

The Lyn Plan

Lynton & Lynmouth Neighbourhood Plan

Basic Conditions Statement

March 2013



Submitted by the Qualifying Body:

Lynton & Lynmouth Town Council

Lynton Town Hall

Lynton

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2. Introduction

- 2.1. This report sets out the reasons for producing the Neighbourhood Plan for the community of Lynton & Lynmouth and explains how the Plan has been prepared in accordance with the Neighbourhood Planning (General) Regulations 2012 (hereafter referred to as ‘the Regulations’). The Basic Conditions Statement also addresses how the basic conditions of neighbourhood planning have been met as prescribed by the Town and Country Planning Act 1990 (as amended) Paragraph 8(2) of Schedule 4B.
- 2.2. Lynton & Lynmouth Town Council (LLTC) are the qualifying body responsible for the preparation, consultation and submission of the neighbourhood plan, and have been assisted in this process by a Steering Group, Project Team, Neighbourhood Representatives, and local consultants that have provided support services¹. The Lynton & Lynmouth neighbourhood plan area has been designated as the entire parish area for Lynton & Lynmouth (see Appendix 1).

3. The Lyn Plan Concept

- 3.1. Lynton and Lynmouth is an isolated coastal settlement which has retained a remarkable range of public and private services. The isolation has kept the community relatively self-sufficient and therefore more sustainable. However, the community is in danger of weakening as the proportion of younger people and families’ decreases, the school rolls decline, and we slowly lose services. The local economy remains dependent on a narrow range of sectors and wages are relatively low.
- 3.2. The Lyn & Exmoor Vision Community Plan published in 2006 through the Market and Coastal Towns Initiative (MCTI), for Lynton & Lynmouth and surrounding parishes within the North Devon area of Exmoor National Park, included a number of priorities for the future:
 - providing local affordable housing,
 - improving business opportunities,
 - promoting renewable sources of energy, and
 - protecting and enhancing the natural and built environment.

¹ The role of these supporting bodies is explained in the Consultation Statement (March 2013) that accompanies the Basic Conditions Statement as part of the submission of The Lyn Plan to Exmoor National Park Authority.

- 3.3. Early engagement has reinforced many of these priorities highlighting that there is a need for affordable homes in the community and also other homes for local people such smaller dwellings to allow older people to downsize, or for people wishing to move to Lynton & Lynmouth. Only eight local need affordable homes, which are predominantly flats, have been delivered in the last decade. So with nowhere else to live, lower income family households are either leaving or not coming to Lynton & Lynmouth. There was almost complete agreement that more second or holiday homes would be undesirable given the high proportion of dwellings already used for this purpose².
- 3.4. In terms of the local economy consultation has shown there is still a clear need to support local businesses with greater flexibility to meet their needs. Local employment is remarkably self-contained with only 20% of the workforce working outside Lynton & Lynmouth in 2001, with tourism at the core of the local economy. This needs support to make the changes needed to secure its future as changes in visitor trends are having impacts on the range and type of visitor accommodation on offer. Local trades such as construction, maintenance, gardening and other local services also require support. A final component is new enterprises which may be attracted to Lynton & Lynmouth if conditions and facilities were right, and help to boost the local economy.
- 3.5. The population is still ageing and pressure on local service viability will continue. There was strong support from the phase 1 consultation to protect the wide range of existing services and also add to these.
- 3.6. The Lyn Plan (Lynton & Lynmouth Neighbourhood Plan) was conceived because it was felt that the area needed a more locally responsive, community led plan to address the issues that are specific to this community. Overall the community wants the neighbourhood plan to plan positively for the future to enable it to be more self-reliant and self-sustaining through improving the supply of housing to meet local needs, boosting the local economy and protecting and enhancing the community.

² 2011 Census for the neighbourhood area (North Devon 002D) states 28.7% of household spaces have no usual residents. See the Lyn Plan Evidence Base for further information.

4. Outline Compliance Statement

- 4.1. The draft Lyn Plan was made available for consultation in accordance with Regulation 14 of the regulations, from 15th November 2012 to 11th January 2013. No amendments to the Plan were considered necessary in light of the responses made and the Town Council as the qualifying body agreed on 28th February 2013 to submit the plan proposal to Exmoor National Park Authority (ENPA) as the local planning authority³.
- 4.2. Part 5, paragraph 15 of the Regulations sets out the requirements for the qualifying body submitting a neighbourhood plan to the local planning authority as follows:

Plan proposals

15.—(1) *Where a qualifying body submits a plan proposal to the local planning authority, it must include –*

- (a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- (b) a consultation statement;*
- (c) the proposed neighbourhood development plan; and*
- (d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.*

- 4.3. Part (a) is provided within Appendix 1 of this statement and includes the application, map and designation notice.
- 4.4. Parts (b) and (c) have been prepared and will accompany this statement as part of the submission.
- 4.5. The requirements for part (d) in respect of neighbourhood development plans, rather than neighbourhood development orders, are that the Lyn Plan meets the following basic conditions:
- The plan has regard to national policies and advice contained in guidance issued by the Secretary of State
 - The plan contributes to the achievement of sustainable development
 - The plan is in general conformity with strategic policies contained in the development plan for the area of the authority

