



The Planning Inspectorate

Report to Exmoor National Park Authority

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Exmoor National Park Local Plan 2011-2031

The Plan was submitted for examination on 6 May 2016

The examination hearings were held between 12 and 15 July 2016

File Ref: PINS/F9498/429/5

Abbreviations used in this report

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| The 2004 Act | The <i>Planning and Compulsory Purchase Act 2004</i> , as amended |
| The 2005 Local Plan | The <i>Exmoor National Park Local Plan 2001-2011</i> |
| AA | Appropriate Assessment |
| The Authority | The Exmoor National Park Authority |
| DCLG | Department for Communities and Local Government |
| HMA | Housing Market Area |
| HRA | Habitats Regulations Assessment |
| LDS | Local Development Scheme |
| The Local Plan | The <i>Exmoor National Park Local Plan 2001-2031</i> |
| MM | Main Modification |
| The National Park | Exmoor National Park |
| NPPF | <i>National Planning Policy Framework</i> |
| ONS | Office for National Statistics |
| The Park | Exmoor National Park |
| PAS | The Planning Advisory Service |
| The Plan | The <i>Exmoor National Park Local Plan 2011-2031</i> |
| PPG | Planning Practice Guidance |
| SA | Sustainability Appraisal |
| SCI | Statement of Community Involvement |
| SHLAA | Strategic Housing Land Availability Assessment |
| The Viability Study | <i>ENPA Whole Plan Viability Study</i> |
| WMS | Written Ministerial Statement |

Non-technical summary

This report concludes that the Exmoor National Park Local Plan provides an appropriate basis for the planning of the National Park, provided that a number of main modifications [MMs] are made to it. The Exmoor National Park Authority have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Authority prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. Where necessary I have amended their detailed wording and added other, closely-related modifications. I have added a further modification to ensure that the Plan correctly identifies the development plan policies that it supersedes, as legislation requires. I have recommended that the MMs should be made to the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Definition of the National Park's special qualities;
- Clarification of the policy approach to major development in the National Park;
- Ensuring that the Plan's policies on biodiversity, the historic environment, heritage assets and wind energy are consistent with national policy;
- Deletion of the Minerals Safeguarding Areas identified in the submitted version of the Plan;
- Revision of the indicative affordable housing need figure to reflect the latest available evidence;
- Introduction of requirements to review the indicative affordable housing need figure every five years, to monitor affordable housing delivery, and to review the Plan if that is necessary to address any significant increase in need or shortfall in delivery;
- Bringing the policy approach to vacant buildings in settlements into line with the Plan's overall approach to housing development;
- Introducing a positive policy requirement for accessible and adaptable housing in new developments of five or more dwellings;
- Introducing an exceptional provision allowing for succession farm dwellings larger than 93sqm where justified by the needs of the enterprise, and removing the fixed upper size limit for rural workers' dwellings;
- Permitting new business premises to replace existing buildings on rural employment sites;
- Removal of the requirement to demonstrate that an agricultural building is redundant when its re-use is proposed;
- Various other amendments necessary to ensure that the Plan's policies are effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Exmoor National Park Local Plan 2011-2031 [the Plan] in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. At paragraph 182, the National Planning Policy Framework [NPPF] makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the Exmoor National Park Authority [the Authority] have submitted what they consider to be a sound plan. The *Exmoor National Park Local Plan 2011-2031 Publication Draft* [SD1]¹, submitted for examination in May 2016, is the basis for my examination. It is the same document as was published for consultation in June 2015. When adopted, the Plan will supersede the policies in the *Exmoor National Park Local Plan 2001-2011*, adopted in 2005 ["the 2005 Local Plan"]².

Main modifications

3. In accordance with section 20(7C) of the 2004 Act the Authority requested that I should recommend any main modifications [MMs] necessary to rectify any matters that make the submitted Plan unsound or legally non-compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Authority prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks. I have taken careful account of the consultation responses in coming to my conclusions in this report. As a result I have made some amendments to the detailed wording of the published MMs, and added a small number of closely-related MMs, where this was necessary to deal with soundness points raised by respondents. All these amendments and additions cover matters that were discussed at the examination hearings and I am confident that recommending them does not undermine the participatory processes and sustainability appraisal that have been undertaken. I explain why they are necessary in the Assessment of Soundness section below.
5. In parallel with consultation on the MMs, the Authority consulted on a series of proposed changes to section 6 of the Plan. Having considered the consultation responses, I am recommending that four of those proposed changes should also be made as MMs to the Plan. I explain the reasons for this when dealing with main issue 3 below. A further MM (**MM1A**) is necessary to ensure that

¹ Document numbers in square brackets refer to the number of the document in the Local Plan Examination Library. All library documents are available via the Local Plan website.

² Policies in the 2005 Local Plan were saved by direction of the Secretary of State in February 2008.

the Plan meets the statutory requirement to identify the existing development plan policies which its policies supersede.

Policies map

6. The Authority must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Authority are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises Inset Maps 1-21 inclusive and Maps 22 & 23.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Authority will need to update the adopted policies map to include the changes proposed in the submission policies map and any further changes required by the MMs.

Assessment of duty to co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The Authority's *Duty to Co-operate Statement* [SD10] provides a comprehensive account of the steps the Authority have taken to comply with the duty. It shows that the Authority have worked closely with neighbouring authorities, prescribed bodies and other organisations on a wide range of cross-boundary and strategic issues.
9. There is evidence of substantial and meaningful discussions that have produced tangible outcomes, most notably the agreement of North Devon and Torridge Councils to include provision to meet a proportion of Exmoor's housing need in their own emerging joint Local Plan. Although the Authority were unable to secure a similar agreement from West Somerset Council, that does not negate the efforts that they made. The quality and coherence of the submitted Plan's policies have benefitted from the wide-ranging engagement that took place.
10. Overall I am satisfied that where necessary the Authority engaged constructively, actively and on an on-going basis in the preparation of the Plan and therefore that the duty to co-operate has been met.

