

# ITEM 7

## EXMOOR NATIONAL PARK AUTHORITY

24 March 2015

### PUBLICATION DRAFT LOCAL PLAN, DUTY TO CO-OPERATE PROTOCOL AND DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

#### Report of the Head of Planning and Sustainable Development

**Purpose of the report:** To present to Members the Publication Draft Local Plan and Draft Statement of Community Involvement (SCI) and the Exmoor-Wide Duty to Co-operate (DtC) Protocol.

**RECOMMENDATIONS:** The Authority is recommended to:

- (1) APPROVE the Publication Draft Local Plan for consultation and to DELEGATE to the Chief Executive authority to:
  - a) make any necessary revisions as required;
  - b) make amendments to accord with any Sustainability Appraisal or Habitats Regulations Assessment recommendations;
  - c) agree evidence base documentation which underpins the Local Plan.
- (2) APPROVE the Exmoor-Wide Duty to Co-operate (DtC) Protocol;
- (3) APPROVE the Draft Statement of Community Involvement for consultation concurrent with the Publication Draft Local Plan
- (4) DELEGATE to the Chief Executive authority to respond to the Publication Draft / Pre-Submission North Devon Local Plan

**Authority Priority:** Maintain our Core Services – Working with the community and business; and Communicating what we do and engaging with National Park communities.

The Publication Draft Local Plan shares the vision and objectives of the Exmoor National Park Partnership Plan. The Publication Draft Local Plan will assist with the delivery of many Partnership Plan targets. The DtC Protocol sets out the principles by which the signatory organisations will work together on strategic priorities requiring cross-boundary working. The Draft SCI (a revision of the 2006 Statement of Community Involvement) sets out how Exmoor National Park Authority intends to consult and engage the public and other stakeholders on future planning policy documents and planning applications

**Legal and Equality Implications:** The National Park Authority has a statutory duty, as Planning Authority, to produce a Local Plan for the planning authority area. The Local Plan will form the development plan for the area of Exmoor National Park. The development plan guides and is the first consideration in determining planning applications for land use and development. Legally, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.

The Localism Act 2011 (Section 110) introduces the 'duty to cooperate' in relation to planning of sustainable development. This includes engaging constructively with neighbouring planning authorities and other interested bodies in relation to strategic matters in the preparation of development plan documents.

The Planning and Compulsory Purchase Act 2004 (section 18) requires local planning authorities to prepare a statement of community involvement.

**The equality impact of the recommendation(s) of this report has been assessed as follows:** The Local Plan is subject to an equalities impact assessment as part of the sustainability appraisal. The Statement of Community Involvement sets out how the Authority will engage with the public and other stakeholders on the preparation of local development documents and planning applications. There are no equality impact considerations.

**Consideration has been given to the provisions of the Human Rights Act 1998 and an assessment of the implications of the recommendation(s) of this report is as follows:** Planning policies can have a considerable impact on an individual's ability to use their land and property and this may be considered to infringe human rights. In particular, in relation to Article 1 (Protection of Property) of Part II of the First Protocol, the policies of the Publication Draft Local Plan are considered to be proportionate and control the use of land and property in accordance with the general public interest.

**Financial and Risk Implications:** The financial and risk implications of the recommendation(s) of this report have been assessed as follows: The production of the Local Plan through to adoption is a considerable project and involves related expenditure. Care is being taken to ensure that all procedures are followed and the evidence base is established to help minimise the risk that the Local Plan will be found unsound at Inquiry.

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## **1. INTRODUCTION**

- 1.1. The Exmoor National Park Authority, as the Planning Authority for the area, has a statutory duty to prepare, monitor and review a Local Plan for the Exmoor National Park. A draft Plan was consulted on during Nov-Dec 2013. The Plan has been revised in the light of consultation responses, including simplifying some of the policies. Further work on the evidence base underpinning the Plan has also been carried out.

## **2. PUBLICATION DRAFT LOCAL PLAN**

- 2.1. The Local Plan (once adopted), along with Neighbourhood Plans will form the statutory development plan for Exmoor National Park for 2011-2031, including for minerals and waste development. It contains both strategic planning policies and development management policies and takes forward the long term Vision and objectives set out in the Exmoor National Park Partnership Plan (the Management Plan). It has been developed on the basis of extensive consultation and a detailed evidence base, including jointly commissioned studies with neighbouring authorities in accordance with the Duty to Co-operate.