³ The Lyn Plan Consultation Statement March 2013

The Lyn Plan – Basic Conditions Statement

- The plan does not breach, and it otherwise compatible with EU obligations
- Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the plan

4.6. The following sections will explain how the Lyn Plan has met these basic conditions.

5. Summary of Submission Documents and Supporting Evidence

5.1. In addition to the Basic Conditions Statement, the following documents have been prepared to support the preparation of the Plan and meet the Basic Conditions:

- **The Lyn Plan** – the neighbourhood development plan for the designated neighbourhood area of Lynton & Lynmouth which has been developed with the community and contains policies to guide future development in the area.
- **The Lyn Plan Consultation Statement** – this sets out the consultation and community engagement processes from early engagement through to the formal pre-submission consultation.
- **The Lyn Plan Final Sustainability Appraisal Report** – the report incorporates sustainability appraisal and Strategic Environmental Assessment and its purpose is to assess whether the Plan may have negative effects on a range of sustainability topics.
- **The Lyn Plan Sustainability Appraisal Scoping Report** – this report establishes the baseline evidence for a number of sustainability topics that relate to the environmental, economic and social aspects of the area.
- **Lynton & Lynmouth Neighbourhood Plan Habitat Regulations Assessment** – this report details the findings of the first screening step of the Habitat Regulations Assessment process and is undertaken to ensure the protection of the integrity of European sites.
- **The Lyn Plan Evidence Base** – a compilation of other relevant information from a range of organisations used to inform the preparation of the Lyn Plan such as housing need assessments, housing statistics, previous consultation data, neighbourhood planning phase 1 consultation feedback etc.
- **The Lyn Plan Health Check** – provided by Locality (February 2013).

6. The Basic Conditions

- 6.1. **Regard to national policy and guidance:** The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF provides a framework within which local communities can produce neighbourhood development plans for their area, and sets out how planning should help achieve sustainable development (see paragraphs below relating to achieving sustainable development).
- 6.2. The Lyn Plan has three key sections relating to the environment, economy and community. In terms of the environment, the plan recognises that as the neighbourhood plan area is within the National Park, the environment is strongly protected for the community and visitors to the area and therefore the Plan should maximise the limited opportunities for development and growth available whilst recognising that the environment (including areas protected under the Habitats Directive and sites designated as Sites of Special Scientific Interest) is one of the area's greatest assets.
- 6.3. Paragraph 115 of the NPPF states that great weight should be given to conserving the landscape, scenic beauty wildlife and cultural heritage in National Parks. The Lyn Plan does not contain detailed policies on the protection of the environment as it is considered that the NPPF, detailed policies within the adopted Exmoor National Park Local Plan⁴ and the draft Local Plan in preparation, will contain the level of protection necessary to conserve and enhance the local environment.
- 6.4. Table 1 provides the detailed analysis of the policies within the Lyn Plan in relation to whether they have had regard to the NPPF.
- 6.5. **Achieving sustainable development:**
- 6.6. The Lyn Plan has been prepared with a central understanding that the key areas it addresses, environment, economy and community, are all closely linked. The policies therefore aim to enable the change the community needs whilst protecting what is valued.
- 6.7. The primary policy of the Lyn Plan, Policy P1, sets out the overall objectives for the plan, which new development and growth are expected to support. The underpinning factor is delivering sustainable development for the Lynton &

⁴ Exmoor National Park Local Plan 2001-2011 (including Minerals & Waste Policies) – adopted March 2005

Lynmouth community to ensure it is self-sustaining over the long term. Figure 1 below (depicted in the Lyn Plan) illustrates the objectives of Policy P1 in relation to how the three dimensions to sustainable development will help to create opportunities, meet needs and enable the community to enhance its self-reliance.



Figure 1: The Lyn Plan Objectives focusing on the key themes of the neighbourhood development plan – economy, community and environment.

6.8. Conformity with strategic policies:

6.9. The Lyn Plan has been prepared with planning officers from the ENPA as part of the Project Team. This has ensured that the process of developing the policies for the Lyn Plan has been scrutinised in terms of conformity with strategic policies of the development plan – this includes the saved policies⁵ of the Somerset & Exmoor National Park Authority Joint Structure Plan Review 1991-2011 and those saved policies considered to be of a strategic nature within the adopted Exmoor National Park Local Plan (including Minerals and Waste Policies) 2001-2011. See Table 1 below for detailed analysis in terms of the Lyn Plan policies being in general conformity with the strategic policies of the development plan.

⁵ Policies saved under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004

6.10. ENPA officers have been mindful of the preparation of the draft Exmoor National Park Local Plan and any potential bearing this may have on the Lyn Plan. It is considered that if the examination and referendum are successful the Lyn Plan will be brought into force as part of the development plan prior to the adoption of the Local Plan under the new Town & Country (Local Planning)(England) Regulations 2012.

