the National Park? (BE)</p> <p>4.3 What is the purpose of paragraph 3.20, and what is its relationship to policy GP1?</p> <p>4.4 Is the policy approach to major development set out in policy GP2, supported by paragraphs 3.23-3.27, justified and consistent with national policy? (BE, NT)</p>	<p>ENP Team: Assisted by:-</p> <p>Participants:</p> <p>Mr Roger Watts (ID:71)</p> <p>Business Exmoor (ID:58) <i>Mark Sanders</i></p> <p>The Crown Estate (ID:67) <i>Steve Briggs - Savills</i></p> <p>Geo Ltd (ID: 68) <i>James Shorten</i></p> <p>Home Builders' Federation (ID: 63) <i>Ms Sue Green</i></p> <p>National Trust (ID: 44) <i>Michael Calder</i></p>

	<p>4.5 Is there justification for the allocation of settlements to the categories in Table 3.1? (CE, RW)</p> <p>4.6 Should any other settlements be added to Table 3.1? (CE)</p> <p>4.7 Should paragraph 3.44 have policy status, and should it also include self-build housing? (CE)</p> <p>4.8 Should policy GP3 specifically express support for the growth of businesses, and should the words “rural land-based” be deleted from policy GP3, clause 3(d)? (BE)</p> <p>4.9 As currently worded, is policy GP4, clause 1 effective?</p> <p>4.10 Will policy GP5 be effective in securing necessary infrastructure provision without compromising the viability of development? (CE, HBF)</p> <p>4.11 Are the provisions of policy ES-S2 consistent with relevant legislation and national policy? (HBF)</p> <p>4.12 Does the Plan make it sufficiently clear what are the policy implications of the “historic settlement core” shown on each of the settlement inset maps?</p> <p>4.13 Is the “historic settlement core” for Dulverton defined appropriately? (RW)</p> <p>4.14 Has the duty to co-operate in preparing the Plan been met?</p> <p>4.15 Are the provisions for monitoring and implementing the Plan appropriate and effective?</p> <p>4.16 Should the Plan as a whole contain fewer references to “small-scale” development, and fewer cross-references? (BE, CE)</p> <p>4.17 Should the Plan make explicit provision for a review? (RW)</p> <p>4.18 Are the policies in these sections of the Plan sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?</p>	
<p>THURSDAY 14th JULY</p> <p>2.30pm</p> <p>PLEASE NOTE START TIME</p>	<p>Session 5: SECTION 8 (Achieving Enjoyment for All) & SECTION 9 (Achieving Accessibility for All)</p> <p>ENP Statement No(s):</p> <p>AGENDA:</p> <p>5.1 Should the references in policy RT-S1 to “quiet enjoyment” and “experience of tranquillity” be better defined in order to avoid unduly restricting recreational activities? (CE)</p> <p>5.2 Are the restrictions that policy RT-D3 places on changes of use of owner-occupied guest-houses and bed-and-breakfast establishments reasonable? (RB)</p>	<p>ENP Team: Assisted by:-</p> <p>Participants:</p> <p>Mr Richard Briden (ID:66)</p> <p>Mr David Grob (ID: 16)</p> <p>Mrs Louise Grob (ID: 18)</p> <p>Mr William Grob (ID: 41)</p> <p>Miss Ella Hunt (ID: 42)</p> <p>Mr Roger Watts (ID: 71)</p>

	<p>5.3 Is there justification for policy RT-D4, clause 2(b)?</p> <p>5.4 Is there justification for the provisions in policies RT-D13 and RT-S2 regarding the reinstatement of the Lynton & Barnstaple railway? (DG, LG, WG, LH)</p> <p>5.5 Do paragraphs 9.20-9.22 of the reasoned justification and Map 9.1, with the Authority's proposed changes, properly reflect the categorisation and functions of roads in the National Park?</p> <p>5.6 Are policy AC-D3 and the associated parking standards in Table 9.1 consistent with national policy? (HBF)</p> <p>5.7 Are policies AC-S4 and AC-D6 consistent with relevant legislation and with national policy?</p> <p>5.8 Are the policies in these sections of the Plan sound in all other respects, are they effectively drafted to achieve their intended purpose, and do they provide a clear indication of how a decision-maker should react to a development proposal?</p>	<p>The Crown Estate (ID:67) <i>Steve Briggs - Savills</i></p>
<p>FRIDAY 15h JULY</p> <p>9.30pm</p>	<p>REVIEW SESSION & RESERVE SESSION in case any of the previous sessions over-run.</p> <p><i>In the Review session the Inspector will review the outcome of all the previous sessions and discuss the next steps in the examination with the ENPA. No other participants are invited to the Review session, but anyone may attend to observe.</i></p> <p><i>This session will also provide additional time in the event that any of the previous sessions that cannot be completed in the allotted time. Invited participants to all the previous sessions should therefore ensure that they are also available for this session, should that prove necessary.</i></p>	<p>ENP Team: Assisted by:-</p>

CHRISTINE SELF, Programme Officer
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NOTE: THIS IS A DRAFT PROGRAMME AND WILL PROBABLY CHANGE.