- 2.2. The policies in the Publication Draft Local Plan are intended to ensure that Exmoor has a sustainable future, socially, economically and environmentally. Exmoor is a National Park and conserving and enhancing the high quality environment is an overriding statutory purpose.
- 2.3. The Plan promotes sustainable development which enables communities and businesses to thrive, whilst conserving and enhancing the National Park's special qualities through making the best use of existing land and buildings, focusing new development in settlements, encouraging high quality design and sustainable construction, and protecting the open countryside. The Plan has an emphasis on local needs affordable housing but also seeks to support the wider community through specialist housing, extended family housing, principal residence housing, rural workers housing and succession farming. The Plan also seeks to foster a diverse and resilient local economy through locally generated growth and sustainable development, giving flexibility for business development including home based businesses, agricultural and forestry development, and helping to ensure the roll-out of broadband and mobile phone infrastructure. In accordance with the National Park's statutory purposes, the Plan supports understanding and enjoyment of the National Park through providing for a range of holiday accommodation, safeguarding the rights of way and access network, and ensuring that development in relation to outdoor recreation activities is compatible with the quiet enjoyment of Exmoor's special qualities.
- 2.4. The key changes that have been made to the Publication Draft Local Plan are summarised in Appendix 1.

### **3. EXMOOR WIDE DUTY TO CO-OPERATE PROTOCOL**

- 3.1. The Protocol has been developed by officers during the last year working with North Devon, Torridge and West Somerset Councils, and with other partners and was brought to Local Plan Advisory Group on 3 March. It provides a framework for the Signatories to ensure effective co-operation throughout the planning process on strategic priorities relating to Exmoor National Park, and cross-boundary issues. It applies to a range of strategic planning policy matters, particularly preparing policy and strategy, implementation, monitoring and other cross-boundary policy issues. It forms the basis for discussing strategic priorities, evaluating options to address cross-boundary issues and agreeing outcomes wherever possible but ultimately respects the individual identities and interests of its signatory organisations.
- 3.2. The National Park Authority will also prepare its own Duty to Co-operate Statement to be submitted with the Publication Local Plan, setting out how the Duty to Co-operate has been implemented.

### **4. DRAFT STATEMENT OF COMMUNITY INVOLVEMENT 2015**

- 4.1. The Authority adopted its first Statement of Community Involvement (SCI) in August 2006 which was then required by the Planning & Compulsory Purchase Act to be subject to formal consultation and submission to the Secretary of State for examination by an Inspector, as a Development Plan Document (DPD). Subsequent changes to

legislation mean that the SCI is no longer considered as a DPD, and therefore the preparation of the SCI no longer has to be included in the Local Development Scheme, nor does it have to be submitted to the Secretary of State for independent examination.

- 4.2. A revised version of the SCI has been prepared as a result of changes to the legislative framework for the planning system including the introduction of neighbourhood planning through the Localism Act 2011 and the publication of the National Planning Policy Framework.
- 4.3. The Draft SCI updates the adopted SCI (2006) through the following key changes:
  - A. Providing context in terms of 'Our Values' which are reflected in the work of the Authority (Sustainability, Customer focus, Respect, Improvement, Professionalism, and Teamwork).
  - B. Incorporating our commitment to engagement as set out in the Exmoor National Park Partnership Plan, and the Authority's Equality Statement.
  - C. Referencing the key changes to the legislative planning framework in terms of reforming the way local plans are prepared (National Planning Policy Framework), neighbourhood planning, and the duty to cooperate with neighbouring authorities and other key organisations.
  - D. Updating the guiding principles for community involvement in planning (see figure 1 below).
  - E. Updating the methods of community engagement that may be employed, to include reference to web-based interactive consultation and the use of social media.
  - F. The information relating to the procedures for the determination of planning applications and relevant consultative processes have been reviewed.
  - G. Providing information relating to how we will use information provided through consultation responses to planning policy documents – in relation to the Data Protection Act.
- 4.4. The revised Draft SCI reflects new planning regulations, and provides the basis for the Authority's continuing commitment to improving engagement specifically in relation to the preparation of planning documents and the determination of planning applications. The Authority is not required to consult on the SCI but it is considered good practice to seek the views of the public and other stakeholders on how the Authority intends to consult the public and other stakeholders on future plans, planning documents and planning applications.

## **5. NEXT STAGES**

- 5.1. The Publication Draft Local Plan will be subject to a Sustainability Appraisal and Habitats Regulations Assessment, which will be carried out externally. Officers will amend the Plan in the light of any recommendations from these assessments and prepare the Publication Draft Local Plan for consultation. This will involve final editing and checking as well as the production of a summary document in plain English to assist with consultation. It is intended that the formal consultation on the Publication Draft Local Plan will take place over the summer of 2015. The Draft SCI consultation will run in parallel with the Local Plan consultation.