Assessment of soundness

Main issues

11. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends. Under these

headings my report deals with the main matters of soundness: it does not seek to respond to every point raised by representors. The examination is concerned only with the Local Plan and it is not my role to comment on the merits of any development management decisions made by the Authority.

Issue 1 – Is the overall approach of the Plan, as set out in its Vision, Objectives, Strategic Priorities and General Policies, appropriate to the specific circumstances of the Exmoor National Park?

Legislative and policy background

12. Exmoor National Park ("the National Park" or "the Park") was designated in 1954. The purposes set out in the principal legislation for National Parks are (a) conserving and enhancing their natural beauty, wildlife and cultural heritage and (b) promoting opportunities for the understanding and enjoyment of their special qualities. Where it appears there is a conflict between those purposes, the former carries greater weight³.
13. In pursuing those purposes, National Park Authorities also have a statutory duty to seek to foster the economic and social well-being of local communities within the National Park, and to co-operate with relevant local authorities and public bodies in so doing⁴. It is important to note that this duty is to be met "in pursuing" the National Park purposes, not independently of them.
14. At paragraph 115, the NPPF advises that in National Parks, great weight should be given to conserving landscape and scenic beauty and to the conservation of wildlife and cultural heritage. The importance of these considerations is highlighted in NPPF paragraph 14, dealing with the presumption in favour of sustainable development. It specifically advises that Local Plans should meet objectively-assessed needs unless specific policies in the Framework, such as those applying to National Parks, indicate that development should be restricted.

Vision, Objectives and Strategic Priorities

15. About two-thirds of Exmoor National Park lies in West Somerset district and the remainder in North Devon. It is one of the few upland areas in southern England. The Plan's Spatial Portrait describes its *unique landscape of moorland, woodland, valleys, farmland and a spectacular coast shaped by both natural elements and human activity over thousands of years*. The Plan's Vision for 2031 correctly identifies the importance of maintaining and enhancing the Park's landscape, wildlife, historic environment and cultural heritage and the sense of remoteness, wildness and tranquillity that it provides.
16. The Park has a population of just over 10,000, with a distinct bias towards older age groups. Around 64% of its residents are aged 45 or over and immigration, of older people in particular, from the rest of the UK is the principal source of population change. As an appropriate response to these trends, the Plan's Vision makes it clear that sustaining a strong, diverse and resilient

³ *National Parks and Access to the Countryside Act 1949*, s.5(1) & s.11A(2).

⁴ *National Parks and Access to the Countryside Act 1949*, s.11A(1).

economy and enhancing the ability of Exmoor's communities to retain young and working-age people are important objectives for the plan period.

17. The Plan's Objectives and Strategic Priorities appropriately reflect its Vision, striking an appropriate balance between pursuit of the National Park's statutory purposes, promotion of the economic and social well-being of its communities, and mitigation of and adaptation to climate change.

General Policies

18. Policy GP1, as submitted, sets out the Authority's overall approach to achieving sustainable development in Exmoor National Park in a manner which reflects the relevant legislation and national policy, including the NPPF's advice on the presumption in favour of sustainable development. There is no need for that advice to be repeated in the Plan. The policy positively supports development that will promote economic and social well-being, while making it clear that this is to be achieved within the framework of the National Park's statutory purposes.
19. Alongside its references to those purposes, clause 1 of the policy requires that development should conserve and enhance the "special qualities" of the Park. Without any description of what those special qualities are, the policy would be ineffective. Accordingly, **MM1** provides an appropriately comprehensive description in the reasoned justification to the policy. However, reasoned justification paragraphs 3.19 and 3.20, as submitted, set out "opportunities" and "principles for enhancement" whose relationship to policy GP1 is unclear and thus potentially confusing. They are deleted by **MM2**.
20. Subject to the deletion of extraneous explanatory wording by **MM4**, policy GP2 sets out an appropriate approach, consistent with NPPF paragraph 116, to major development proposals in the National Park. **MM3** is needed to ensure that the reasoned justification correctly identifies the factors to be considered when deciding whether or not a proposal constitutes major development. It reflects legal advice [EB20] that was not contested at the examination.
21. Policy GP3 sets out the Plan's spatial strategy. The three largest settlements are designated as Local Service Centres. 19 villages are also identified as "named settlements" along with Porlock Weir, to which special considerations apply because it is subject to coastal flooding and erosion. There is clear evidence that each of these 23 "named settlements" has more services and facilities than any of the other villages on Exmoor.
22. It is appropriate therefore for GP3 to seek to focus new development at them, at a scale that is proportionate to their size, and to place particular emphasis on sustaining and improving the existing wide range of services and facilities in the Local Service Centres. The overall approach reflects the guidance on rural development in NPPF paragraphs 28 (fourth bullet point) and 55. **MM41** is needed to ensure that the locational requirements of policy HC-S6, dealing with local commercial services and community facilities, are clear and consistent with this approach.
23. Outside the named settlements, all of the National Park is designated as open countryside. New development there is limited, by the submitted policy, to a number of defined purposes, with the principal objectives of improving the

sustainability of land-based businesses and providing self-build opportunities for locally-needed affordable housing. This means that development outside the named settlements is more tightly restricted than would normally be the case in other rural areas.

24. In general terms, I consider that the restrictions are justified by the specific legislative and national policy requirements that apply to National Parks. National policy that, elsewhere, would place fewer controls on business development and housing in the countryside is outweighed here by the imperative of meeting the Park's statutory purposes and the great weight that national policy attaches to its landscape, scenic beauty, wildlife and cultural heritage. More specific rural development issues, and modifications to the policies governing them, are considered in the following sections of this report.