6.11. **Compatibility with EU Legislation:**

6.12. Screening has been undertaken in terms of strategic environmental assessment (SEA) as part of the Sustainability Appraisal process, and for a Habitats Regulations Assessment. Given the sensitive environment of the National Park and areas surrounding Lynton & Lynmouth and to add rigour to the process a Sustainability Appraisal (including Strategic Environmental Assessment) was undertaken for the Plan prior to the pre-submission consultation process. There are two Special Areas of Conservation (SAC) within and adjoining the parish (the Exmoor Heaths SAC and Exmoor & Quantock Oakwoods SAC) and therefore the HRA screening assessment was also undertaken prior to the pre-submission consultation process. It was concluded that the Plan would have no likely significant effects on the environment or European Sites (see Appendices 2 and 3). The relevant statutory agencies were consulted in relation to the preparation of both reports.

6.13. The consultation response from Natural England at the pre-submission stage stated *“Natural England is satisfied that the draft Lynton & Lynmouth Neighbourhood Plan does not appear likely to result in significant adverse effects on designated landscapes or on national or European protected sites”* (see Appendix 4).

6.14. It is considered that the Lyn Plan is compatible with the European Convention on Human Rights within the meaning of the Human Rights Act 1998.

TABLE 1

DRAFT LYN PLAN POLICY	REGARD TO NPPF	GENERAL CONFORMITY WITH STRATEGIC POLICIES ⁶
OVERALL	<p>The Lyn Plan is considered to have regard to the NPPF particularly in relation to the objectives for neighbourhood plans and in achieving sustainable development for the area.</p>	<p>The Lyn Plan is considered to be in general conformity with the saved policies of the Structure Plan and those saved policies identified as more strategic within the adopted Local Plan.</p> <p>Specifically in relation to Structure Plan, the Lyn Plan is considered to be in general conformity with overarching policies STR1 Sustainable Development, STR5 Development in Rural Centres and Villages, and Policy 2 Exmoor National Park.</p> <p>In relation to the Local Plan policies, the Lyn Plan is considered to be in general conformity with policies of a strategic nature including S1 Settlements which identifies the role of Local Rural Centres and LNC1 General National Park Policy.</p>
P1 Overall Objectives for New Development	<p>Has regard to the three dimensions to sustainable development which are mutually dependent. Sets a positive vision for the future for the area in addressing key local issues (para.17)</p>	<p>Addresses the three key themes of the Structure Plan and is in general conformity with policy STR1 Sustainable Development – particularly the aims to ensure access to housing, employment and services.</p>

⁶ Saved policies within the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011

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

And those saved policies considered being of a strategic nature in the Exmoor National Park Local Plan 2001-2011 (Including Minerals & Waste Policies).

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

The NPPF states that for the 12 month period from the day of its publication (27th March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (paragraph 215).

TABLE 1

DRAFT LYN PLAN POLICY	REGARD TO NPPF	GENERAL CONFORMITY WITH STRATEGIC POLICIES ⁶
<p>ENV1 – Location of Development and Enhancement of the Local Environment</p>	<p>Has regard to core planning principles (para.17) in relation to recognising the character and beauty of the countryside and supporting thriving rural community.</p> <p>Also has regard to the effective use of land through prioritising the use of brown field land.</p>	<p>ENV1 is in general conformity with the following strategic policies:</p> <p>STRUCTURE PLAN</p> <p>STR1 Sustainable Development – specifically to give priority to the continued use of previously developed land and buildings.</p> <p>STR5 Development in Rural Centres and Villages – to ensure development will sustain and enhance the role of the settlement and commensurate with its size, character and identity.</p> <p>Policy 2 Exmoor National Park – provision for development should only be made where it would not conflict with the purposes of the National Park designation. Due regard should be had to fostering the economic and social well being of local communities.</p> <p>LOCAL PLAN</p> <p>S1 Defined Settlements identifies Lynton & Lynmouth as a Local Rural Centre that provides a range of services and considered to be most suitable in principle for new development to consolidate employment and services to meet the needs of the National Park. Barbrook is identified as a village which has fewer services but still has a significant number of buildings and acts as a focal point for the community and development is permitted to enable the diversification of the economy and to help retain and enhance key services.</p> <p>In the open countryside development is restricted to the reuse of existing buildings and new development is only permitted to support agriculture and forestry enterprises.</p>

TABLE 1

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		<p>Policy ENV1 ensures that development is located within or adjoining the main settlement areas of Lynton, Lynmouth and Barbrook, or reusing buildings outside settlements. Additionally appropriate development on land in commercial use outside settlements is also provided for (specifically outlined in policy E9 of the Lyn Plan and addressed in the economy section below).</p>
<p>E1 Local Economy</p> <p>E2 Change of Use of Hotels & Guest Houses</p> <p>E3 Loss of High Street Uses</p> <p>E4 Change of Use of Shops</p> <p>E5 Loss of Tourist Facilities</p> <p>E6 Temporary Uses</p> <p>E7 Business Space</p>	<p>The general aims of the economy policies within the Lyn Plan are consistent with supporting the rural economy outlined in the NPPF (para.28) particularly in relation to supporting the sustainable growth of all types of business within the area through reusing existing buildings and new buildings.</p> <p>Policies E2 and E5 support the tourism sector of the area and allows some flexibility to reflect the changing nature of visitor patterns.</p> <p>Policies E3 and E4 promote the retention and development of</p>	<p>STRUCTURE PLAN</p> <p>The economy policies (E1 – E11) are considered to be in general conformity with Structure Plan policies STR1, STR5, and Policy 2 as outlined above.</p> <p>Policy 18 Location of Land for Industrial, Warehousing & Business</p> <p>The policy states that activities which are environmentally compatible with other land uses should be located within or adjoining existing uses and those which are not compatible should be located where their impact on the local environment can be mitigated. Although the Lyn Plan does not propose large scale business developments, there is some flexibility to allow business development within or adjoining the settlements (policies E7 and E8)and outside the settlements, through the reuse of existing buildings or on existing commercial sites provided there is an overall environmental enhancement (policy E9).</p> <p>Policy 19 Employment and Community Provision in Rural Areas</p>