- 5.2. The North Devon Publication Draft / Pre-Submission Local Plan will also be issued for consultation shortly. Officers will prepare a response to be signed off by the Chief Executive under delegated responsibilities. A copy will be circulated to Members.

**Clare Reid, Ruth McArthur, Tessa Saunders (Policy/Community Team)  
March 2015**

**Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:**

Summary of Key Changes (Appendix 1)

Exmoor National Park Publication Draft Local Plan (Appendix 2)

Exmoor Wide Duty to Co-operate Protocol (Appendix 3)

Exmoor National Park Draft Statement of Community Involvement 2015 (Appendix 4)

SECTION OF THE LOCAL PLAN	KEY CHANGES
1. Introduction	<ul style="list-style-type: none"> <li>– The Spatial Portrait (formerly Section 3) has been incorporated into this section and edited to avoid duplication with other sections of the Plan.</li> <li>– Text added to refer to the 'Duty to Cooperate' process.</li> </ul>
2. Vision, objectives and strategic priorities	<ul style="list-style-type: none"> <li>– A set of strategic priorities have been added which are required by the National Planning Policy Framework (NPPF). These have been derived from the Draft Local Plan summary document and explains what each section of the plan intends to achieve.</li> </ul>
<del>3. Spatial Portrait</del>	This section has been removed and the summarised text moved to Section 1: Introduction.
3. General Policies	<ul style="list-style-type: none"> <li>– <del>GP2</del> Presumption in Favour of Sustainable Development – (POLICY DELETED) it repeats the presumption stated in the NPPF.</li> <li>– GP2 Major Development – policy changed to address how major development in the National Park will be defined</li> <li>– GP3 Spatial Strategy – the tier of settlements 'Rural Communities' has been removed from the settlement hierarchy and will be considered as open countryside due to the Government changes to thresholds for affordable housing. However, policies will still enable self-build local affordable dwellings in small rural communities in the open countryside with a shop, or a pub or community meeting place/hall (see policy HC-D5 below) – so a similar policy approach remains in place. Further explanation included for development at Porlock Weir.</li> <li>– GP4 The Efficient Use of Land and Buildings (NEW POLICY) – a sequential approach to use brownfield land and existing buildings before greenfield sites, the approach to density of new housing and avoiding development on the best agricultural land.</li> <li>– GP5 Planning Obligations – new clause to incorporate financial contributions for affordable housing (deleting policy HC-S4 Financial Contributions)</li> <li>– GP6 Enhancing the National Park – (POLICY DELETED) text incorporated into the written justification for GP1 National Park Purposes and Sustainable Development.</li> </ul>
4. Conserving and Enhancing Exmoor	<ul style="list-style-type: none"> <li>– CE-S1 Landscape Character – policy split between strategic and</li> <li>– CE-D1 Protecting Exmoor's Landscapes and Seascapes (NEW POLICY)</li> <li>– CE-S2 Protecting Exmoor's Dark Night Sky – policy changed from a development management to a strategic policy.</li> <li>– CE-S3 Biodiversity and Green Infrastructure – policy amended to combine former policy CE-S3 Green Infrastructure, incorporate Exmoor's priority habitats and species, and include Somerset's (including whole of the National Park) ecological network.</li> <li>– CE-S4 and CE-D3 Cultural Heritage and Historic Environment – Principal Archaeological Landscapes (PALs) given greater prominence in the policy. DM policy specific to Conservation Areas, PALs, climate change and assets that are redundant/at risk.</li> <li>– CE-S5 and CE-S6 relating to the conversion or structural alteration of existing traditional and non-traditional buildings have been combined into one policy (CE-S5)</li> <li>– CE-S6 Design and Sustainable Construction Principles – policy split to form new development management policy CE-D4 Extensions.</li> <li>– Former policy CE-D4 Advertisements, Shopfronts and Private Road Signs split into two policies for clarity CE-D5 Advertisements and Private Road Signs, and CE-D6 Shopfronts.</li> </ul>