Conclusion on Issue 1

25. Subject to the recommended modifications, the overall approach of the Plan, as set out in its Vision, Objectives, Strategic Priorities and General Policies, is appropriate to the specific circumstances of the Exmoor National Park, and the General Policies themselves are sound.

Issue 2 – Will the Local Plan support appropriate economic growth in the National Park?

26. Paragraph 7.14 of the Plan argues that in recent times the vitality of the local economy has been sustained without the need for high levels of new-build development. Much business need has instead been met through re-use of existing buildings. Plan policies therefore provide for the flexible release of appropriate sites and buildings for business development in response to emerging needs, rather than allocating specific areas of land for employment use. This approach is supported by the recommendations of both the *Exmoor National Park Employment Land Review (2009)* [EB36] and the 2015 Update to that document [CE15].
27. There was no substantial challenge from representors to this overall approach, which I consider is appropriate in the particular circumstances of the National Park. Discussion at the hearing session focussed on whether some of the restrictions that the Plan's policies place on new business development and changes of use are justified and consistent with national policy.
28. Policies SE-S2 and SE-S3 deal with business development in settlements and in the open countryside respectively. In settlements, SE-S2 applies a sequential approach that is subject to necessary clarification by **MM42**. The approach gives preference to the re-use of traditional buildings. If that cannot be achieved, the re-use of non-traditional buildings will be permitted, and if that is still not possible a new site or building may be developed. This is a reasonable and flexible approach that places appropriate emphasis on conserving the National Park's built heritage without stifling business development. However, it would be unreasonable for the policy to impose a blanket requirement for "enhancement" when any non-traditional building is re-used. **MM42** therefore also specifies the circumstances in which a requirement for enhancement would be justified.

29. In the open countryside there is a different approach. Policy SE-S3 permits the re-use of traditional buildings, and extensions to business sites and buildings, only where they are well-related to an existing group of buildings on a farmstead or in a hamlet. Buildings in more isolated locations, whether traditional or non-traditional in character, may not be re-used for business purposes. While this is not the approach advocated in the countryside generally by NPPF paragraph 28, it is justified in the National Park. Business use of isolated buildings would usually require car-parking and other external paraphernalia and generate additional activity, all of which would detract from the Park's wildness and tranquillity.
30. Policy SE-S3, as submitted, also permits non-traditional buildings on a farmstead to be re-used, but only where the proposed business development supports an existing agricultural or other land management business. In support of this provision, the Authority argued cogently that the conservation of the landscape character of the National Park depends in large part on its continued management by agricultural and similar land-based activities. For this reason I agree that the provision is justified.
31. The submitted policy also requires that where a non-traditional building is to be re-used, it must be redundant for agricultural purposes. Evidently this requirement is prompted by a concern that otherwise the re-use of the existing building might lead to a proposal for a replacement agricultural building. But any such proposals would be considered against policy SE-S4, which contains detailed measures to ensure that any replacement building is justified by functional need and to protect the character of the landscape.
32. To make these measures fully effective, **MM44** adds the necessary further assurance, in clause 3(d) of SE-S3, that when non-traditional agricultural buildings are converted to other business uses, permitted development rights to construct new farm buildings will be withdrawn. (This is already stated in the reasoned justification, but as it is intended to guide decisions on development proposals it needs to be part of the policy.)
33. With all these measures in place I see no justification for the redundancy requirement, especially when, as noted above, policy SE-S3 requires re-use of the building to support the agricultural or land management enterprise as a whole. The redundancy requirement is therefore removed by **MM44**. **MM43** adds text to the reasoned justification to provide necessary explanation of the approach to be taken to proposals for the diversification of businesses responsible for land management. I have amended it in the light of consultation, removing wording that purported to make requirements additional to those in the policy.
34. Clause 4 of submitted policy SE-S3 is too sweeping in preventing the erection of any new business premises in the open countryside. Provided that appropriate enhancement is provided where necessary, the redevelopment of existing employment sites would pose no threat to landscape character as long as there is no significant increase in the overall built form. **MM44** therefore permits such redevelopment, providing additional flexibility for businesses.
35. Whether in the countryside or in settlements, the loss of business premises to other uses would pose a potential threat to the National Park's economy and

create demand for new development that might be difficult to meet while avoiding harm to the Park's character. Paragraph 7.23 of the Plan is therefore justified in stating that when permission is granted for B1 use, permitted development rights are to be withdrawn for temporary or permanent changes to other uses. However, to be fully effective that provision must have policy status. This is achieved by **MM42 & MM44**.

36. In my view, policy SE-D1 strikes an appropriate balance between making reasonable provision for the development of home-based businesses and protecting the character of the National Park. In particular, I do not see the limit on the size of extensions (35% of the dwelling's original floorspace) as unduly restrictive when account is also taken of the opportunity to erect new outbuildings in the domestic curtilage. However, this and other limitations imposed by the policy criteria mean that there is no reason for the policy to specify that the business must itself be "small scale". Clarification is also needed on the relationship between employment and residential space when live-work units are developed. **MM45** makes the necessary amendments so that the policy is justified and effective.
37. When the change of use of part of an employment site or building is justified on grounds of non-viability, policy SE-D2 confusingly requires "employment-generating uses" to be maintained on the remainder of the site or building. Clearly, a developer may be able to make provision for economic activity but cannot guarantee that it will occur. In the light of consultation on the MMs, therefore, I have amended **MM46** and added **MM46A** to make it clear that the intention is that "provision for" such uses is to be maintained. There are no grounds for the reasoned justification to policy SE-D2 to require an "enhanced" level of employment use on a site when the policy itself makes no such requirement. That inconsistency is rectified also by **MM46**.
38. Policy SE-S4 permits new buildings for agricultural or forestry purposes in isolated locations only in exceptional circumstances where there is an overriding functional need justifying the location. While this level of control goes beyond what would normally apply in a rural area, it is justified here by the national policy imperative of conserving the landscape and scenic beauty of the National Park. However, clause 3(b) of the policy as submitted is too restrictive in stating that a change in farming practice can never justify an isolated new building. **MM47** therefore amends the clause so that it only excludes changes that could adversely affect the Park's traditional landscape character.
39. The reasoned justification to policy SE-S4 refers to the withdrawal of permitted development rights that would otherwise allow agricultural buildings of less than 500sqm to be converted to other uses. Such a provision is justified in the National Park context, given the potentially harmful impacts on isolated rural locations of the additional parking, external paraphernalia and activity likely to be associated with non-agricultural uses. However, as it is a consideration that will apply to all relevant development management decisions, the provision needs to be part of the policy: this is also achieved by **MM47**.
40. On the other hand, clause 2 of the submitted policy is insufficiently specific, and therefore ineffective, as it merely sets out the fact that the Authority will