TABLE 1

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<p>E8 Storage</p> <p>E9 Rural Buildings and Land in Commercial Use Outside the Settlements</p> <p>E10 Parking</p> <p>E11 Temporary Parking</p>	<p>community services such as local shops and public houses (within the A use classes) whilst a flexible approach to changes within the ‘A use classes’ will help to support the settlement centres at the heart of Lynton & Lynmouth, and ensure that established shops and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community (para.70).</p> <p>Policies E6 and E11 take a positive approach to sustainable development in supporting temporary uses of buildings and areas for events and parking that support the local economy and offer more to visitors and residents.</p> <p>Policy E9 also provides opportunities for farm diversification and diversification/appropriate</p>	<p>states that provision should be made for development which creates or enhances local employment, shopping or community facilities including development associated with the diversification of agricultural units. It is considered that the aims of policies E1-E11 are in general conformity with these strategic policy aims.</p> <p>Policy 21 Town Centre Uses states that the functional centres of rural centres will be one of the primary focal points for new shopping, leisure and entertainment facilities. The Lyn Plan does not allocate sites for town centre uses but provides a flexible approach to help retain the vitality and viability of the existing rural centre.</p> <p>LOCAL PLAN</p> <p>In relation to the Local Plan, these policies (E1-E11 are considered to be in general conformity with policy S1, as outlined with regard to ENV1 in the section above.</p> <p>The more detailed employment and economy policies of the Local Plan seek to provide for small scale business development within and adjacent to Local Rural Centres and villages (E1 Business Development in Local Rural Centres and Villages). Although outside the settlements extensions to existing business premises and conversion of existing buildings is permitted, new development is not permitted (E2 Business Development in the Open Countryside).</p>

TABLE 1

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	<p>development of other commercial premises outside the main settlements.</p> <p>Policies E10 and E11 seek to protect existing parking and provide temporary parking that will help to improve parking opportunities within the settlements, particularly during peak holiday periods (para.40 NPPF).</p>	<p>Policies E1 – E11 are overall considered to be in general conformity with these specific policies. Policy ENV1 ensures that development is located within or adjoining the main settlement areas of Lynton, Lynmouth and Barbrook, or reusing buildings outside settlements.</p> <p>Additionally appropriate development on land in commercial use outside settlements is also provided for (specifically outlined in policy E9 of the Lyn Plan). Due to the limited number of sites this applies to in the neighbourhood plan area and any development would need to ensure the environmental enhancement of such sites, this approach is considered to be in general conformity with the strategic policies Policy 18 and Policy 19 of the Structure Plan as outlined above.</p>
E12 Lynton & Barnstaple Railway	<p>Policy E12 reflects the likelihood that a proposal for the reinstatement of the Lynton & Barnstaple Railway will come forward during the neighbourhood plan period (see The Lyn Plan Evidence Base⁷).</p> <p>Partial reinstatement of 1 mile of track and a station at Woody Bay has already been developed within the National Park and is a significant tourism attraction in the area.</p>	<p>The core principles for planning in the NPPF (para.17) include the</p> <p>Wider aims of the overall Lynton & Barnstaple Railway reinstatement within the National Park, but outside the</p>

⁷ The Lyn Plan Evidence Base is one of the documents included in the formal submission of the Lyn Plan to the ENPA.

TABLE 1

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	<p>need to respond positively to wider opportunities for growth. However, the need to recognise the intrinsic character and beauty of the countryside whilst conserving heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life for current and future generations, are also important principles that should be reflected. Great weight should also be given to conserving the landscape, scenic beauty, wildlife and cultural heritage in National Parks (para.115).</p> <p>In terms of the rural economy the NPPF states that (para.28) sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside, should be supported.</p>	<p>neighbourhood plan area, will be determined by the adopted Local Plan policies when or if a proposal is submitted to the planning authority. However there is an opportunity for the former railway line to be reinstated through a Transport and Works Act order that could enable the Secretary of State to grant planning permission for the development and compulsory orders to buy land. If this direction is not utilised (although there is always the opportunity for this to happen) then it is considered that any planning proposal would need to have regard to the policies within the development plan unless material considerations indicate otherwise.</p> <p>Overarching policies that relate to the National Park and its statutory purposes:</p> <p>Policy 2 Exmoor National Park (Structure Plan) LNC1 General National Park Policy (Local Plan)</p> <p>Proposals are expected to be compatible with the conservation or enhancement of the natural beauty, wildlife and cultural heritage of the National Park and the public understanding and enjoyment of those qualities, whilst giving due regard to the economic and social well-being of local communities.</p> <p>The former railway forms part of the cultural heritage of the National Park although any proposal for its reinstatement will need to demonstrate that it is compatible with the statutory purposes of the National Park. Within the neighbourhood plan</p>

