

## **EXMOOR LOCAL PLAN EXAMINATION MATTERS, ISSUES AND QUESTIONS**

### **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**

#### **4.10 Will policy GP5 be effective in securing necessary infrastructure provision without compromising the viability of development? (CE, HBF)**

The wording of Policy GP5 is misleading as Bullet Point (1b) suggests that contributions may be sought to address existing infrastructure deficits rather than to mitigate for the impact of new development.

Until recently the authority had not undertaken a viability assessment. The new evidence in Viability Assessment by 3 Dragons dated May 2016 (CE12) assumes only £1,000 per unit S106 contribution which in turn under the restriction on the pooling of S106 contributions could only be pooled 5 times. The Viability Assessment identifies that viability is marginal. It is noted that participants from the development industry in attendance at the viability workshop commented that build costs used in the assessments are likely to be an under estimation of actual costs of developing small scale schemes within the National Park. Therefore since in these circumstances there is no scope for further increases to S106 contributions it is unlikely that Policy GP5 will be effective in securing necessary infrastructure provision.

#### **4.11 Are the provisions of policy ES-S2 consistent with relevant legislation and national policy? (HBF)**

Under para 184 of the NPPF the ambition of a neighbourhood should be aligned with the strategic needs and priorities of the wider area. The Neighbourhood Plan must be in general conformity with the clearly set out strategic policies of the Local Plan. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans should not promote less development than set out in the Local Plan or undermine its strategic policies. Under para 185 of the NPPF the Neighbourhood Plan should demonstrate general conformity with the strategic policies of the Local Plan. Where there is conflict on existing non-strategic policies the Neighbourhood Plan policies take precedence over the Local Plan.

In the Exmoor Local Plan strategic policies are defined as those policies prefixed GP and those prefixed XX-SX in a coloured box so by the authority's own definition Policy ES-S2 is a strategic policy. Therefore it is possible that by implication the Lynton & Lynmouth Neighbourhood Plan has been elevated

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to the same status as the Local Plan thereby no longer having to conform with the Local Plan. So the Neighbourhood Plan has become a Local Plan without been subject to the same level of examination.

The authority acknowledges in footnote 888 that one of the purposes of Policy ES-S2 is to prevent the Local Plan becoming the dominant Plan by reason of been the latest adopted Plan.

In conclusion the HBF would question if the implications of Policy ES-S2 – Lynton & Lynmouth Neighbourhood Plan are consistent with national policy.

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