"consider" attaching a condition requiring the removal of an agricultural or forestry building that has been permitted under the policy when it is no longer needed. It is sufficient for this factual point to be recorded in the reasoned justification. Any decision on attaching such a condition would need to be made and justified at the development management stage, based on the individual circumstances of the proposal. Accordingly, the policy clause is deleted by **MM47**.

41. With these recommended modifications to ensure that its relevant policies are sound, I find that the Plan will support appropriate economic growth in the National Park.

Issue 3 – Will the Plan meet the full range of housing needs in the National Park?

Housing need

42. At paragraph 14, the NPPF advises that Local Plans should meet objectively assessed needs unless specific policies in the NPPF, including those relating to land within a National Park, indicate development should be restricted. Before the publication of the Plan for consultation in June 2015, the housing needs of Exmoor, as part of the Northern Peninsula Housing Market Area [HMA], had been analysed in a series of studies [EB26-29 & CE9-11]. These established a total objectively-assessed need for 718 additional dwellings in the Park over the Plan period 2011-2031. That figure, which took into account the 2012-based DCLG⁵ household projections, was set out in the submitted Plan.
43. However, a further study [EX31] was commissioned in 2016 to examine the implications of the latest, 2014-based DCLG household projections on housing need across the HMA. That study found that overall the objectively-assessed need for the Park over the Plan period was for 541 additional dwellings: a significantly lower figure than had emerged from the earlier studies.
44. The analysis in EX31 follows national Planning Practice Guidance [PPG]⁶ in taking the latest available DCLG household projections as its starting point. Realistic adjustments are made for vacant dwellings, second and holiday homes, and for the existing backlog of affordable housing. There is no evidence of other demographic factors or employment trends affecting the National Park that might necessitate further adjustments to the figure. The approach taken to market signals and affordable housing provision is discussed separately below. Taking that discussion into account, I am satisfied that EX31 provides a sound objective assessment of housing need for the Park.
45. The PPG advises that, wherever possible, local housing needs assessments should be informed by the latest available information. The NPPF is clear that Local Plans should be kept up to date⁷. In view of this national guidance, after the examination hearing sessions had taken place the Authority proposed changes to the Plan to reflect the analysis in EX31. Consultation on the

⁵ Department for Communities and Local Government

⁶ PPG Ref ID: 2a-015-20140306

⁷ PPG Ref ID: 2a-016-20140306

proposed changes ran in parallel with consultation on the MMs and attracted only a handful of representations.

46. Having reviewed the comments made, I consider that four of the proposed changes need to be made as MMs in order to ensure that the Plan reflects the latest objective assessment of housing need. These are **MM27A, MM27B, MM27C & MM27D**, which amend the overall housing need figure to 541 dwellings, and the indicative affordable housing need figure to 238 dwellings⁸. Alongside those changes, under main issue 8 below I recommend a system of five-yearly reviews of the Plan's indicative affordable housing need figure, to make sure that the Plan is not rendered out of date by further significant changes in future household projections.
47. Through the Duty to Co-operate process, North Devon and Torrington Councils have agreed that the housing need arising in the North Devon part of the National Park will be met in full outside the Park. A corresponding allowance of around 200 dwellings (derived from the overall housing need figure that appeared in the submitted Exmoor Local Plan) has been made in the housing requirement figure for those Councils' emerging joint Local Plan. The Authority also sought to persuade West Somerset Council to include an allowance in its emerging Local Plan to account for market housing needs arising in the West Somerset part of the Park, but those efforts were unsuccessful.

Housing land availability

48. Turning to housing land availability, the Authority's 2014 SHLAA⁹ [CE8] identified 45 deliverable sites with capacity for 249 dwellings in the Local Service Centres and Villages identified in Table 3.1 of the Plan. A further 49 sites with capacity for 228 dwellings were identified but were found not to be currently available. However, it is reasonable to suppose that a proportion of the latter will come forward for development between now and 2031. The SHLAA was a robust, settlement-by-settlement assessment guided by a representative stakeholder panel. It took account of landscape, biodiversity and built environment impacts as well as physical site constraints.
49. An alternative assessment of housing capacity in the National Park is given in the 2013 *Landscape Sensitivity Study* [CE17] carried out for the Authority. Like the SHLAA this is a settlement-by-settlement study, but it focusses on the value and sensitivity of the landscape in and around the settlements in order to assess their capacity to accommodate development. It found capacity for about 325 dwellings in the Local Service Centres and Villages.
50. The differences between the findings of the two assessments are mainly due to the use of somewhat different criteria. Much more important than their differences, however, are what the findings demonstrate about the limited capacity of the National Park to accommodate new housing development. They show that the Park is unlikely to be able to accommodate more than 300 to 500 additional dwellings over the Plan period, if its natural beauty, wildlife

⁸ The indicative affordable housing need figure is net of the affordable housing provision to be made in the North Devon and Torrington Local Plan.