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	<p>In terms of transport, the NPPF (para.35) aims to protect and exploit opportunities for the use of sustainable transport modes for the movement of people.</p> <p>The reinstatement of the single gauge railway as a ‘heritage railway’ is supported in the Lyn Plan due to the potential economic advantages it could bring to the local community and the potential to reduce pressures on traffic congestion and parking capacity within the main settlements (particularly within peak holiday periods).</p> <p>The policy seeks to ensure that any proposal for the reinstatement and extension of the railway and provision of a new station should not have significant harmful impacts on the landscape, environmental features and assets,</p>	<p>area there will be reliance on those development plan policies that relate to the conservation and enhancement of the landscape, wildlife and cultural heritage as stated in para 1.2.8. The policy (E12) seeks to ensure that any proposal for the reinstatement and extension of the railway and provision of a new station should not have significant harmful impacts on the landscape, environmental features and assets, amenities of residents, or the wider visitor experience and therefore is considered to be in general conformity with these strategic policies.</p> <p>STRUCTURE PLAN</p> <p>Policy 46 Rail Operation relates to commercial rail transportation rather than the reinstatement of a ‘heritage’ railway and therefore is not considered to be directly relevant to policy E12 as phase 1 of the reinstatement is intended to reinstate only a proportion of the former railway.</p> <p>Policy 22 Tourism Development in Settlements – provision for the development of tourist attractions in settlements, and those that generate substantial traffic movements should be accessible by public transport.</p> <p>Policy 23 Tourism Development in the Countryside – the priority is to improve existing attractions and accommodation and mitigate the impact of existing development.</p>

TABLE 1

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	<p>amenities of residents, or the wider visitor experience and is consistent with the NPPF.</p>	<p>Initial indications have shown that a new Lynton station would be required closer to the town and the reinstatement of the railway may reduce traffic levels during the peak holiday season.</p>
<p>H1 Affordable Housing H2 Local Connection H3 Principle Residence Housing H4 Staff and Seasonal Workers</p>	<p>The NPPF states that housing development should be responsive and reflect local needs, <i>“particularly for affordable housing, including through rural exception sites where appropriate”</i>. The NPPF goes on to state that local planning authorities may consider allowing some market housing to facilitate provision of significant additional affordable housing to meet local needs.</p> <p>Overall the NPPF states <i>“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”</i>.</p> <p>Plans are also required to be deliverable and therefore take</p>	<p>STRUCTURE PLAN Policy 33 Provision for Housing</p> <p>In relation to Exmoor National Park provision for new residential development should only be made where it would help to meet local social or economic needs and be of a scale in keeping with the size and character of the settlement and the rural character of the surrounding area. There is a provision for 350 homes within Exmoor National Park through the plan period. This number was already exceeded by 2003.</p> <p>The focus of the Lyn Plan is to meet the housing needs of local people – for affordable housing, to bring a greater balance and mix to the local housing market and create new opportunities for people to live and work here including provision of staff accommodation. The greatest priority is the provision of affordable housing, with principal residence housing only supported where it will provide cross subsidy for affordable housing. Open market housing is not permitted as it may increase the already high levels of second and holiday homes in the area. Policies H1-H4 are therefore in general conformity with the strategic aims of Policy 33.</p>

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	<p>viability and costs into account during the plan-making process (para. 173).</p> <p>Policy ENV1 of the Lyn Plan sets out the location of new development including housing being located within or adjoining the settlements and are consistent with the aims of the NPPF.</p> <p>Provision for staff accommodation (policy H4) is supported within and outside the settlements (on the site of the tourism business as an extension or reuse of existing building) where the need can be demonstrated. In such circumstances this form of accommodation will be tied to the tourism business.</p> <p>There is no housing target in the adopted Local Plan as it is based on a 'needs led' approach where evidence is based on parish housing need surveys and</p>	<p>Policy 35 Affordable Housing</p> <p>This policy ensures that provision is made for securing housing to meet an identified local need for those who are unable to buy or rent on the open market. Policies H1 – H2 enable the provision of housing to meet local needs within the Lynton & Lynmouth neighbourhood plan area and adjoining parishes.</p> <p>LOCAL PLAN</p> <p>Policy H1 is the overarching housing policy within the adopted Local Plan and states that <i>“The purpose of housing development will be to meet the needs of local communities. The principal community identified need is for affordable housing with local occupancy ties”</i>. The policy also states that new housing will be occupied by a person with a proven housing need in accordance with the local occupancy definition outlined in a subsequent policy. Whilst the Lyn Plan policies H1-H4 generally conform to the strategic aim of meeting the housing needs of the local community, policy H3 of the Lyn Plan allows principal residence housing that would not necessarily be occupied by a local person in housing need, but has been included as a means to deliver local affordable housing in the community through a cross subsidy approach. The principal residence housing cannot be occupied as a second or holiday home and therefore residents are more likely to become part of the local community and help to support local services and businesses.</p>