SECTION OF THE LOCAL PLAN	KEY CHANGES
5. Responding to Climate Change	<ul style="list-style-type: none"> <li>– CC-S2 Coastal Development – policy changed from a development management to a strategic policy.</li> <li>– CC-S3 Porlock Weir Coastal Change Management Area (NEW POLICY) – designates the coastal change management area (CCMA) at Porlock Weir as required by the NPPF and sets criteria for development within the CCMA.</li> <li>– CC-S4 Replacement Development from the CCMA – former policy CC-S2 Responding to Climate Change revised to relate specifically to the Porlock Weir CCMA.</li> </ul>
6. Achieving a Thriving Community	<ul style="list-style-type: none"> <li>– HC-S1 Housing – new clauses to incorporate the approach for permitting principal residence housing and the approach to new Government thresholds on affordable housing.</li> <li>– HC-S2 A Balanced Local Housing Stock (NEW POLICY) – previously part of HC-S1. Incorporates minimum and maximum floorspace requirements, and floor space standards for certain types of housing.</li> <li>– <del>HC-S2</del> Housing Conservation and Enhancement (POLICY DELETED) – new Government thresholds on affordable housing have superseded the approach.</li> <li>– HC-S3 Local Occupancy Criteria – policy simplified and a change in a clause from 10 years in the last 20 years to 10 in the last 30.</li> <li>– HC-D5 Custom/Self Build Local Need Housing in Rural Communities (NEW POLICY) – to allow for new self build dwellings in rural communities in the open countryside where there is at least a shop, pub or community meeting place/hall.</li> <li>– HC-D6 The Change of Use of Serviced Accommodation to Housing (NEW POLICY) – to clarify the approach to changes of use of serviced accommodation to housing (particularly in the open countryside).</li> <li>– HC-D17 Replacement Dwellings – change to allow greater flexibility to small replacement dwelling to have maximum internal floorspace of 90 square metres.</li> </ul>
7. Achieving a Sustainable Economy	<ul style="list-style-type: none"> <li>– Policies generally amended to be clearer and reduce unnecessary cross-referencing and duplication.</li> <li>– SE-S4 Agricultural and Forestry Development – policy amended as a result of consultation response in terms of strengthening landscape considerations. Further tests and supporting text relating to isolated buildings in the open countryside.</li> </ul>
8. Achieving Enjoyment for All	<ul style="list-style-type: none"> <li>– RT-D3 Safeguarding Serviced Accommodation – policy amended to refer to new housing policy for the change of use of serviced accommodation to housing.</li> <li>– RT-S2 Reinstatement of the Lynton &amp; Barnstaple Railway – policy amended to reduce unnecessary duplication and repetition. Supporting text and policy amended as a result of consultation responses received.</li> </ul>
9. Achieving Access for All	<ul style="list-style-type: none"> <li>– AC-S2 Transport Infrastructure amended to include tests for new roads, road widening and upgrading of existing routes.</li> <li>– AC-D1 Transport and Accessibility Requirements for Development – policy has been split to create a new policy AC-D2 Traffic and Road Safety Considerations for Development.</li> <li>– AC-S3 Traffic Management and Parking – policy amended to include further routes to the Exmoor Route Network (B Roads and Access Routes) as defined on the Policies Map.</li> <li>– AC-D3 Parking Standards – revised to include parking standards for cycles, motorcycles and disabled parking requirements.</li> <li>– AC-D5 Radio and Mobile Telecommunications Infrastructure – policy amended to incorporate the siting of apparatus on existing masts</li> </ul>

SECTION OF THE LOCAL PLAN	KEY CHANGES
	(which could be raised in height) as part of the sequential approach to new telecommunications development.
10. Exmoor's Settlements	<ul style="list-style-type: none"> <li>– Rural Communities removed from this section to reflect that these settlements are no longer part of the spatial strategy due to the Government changes to thresholds for affordable housing. However, policies will still enable self-build local affordable dwellings in small rural communities in the open countryside a shop, or a pub or community meeting place/ hall (see policy HC-D5 above).</li> <li>– Tables relating to community services and facilities have been removed and are now included in a separate technical paper.</li> </ul>
NEW SECTION 11. Monitoring and Implementation	Sets out how the Local Plan will be monitored and implemented. A monitoring framework includes a number of indicators which have been identified to use for the Annual Monitoring Report. As a result, policies can be monitored to assess whether the effects of the policies are as intended.
12. Annex 1: The conduct of archaeological work and historic building recording within Exmoor National Park	No change
13. Annex 2: Rural Land-Based Worker Dwellings	<ul style="list-style-type: none"> <li>– Changes to text relating to tying the dwelling to the holding (now only in exceptional circumstances).</li> <li>– Further detail in relation to the siting of new rural worker dwellings in relation to existing buildings on the holding.</li> <li>– Explanation regarding subsequent occupiers of rural worker dwellings.</li> </ul>
NEW SECTION 14. Annex 3: Important Open Space in Allerford and Luccombe	Identifies areas of Important Visual Amenity Space and Important Recreation Space within the two settlements. These settlements do not have separate inset maps.