⁹ Strategic Housing Land Availability Assessment

and cultural heritage are to be conserved. Taking account of the advice in NPPF paragraph 115 that great weight should be given to conserving landscape and scenic beauty in National Parks, I consider it would be inappropriate to expect the Authority to identify additional capacity for housing development, even if that were necessary to meet the identified level of housing need.

51. Having said that, even if capacity is as low as is suggested by the 2013 *Landscape Sensitivity Study*, when it is added to the substantial contribution made by North Devon and Torridge the total would fall only a little way short of the objectively-assessed housing need figure of 541 dwellings. Indeed, 96 dwellings – almost one-fifth of the overall need – have already been completed between 2011 and 2015. Moreover, some limited additional capacity may exist on sites under 0.1ha, which were not assessed in the SHLAA, and on other as-yet unidentified (“windfall”) sites.
52. Furthermore, some of the National Park’s housing need may well, in practice, be met in West Somerset, despite that Council’s unwillingness to make a formal allowance for it in their Local Plan. This is because the housing requirement of approximately 2,900 dwellings set in the emerging West Somerset Local Plan is substantially greater than the housing need figure that emerged from the Northern Peninsula HMA. While West Somerset Council may be right that the higher requirement is justified by local demographic and long-term supply factors, making provision at that level is likely to create the opportunity for some of those unable to find market housing in the National Park to purchase in the neighbouring LPA area instead.
53. Taking all these factors into account, I find it is very likely that adequate capacity exists across the HMA to meet the objectively-assessed need for housing arising in the National Park. Even if that is not the case, any shortfall is unlikely to be substantial and would not justify identifying additional capacity in the Park at the expense of its natural beauty, wildlife and cultural heritage.

Market signals and affordable housing provision

54. House prices in the National Park rose by over 300% between 1998 and 2012¹⁰. In 2014, the average (mean) house price in the Park was £279,000, compared with £261,000 for England and Wales and £240,000 for the South West region. This evidence that a location within the Park attracts a premium price is reinforced by comparing the average 2014 price there with those for North Devon (£228,000) and West Somerset (£234,000).
55. This means that house prices are unaffordable for many of the Park’s residents, with the ratio of average house price to average (mean) household income standing at around 10:1¹¹. Moreover, median incomes are substantially lower than the average, with around 45% of households on incomes of £20,000 or less¹². Because of this combination of high local house

¹⁰ *Exmoor National Park Annual House Price Survey 2012* (EX12). Figures after 2012 are calculated differently so do not compare with these.

¹¹ *Exmoor National Park Annual House Price Survey 2014* (EB30)

¹² CE9, p32 (figures are for the West Somerset part of the Park in September 2013)

prices and low income levels, around 60% of the overall housing need arising in the Park is for affordable housing¹³.

56. The PPG advises that upward adjustment to housing need assessments based on household projections may be required where there is evidence of affordability problems. However, that would not be an appropriate response in the Exmoor National Park context. In part that is because of the environmental constraints referred to above which mean that identifying additional capacity for housing would not be appropriate. Moreover, even if an upward adjustment were made, it is extremely unlikely that it would have the desired effect of making open-market housing more affordable. This is because of the latent demand that exists for open-market housing in the Park.
57. Data from 2000, before policies to prioritise affordable housing provision were adopted in the 2005 Local Plan, showed that only one in ten new open-market homes (not including second homes) went to people from within the Park¹⁴. Notwithstanding those policies, migration from the rest of the UK remains the main component of population change for Exmoor, accounting for a projected average of 79 new residents per annum¹⁵. From this evidence, it is reasonable to infer that the effect of increasing market housing provision on Exmoor would be to attract a greater number of relatively well-off residents from other parts of the country, rather than to reduce house prices to help meet local needs.
58. Consequently, the Plan proposes instead to continue the approach, established in the 2005 Local Plan, of giving priority to the provision of affordable housing. Policy HC-S1 advises, in broad terms, that new housing development will be permitted where it meets an identified local need for affordable housing, and that market housing will be permitted only where it is essential to deliver affordable housing, or to meet certain other defined needs.
59. In the particular circumstances of the National Park, I consider that in principle this is a sound approach, reflecting the guidance on the approach to housing in rural areas in NPPF paragraph 54. It gives priority to meeting the main component of local housing need – affordable housing – while also allowing for market housing development where it is required to meet specific needs. Whether this approach will be effective in securing housing delivery will be considered under the next sub-heading.
60. An alternative means of trying to provide more affordable housing, suggested in the PPG, would be to increase the market housing requirement and seek to secure additional affordable housing as a proportion of that increased market provision. But because of the limited capacity of the National Park for new housing development, that would not be an effective or acceptable strategy here.

¹³ EX31, p41

¹⁴ Local Plan p121

¹⁵ Figure derived from the 2012-based ONS population projections. See EB29 p37.