TABLE 1

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	<p>information obtained through the Exmoor, North Devon and West Somerset Rural Housing Project. The provision of 350 homes, within the National Park, that had been previously set out in Policy 33 of the Structure Plan over the period 1991-2011 had already been exceeded in 2003.</p> <p>It was therefore considered not to be appropriate to set a target for a number of homes in the Lyn Plan for the neighbourhood plan area of the National Park, and ensure policies continue to meet local housing needs of the neighbourhood plan area and the surrounding parishes which are sparsely populated and where the opportunities for affordable housing delivery could be constrained.</p>	<p>This approach reflects the difficult situation facing delivery of affordable housing on exception sites in rural areas given the cut in grant funding for affordable housing schemes and the difficulty this presents in being able to provide 100% affordable housing on exception sites without some form of cross subsidy from market housing. In the Lyn Plan cross subsidy is provided through 'Principal Residence' housing. The housing policies in the Lyn Plan (and section 2 Viability and Delivery) aim to deliver the maximum provision of affordable housing, which is viable and deliverable using an open-book approach and a viability appraisal tool, and is:</p> <ul style="list-style-type: none"> • consistent with the NPPF, • in general conformity with strategic policies of the Structure Plan, and • reflects the key principle of Policy H1 of the adopted Local Plan to meet the housing needs of local communities.
S1 Loss of Services and Facilities	The NPPF states that planning policies should plan positively for the provision and use of shared	<p>STRUCTURE PLAN Policy STR1 Sustainable Development This policy has a key principle to ensure access to housing</p>

TABLE 1

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<p>S2 Improving Existing Services and Facilities and the Provision of New Services and Facilities</p> <p>S3 Community Assets</p>	<p>space, community facilities and other local services to enhance the sustainability of local communities, and guard against the unnecessary loss of those facilities valued by the community (para.70).</p> <p>It is considered that policies S1-S3 are consistent with the NPPF in terms of promoting healthy communities and delivering the social, recreational and cultural facilities and services the community needs.</p>	<p>employment and <u>services</u>.</p> <p>Policy 37 Facilities for Sport and Recreation Within Settlements – this policy aims to protect and improve sport and recreation facilities.</p> <p>LOCAL PLAN Policies CSF1 and CSF3⁸ ensure the provision and safeguarding of non-commercial community services and facilities.</p> <p>Policies S1-S3 of the Lyn Plan aim to safeguard and improve services and facilities within the neighbourhood plan area and therefore are in general conformity with the strategic policies of the Structure Plan and more detailed policies within the Local Plan.</p>

⁸ http://www.exmoor-nationalpark.gov.uk/_data/assets/pdf_file/0009/112689/local_plan_chapter_08.pdf

7. Appendices

Appendix 1: Neighbourhood Plan Application for Area Designation and Decision Notice

Appendix 2: Sustainability Appraisal Findings

Appendix 3: HRA Findings

Appendix 4: Natural England Response to the HRA consultation

8. Appendix 1: Neighbourhood Plan Application for Area Designation and Decision Notice

Lynton and Lynmouth Town Council

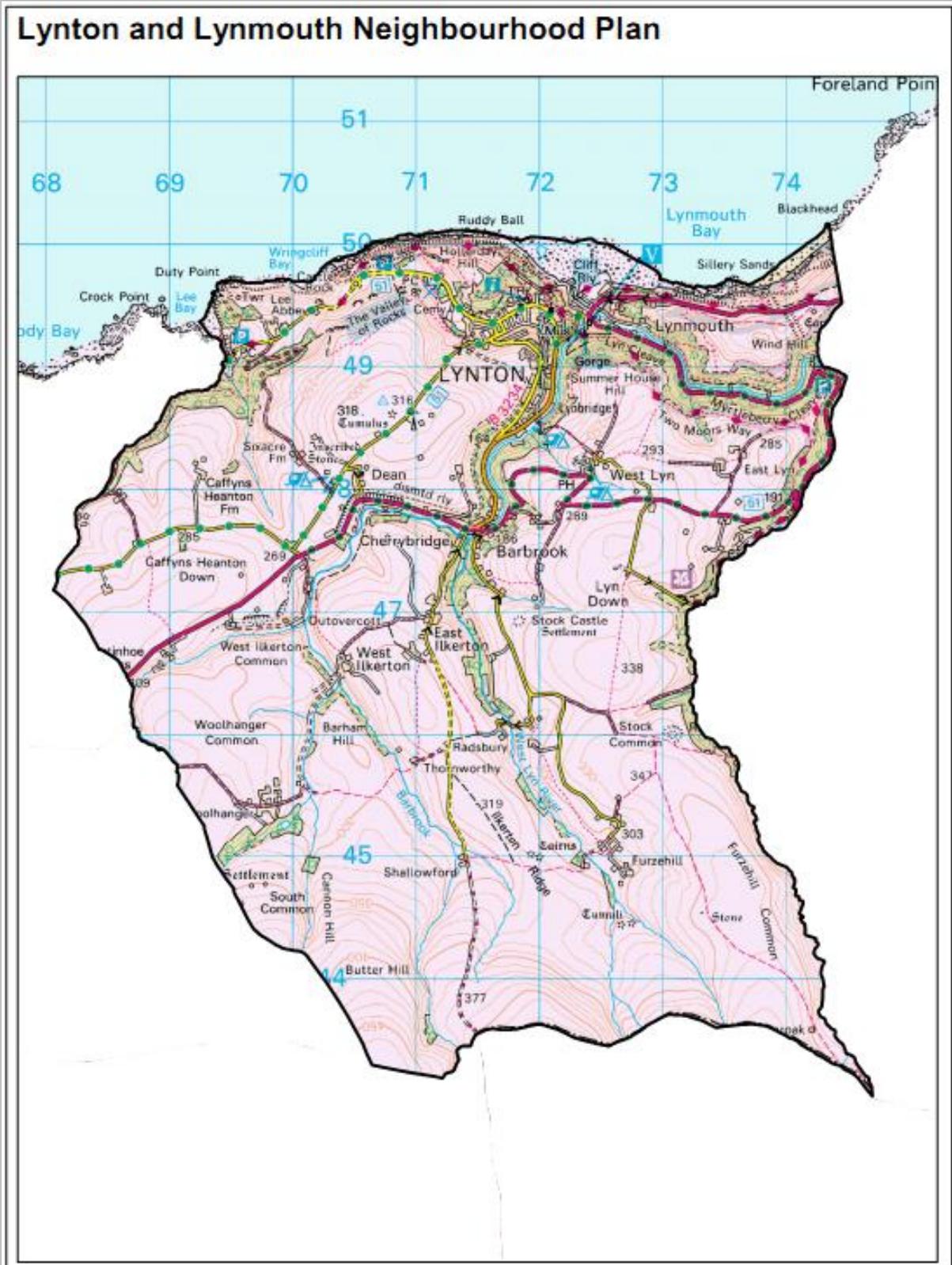
Lynton and Lynmouth Neighbourhood Plan.

The Town Council considered the Lynton and Lynmouth Neighbourhood Plan at their meeting on 31 May 2012 and resolved that the National Park Authority be requested to formally designate a Neighbourhood Plan Area with the boundaries to coincide with the boundary of the Lynton and Lynmouth Town Council area.

1. A map which identifies the Town Council area is attached.
2. The Neighbourhood Plan area is proposed to coincide with the boundary of the Town Council area. The communities within the Town Council area all rely on the services and facilities within Lynton, Lynmouth and Barbrook which is a focus of activities for the wider community. The designation of the Town Council area will allow all the local residents to be engaged in the Neighbourhood Plan process and ultimately vote on proposals which will affect their local area where they live, shop, and use facilities and services.
3. The Lynton and Lynmouth Town Council is the body making the area application and is the relevant body for the purposes of section 61G of the Town and Country Planning Act 1990.

Geoff Dwyer
TOWN CLERK

TABLE 1





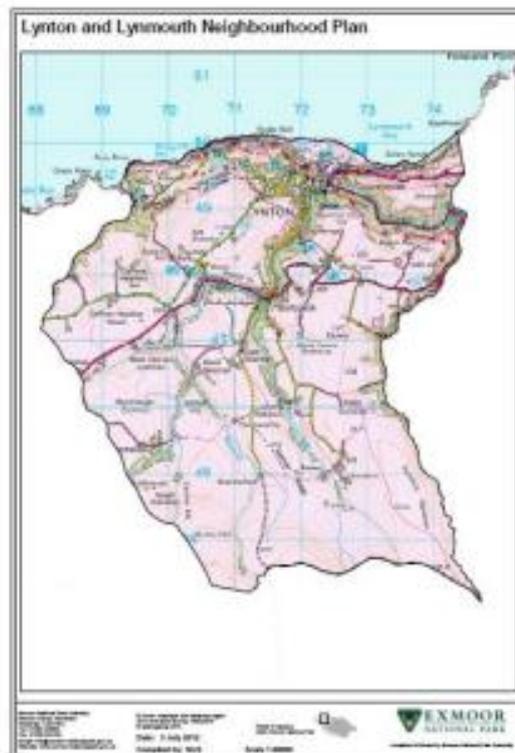
**Town and Country Planning Act 1990
The Neighbourhood Planning (General) Regulations 2012**

**Lynton and Lynmouth Neighbourhood Plan
Designation of the Neighbourhood Plan Area**

On 2 October 2012 the Exmoor National Park Authority designated the Neighbourhood Plan Area for Lynton and Lynmouth. For details please see the Committee Report at <http://www.exmoor-nationalpark.gov.uk/about-us/meetings-agendas-reports/enpa-planning-committee/02-oct-2012/ar-epc-02.10.12-Item-9.pdf>

A Map of the Neighbourhood Plan Area is shown below and the designation covers the Town Council area of Lynton and Lynmouth.

The Lynton and Lynmouth Town Council is the relevant body that applied to the Exmoor National Park Authority to designate the Area.



David Wyborn
Head of Planning and Sustainable Development
2 October 2012.

9. Appendix 2: Sustainability Appraisal Findings

9.1. The key findings from the Final Sustainability Appraisal Report (SA) for Lynton and Lynmouth Town Council, prepared by Clare Reid Consultancy are presented below.