Housing delivery

61. As modified by MM27A-D, the Plan identifies a total housing need figure of 541 dwellings, with a focus on delivering the projected need for 238 affordable dwellings over the Plan period. However, it does not regard either figure as a housing requirement in the conventional sense. This is because of the particular approach to housing delivery which the Plan proposes for the Park. No sites are allocated for housing, and no development boundaries within which development would be acceptable in principle are defined. Instead, the expectation is that housing proposals will come forward as and when they are required to meet a specific local need.
62. This approach allows all development proposals to be treated as falling on rural exception sites (except where they involve the change of use or the redevelopment of vacant buildings in the named settlements). In its Housing Topic Paper [CE6], the Authority set out persuasive evidence to demonstrate that this approach is essential in order to keep land values at a level that makes possible the delivery of housing that is affordable to the National Park's residents. Were a more conventional approach to be adopted, the latent demand for market housing from people wishing to move to the Park would keep house prices out of reach for most existing residents.
63. The approach set out in the Plan is a further refinement of that adopted in the 2005 Local Plan. Policies in the latter plan which prioritise the delivery of affordable housing have brought about a steady increase in the number of affordable homes completed – 53 between 2011 and 2015 compared with 34 in the previous six years. Delivery of open-market housing, by comparison, has averaged about 13 dwellings a year since 2007, whereas numbers were significantly higher in previous years.
64. Policy HC-S1 is the key policy that sets out the Plan's approach to housing delivery. New housing development will be permitted where it addresses an identified local need for affordable housing¹⁶. However, market housing will only be permitted, in settlements, where its provision is essential in order to deliver local need affordable housing. In effect, this means that market housing provision will be permitted where it is needed to cross-subsidise affordable housing.
65. Some indication of what this may mean in practice is given in the *ENPA Whole Plan Viability Study* ["the Viability Study", CE12]. The table on page 44 shows that a roughly similar number of market homes is likely to be needed to subsidise any given number of affordable dwellings. The exact figure will depend on the size of the development and the type of affordable housing provided.
66. The Viability Study calculations assume that developments are self-financing. Where grants or other sources of subsidy are available, fewer or no market homes may be required to achieve a viable affordable housing development. But in view of the continuing reductions in grant funding for affordable housing, it is reasonable to assume that policy HC-S1 will facilitate a

¹⁶ I have amended both **MM28** and **MM34** in the light of consultation to ensure that the phrase "identified local need" is used consistently in the relevant policies.

continuing supply of new market housing alongside the affordable housing that is its principal objective. Thus I see no grounds to fear that the Plan will bring about an effective moratorium on market housing development in the Park.

67. As noted above, 53 affordable dwellings have been delivered in the first four years of the Plan period. Delivery at close to that rate will need to be maintained over the remaining 16 years if the level of local need indicated by the Plan's figure of 238 dwellings is to be met. This provides further justification for the increased priority that the Plan gives to affordable housing provision. Taking this into account together with the findings of the SHLAA and the Viability Study, there is a good prospect that the principal objective of meeting local affordable housing need will be achieved.
68. Nonetheless, while the Plan's approach to housing provision builds on the approach in the 2005 Local Plan, it is new and untested in its present form. I therefore consider that a mechanism should be built into the Plan to measure progress in achieving housing delivery and to trigger a review if adequate progress is not made. This is considered further under main issue 8 below.

Changes of use and vacant buildings

69. As explained above, residential development sites coming forward under the Plan's housing policies have the status of rural exception sites. This means that the national policy threshold, according to which affordable housing should not be sought on housing sites of five units or fewer in a National Park, does not apply to them¹⁷. Were the position otherwise, the ability of the Plan to deliver affordable housing would be severely compromised, as about 40% of the capacity identified in the SHLAA is on sites of five dwellings or fewer¹⁸.
70. As published, however, the Plan proposes an alternative approach towards housing provided through the change of use or redevelopment of existing buildings in Local Centres and Villages. A "Text Box" states that "as a variation" to policy HC-D1 (which deals with residential conversions in settlements), the national policy threshold will apply to such developments as long as it remains in force. The inclusion of the Text Box appears to reflect the belief that buildings subject to change of use or redevelopment cannot constitute rural exception sites.
71. The Text Box's lack of policy status, and its reference to its own provisions as "a variation" to policy HC-D1, leave the actual policy position unclear. Thus it is ineffective. More importantly, I see no basis for the distinction it makes between buildings subject to change of use or redevelopment, and other residential development sites. I have not been made aware of any policy statement or any other reason to show why all of these sites should not be treated as rural exception sites. The Authority now concur with this position. It is therefore necessary to delete the Text Box (**MM29**), as its inclusion renders the submitted Plan unsound. As a consequence of this deletion, policy HC-D6 is made redundant and so it is also deleted by **MM37**.

¹⁷ See PPG ID 23b-013-20160519

¹⁸ See EX11, Table 3

72. The vacant building credit provisions set out in the PPG specifically apply to the reuse or redevelopment of empty and redundant buildings on brownfield land¹⁹. The term "brownfield land" is used in the NPPF as an equivalent term to previously-developed land. I therefore consider that the PPG provisions do not apply to agricultural and other buildings on land that falls outside the definition of previously-developed land.
73. Nothing in the written ministerial statement [WMS] introducing the provisions²⁰, or in the January 2015 consultation proposals *Building more homes on brownfield land* [EX17], specifically contradicts this interpretation or states that the PPG provisions apply to agricultural buildings. The reference in the WMS to "consistency with exemptions from the community infrastructure levy" would apply with equal logic to redevelopment on previously-developed land only, as it would to redevelopment of any vacant building. The Planning Advisory Service [PAS] guidance *Changes to government policy (incorporating Nov 14 and Mar 15 changes)* [EX18] constitutes PAS's opinion only and has not been endorsed by DCLG.
74. The evidence shows that about 40% of overall housing provision, or 116 dwellings, in the National Park between 2005 and 2015 came from conversions and sub-divisions²¹. A further 73 dwellings, representing around 25% of the total provision, were built on previously-developed land. From this it is reasonable to infer that the reuse and redevelopment of vacant buildings will remain very important sources of housing supply during the Plan period. Ignoring any contribution towards affordable housing provision that could potentially come from these sources would not be justified, given the emphasis that the NPPF places on affordable housing provision in rural areas and the relative scarcity of development opportunities in the Park as a whole.
75. New policy HC-DX²² is therefore inserted by **MM30**. It permits principal residence market housing when vacant buildings in settlements are converted or redeveloped, but only if it has first been demonstrated that affordable housing provision is not viable. Other criteria deal with design issues and the tests, based on the PPG, that will be applied to ensure that the building is genuinely vacant. In order to ensure that smaller buildings remain available to provide affordable housing, including through individual self-build developments (see below), HC-DX specifies that market housing conversion schemes must be for at least two units. **MM28, MM34 & MM35** make necessary consequential changes to policies HC-S1, HC-D1 and HC-D2.
76. While policy HC-DX represents an exception to the vacant building credit provisions in the PPG, there is no reason to suppose that it conflicts with their overall objective of incentivising brownfield development. Since development opportunities in the National Park as a whole are so limited, there are already strong incentives to explore conversion and redevelopment opportunities. Moreover the policy does not seek to prevent the residential redevelopment of vacant buildings: it simply requires a prior test to assess whether affordable housing or principal residence market housing would be viable. Consequently