9.2. The recommendations highlighted in the SA were addressed in the draft Lyn Plan prior to the pre-submission consultation.

- 1.6 The SA has not identified any serious issues with the draft Plan, but a number of recommendations are made to avoid potential impacts, and help improve the Plan. These include:
- stronger emphasis on the protection of the natural and historic built environment, and the National Park context
 - explanation of the relationship between the Neighbourhood Plan, and the Exmoor Local Plan, which it has to generally conform with
 - recognition of the issues relating to climate change adaptation, flood risk, and minimising greenhouse gas emissions
 - greater emphasis on opportunities for enhancement of the natural and historic built environment where these arise through development proposals, including new community assets
 - clearer justification for why business and storage space, rural buildings and land in commercial use outside the settlements and staff & seasonal workers would be allowed on greenfield sites adjoining the settlements even if sites within the settlements remain available (Policy ENV1)
 - consideration of the scale of development that would be considered, particularly in the context of new business development adjoining the settlements
 - further guidance to applicants on how they should comply with some of the policy requirements.

- 1.7 Changes have been made to the draft LynPlan in the light of the SA recommendations, and these are highlighted in Appendix 3.

10. Appendix 3: HRA Findings

10.1. Conclusion from the Lynton & Lynmouth Neighbourhood Plan Habitat Regulations Assessment prepared by Somerset County Council on behalf of Lynton & Lynmouth Town Council as the qualifying body (October 2012).

7. Conclusion

- 7.1 It is considered that the Lynton and Lynmouth Neighbourhood Plan is unlikely to have a significant effect on the conservation objectives of the Natura 2000 sites assessed.
- 7.2 It is considered that a Stage 2 Appropriate Assessment will not be required.

11. Appendix 4: Natural England Response to HRA Consultation

Date: 13 November 2012
Our ref: 67595
Your ref: HRA - Lynton and Lynmouth Neighbourhood Plan



Larry Burrows MIEEM
Ecologist – Strategic Planning
Somerset County Council
Environment Department
County Hall
Taunton, TA1 4DY

Customer Services
Hombeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 8GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Larry,

Habitats Regulations Assessment of Lynton and Lynmouth Neighbourhood Plan

Thank you for your consultation on the above which was received by Natural England on 18 October 2012.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

THE CONSERVATION (NATURAL HABITATS, &C.) REGULATIONS 1994

Natural England is generally satisfied with findings of the Habitats Regulations Assessment of the Lynton and Lynmouth Neighbourhood Plan

It is noted that the Exmoor and Quantock Oaklands Special Area of Conservation (SAC) and Exmoor Heaths SAC are partly located in the Neighbourhood Plan area. We do not consider that there are any sites further afield that should be included. Natural England continues to work with local partners and organisations so that any future development in the area is carefully designed and planned so as not to impact on the area, to fragment the habitat, or to disturb the species.

We note that the Lynton and Lynmouth Neighbourhood Plan will be expected to conform with the emerging Exmoor Local Plan as well as the National Park Partnership Plan 2012-2017. The Neighbourhood Plan should be prepared bearing in mind the development of the Local Plan.

The Core Strategy and Development Management Policies DPD will be subject to a detailed HRA. The draft DPD is due to be consulted upon in December 2012/January 2013 and a HRA of the LDF National Park Management Plan/LDF Vision and Objectives was carried out in November 2011. We are pleased to note that the HRA clearly states that no development site locations had been identified at the time and that planning applications would be subject to a 'test of likely significance' under the Habitats Regulations before planning permission could be given. Therefore, provided the Lynton and Lynmouth Neighbourhood Plan does not deviate from the Core Strategy and Development Management Policies DPD, we would not expect any resulting effects on European Sites to be significant.

Transport and Air Quality

Issues related transport and air quality appear to have been properly addressed within Somerset's Future Transport Plan and should not form a part of this process.

TABLE 1

A comment on policy H2 Primary Residence Housing states that development is *unlikely* to occur within the boundaries of designated sites. We would not expect any development within a European Protected Site to be acceptable and therefore suggest this policy should be amended to state that development *will not* be located within the boundaries of designated sites for greater clarity.

Further assessment of any additional policies or new proposals arising from the Lynton and Lynmouth Neighbourhood Plan, beyond those included in the core strategy, may be necessary to ensure they will not result in a likely significant effect on European Sites.

As we have already noted in our response to the SSA of the Neighbourhood Plan, the Exmoor and Quantock Oaklands SAC and Exmoor Heaths SAC are Prescribed Areas (excluded from the legislation) and any proposed Neighbourhood Development Order cannot apply to the SAC nor can it affect the SAC.

Support for developing Neighbourhood Plans

We have prepared draft joint advice with the Environment Agency, Forestry Commission and English Heritage outlining our role in the process and signposting sources of information and advice. This should be the first point of contact for local communities seeking support. Link to document: <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>. We also note that four support bodies (Planning Aid, the Prince's Foundation, CPRE/NALC and Locality) have been awarded funding from DCLG to assist communities in neighbourhood planning.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Darren Horn on 0300 060 0049. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely,

Darren Horn
Land Use Operations