¹⁹ PPG ID 23b-021, 022 & 023-20160519

²⁰ *Written statement to Parliament, Small-scale developers*, 28 November 2014

²¹ EX11

²² To be renumbered when the Plan is adopted.

the policy's divergence from national policy and guidance would not undermine achievement of the latter's objectives and is justified by the particular local circumstances that exist in the National Park.

Principal residence housing

77. While the Plan's approach to affordable housing provision represents broad continuity with the approach of the 2005 Local Plan, submitted policy HC-S4 is a new departure. The policy requires that any new market housing development in the National Park must be provided as "principal residence" housing, to be occupied only as a person's sole or principal residence and not used as a second or holiday home. A similar policy appears in the Lynton and Lynmouth Neighbourhood Plan, made in 2013.
78. The rationale for the policy is that the proportion of second or holiday homes in the National Park, at 19%, is much higher than for the South West region (6%) or for England as a whole (4%). The Authority contend that this threatens the sustainability of local communities, citing the examples of Lynton and Lynmouth, one of the biggest settlements in the Park, in which the proportion of second homes is 28%²³, and Brendon, where 33% of homes have no usual residents and which has no convenience store. Other effects are said to include the closure of local schools and shops and a general decline in social well-being.
79. The consultation responses revealed general local support for the principle of the policy. As second and holiday homes are not a category of need for which the NPPF advises that provision should be made, the policy involves no specific conflict with national policy. Agents and developers who advised the Authority on the viability assessment of the Plan agreed that a 5% reduction in the value of new dwellings subject to the principal residence requirement would be likely. This would have a small positive impact on affordability and has been factored into the Viability Study calculations.
80. A legal opinion obtained by the Authority [EX01] advises that a proposed condition giving effect to the policy would meet the tests set out in NPPF paragraph 206. I see no reason to disagree with that opinion and there were no legal submissions to suggest that I should. Nonetheless, the submitted policy needs to be amended to make it clear that such a condition will be applied when principal residence housing is permitted, and to clarify the circumstances in which such permissions will be granted. This is achieved by **MM33**, which is necessary to make the policy effective. **MM34 & MM36** make necessary consequential changes to HC-D1 and HC-D3.

Human rights

81. It is necessary to consider the implications of the Human Rights Act 1998 for the housing policies of the Plan outlined above. Among other things, the Act incorporates into UK law the provisions of Article 8 to the European Convention on Human Rights, concerning respect for private and family life and for the home, and Article 1 of the First Protocol to the Convention, concerning the protection of property.

²³ Proportion of dwellings with no usual residents in Lynton and Lynmouth combined.

82. The Plan's policies prioritising the development of affordable housing, placing limits on the circumstances in which market housing may be brought forward, and specifying that all new market housing must be principal residence housing involve a degree of interference with the rights enshrined in those articles. However, having regard to the wider benefits of the policies in meeting the pressing need for affordable housing and in addressing the detrimental effects of the high proportion of second homes in the National Park, I consider that in each case the degree of interference is proportionate and justified in the public interest and in order to protect the rights and freedoms of others. Consequently I find that adoption of the Plan as modified would not lead to a breach of any Convention right.

Meeting the full range of housing needs

83. Policy HC-S2 requires that new housing provision should meet the needs of Exmoor communities by providing a mix of size, type and tenure. This general requirement is taken forward by specific policies providing for accessible and adaptable housing, dwellings for extended family members, custom and self-build housing and a range of specific rural housing needs. In this way the Plan fulfils the national policy requirement to plan for a mix of housing to meet the needs of different groups in the community, including people wishing to build their own homes. Moreover, the Plan's approach to affordable housing provision requires proposals to be closely tailored to meet particular local needs.
84. Policy HC-S3 sets out the local occupancy criteria that apply to new affordable dwellings in the National Park. In general they are reasonable and consistent with criteria applying to rural exception developments elsewhere in the country. However, the criterion defining how a work-related need will be assessed needs to be modified to ensure that it is clear and is not unduly restrictive. This is achieved by **MM32**, which makes it clear that the criterion will apply to both employed and self-employed workers, including those without a fixed workplace, provided they need the accommodation in order to carry out their work effectively. To make the policy fully effective, **MM32** also ensures that it accurately sets out the cascade mechanism that will apply when a property becomes vacant or is unlet.
85. The continuing trend towards an ageing population in the National Park means that there is a particular need for more accessible and adaptable dwellings. While their provision is encouraged by submitted policies HC-S2 and HC-D3, the level of need is such that a more positive policy approach is required. **MM31** therefore amends HC-S2 so as to ensure that in all developments of five or more dwellings, at least 20% are accessible and adaptable dwellings. This requirement was factored into the Viability Study.
86. **MM31** and **MM36** also make it clear that accessible and adaptable dwellings should meet Building Regulations optional requirement M4(2), in order to ensure that the policies comply with the advice in the PPG on optional technical standards. Corresponding amendments refer to optional requirement M4(3), to cover circumstances where the need for a wheelchair-user dwelling is demonstrated. **MM28** is required to ensure that policy HC-S1 recognises that needs may arise for affordable housing, as well as market housing, that is accessible and adaptable.

Housing in the open countryside

87. Policy HC-D7 and HC-D8 permit residential development in the open countryside where it is essential to meet a need for a rural worker or there is a demonstrated local need for affordable housing. In the latter case the development must involve the change of use of an existing building in a hamlet or on a farmstead: new build is not permitted. The policies also permit the provision on a farmstead of a succession farm dwelling to enable a younger person to take over the farm, and of accommodation for members of the extended family. No other categories of residential development are permitted.
88. I heard arguments that these policies should be relaxed to allow more new house-building, so that older rural residents could downsize and younger families could continue to live in the countryside close to their parents and other relatives. But any individual or social benefits that might arise from such relaxation would be outweighed by the threat it would pose to the landscape and scenic beauty of the National Park. In my view the policies strike the right balance between preserving the wildness and tranquillity of the Park and allowing development that meets critical needs.
89. NPPF paragraph 55 encourages the conversion of redundant or disused buildings in the countryside for housing in general, without the kinds of restrictions imposed by policy HC-D7. But because of the very limited scope for development across the National Park as a whole, those restrictions are needed to ensure that the small stock of rural buildings available for conversion is directed to meet the most critical needs.
90. In the absence of any significant demonstrated demand for low-impact developments in the National Park, I see no need for the Plan to include an additional policy to deal with this matter.

Dwelling sizes

91. The Plan seeks to achieve a more balanced housing stock by setting a size limit for most new dwellings. This is a continuation of the approach in the 2005 Local Plan which has seen more smaller homes coming forward in recent years. The dwelling size limit is an important element in the Plan's drive to keep down the cost of new housing so that it is affordable to local residents. It will also ensure that efficient use is made of the limited capacity for new development in the National Park. Given that there is already a wide range of larger houses in the Park²⁴, I see no grounds to suppose that the limit will harm the local economy by discouraging business people, for example, from settling there.
92. However, the specific limit of 90sqm set in submitted policy HC-S2 (and reflected in other relevant policies) is not based on the current national technical housing standards published by DCLG in 2015. **MM31** therefore amends it slightly so that it corresponds to the national standard of 93sqm for a two-storey, three-bedroom dwelling. That should be sufficient to meet most

²⁴ More than half of existing dwellings in the National Park have six or more habitable rooms. See EB29, Table 3.3.

housing needs that arise, but **MM31** also makes necessary provision for exceptions to the limit in certain circumstances. So that the benefits of the dwelling size limit are not eroded over time, it is necessary for relevant policies to provide for the withdrawal of permitted development rights for extensions to new dwellings. **MM39** is required to ensure that HC-D14 reflects the same approach.

93. There was particular criticism, both during the hearing sessions and in the consultation responses on the MMs, of the effect of the dwelling size limits on rural workers' and succession farm dwellings. Some of the consultation responses provided evidence, which I had not seen before, concerning the approach the Authority and others have taken to this matter in recent development management decisions.
94. Having considered all this material, I am persuaded that the particular needs of agricultural enterprises may, in some circumstances, justify an exception to the 93sqm size limit set for succession farm dwellings by policy HC-D10. Such exceptional provision is already made for rural workers' dwellings by policy HC-D9. Moreover, given that any increase over 93sqm must be justified by evidence, there is no substantial basis for the upper size limit of 120sqm which the reasoned justification to policy HC-D9 purports to set. To make the policies justified and effective in these respects, it is therefore necessary for me to amend **MM31** and to recommend new **MM37A, MM38A & MM38B**. **MM38** is needed to ensure that the policy test in HC-D9 is framed in appropriately neutral language.
95. In my view, the limits on the size of residential extensions set by HC-D15 are reasonable in order to maintain affordability and conserve the National Park's landscape and cultural heritage. However, clause 2(c) in the submitted policy, which would ban extensions to unauthorised dwellings that are immune from enforcement action, is not justified. It would be unreasonable to apply such a sanction to developments that are not subject to the Authority's normal enforcement powers. **MM40** is needed to excise both clause 2(c) and clause 2(a) which duplicates the provisions of other policies. With these modifications the policy is justified and effective.

Conclusion on Issue 3

96. Subject to the various MMs that I have identified as necessary, I conclude that the Plan will meet the full range of housing needs in the National Park.

Issue 4 – Are the Plan's policies to conserve and enhance the National Park, to respond to climate change and to manage resources justified, effective and consistent with national policy?

97. Conservation and enhancement of the seascapes of Exmoor, as much as of its landscapes, is necessary to ensure that the National Park's statutory purposes are met. This is not sufficiently recognised by policy CE-S1, as submitted, but **MM6** amends it to give equal consideration to seascapes and landscapes.
98. As modified by **MM6**, policy CE-S1 also specifies a number of important landscape and seascape attributes to which regard should be had when assessing the impact of development proposals. **MM22** adds to policy CC-S2 a cross-reference to policy CE-D1 (*Protecting Exmoor's Landscapes and*

Seascapes), to ensure there is no doubt that the latter policy's criteria apply to coastal development.

99. These modifications to CE-S1 and CC-S2, which reflect discussions and a Statement of Common Ground [HD1] between the Authority and the National Trust, are necessary to make the policies effective. **MM5 & MM7** amend policy CE-D1 and the reasoned justification to provide necessary additional detail on the circumstances in which a Landscape and Visual Impact Assessment is likely to be required to support development proposals.
100. As submitted, policy CE-S3 fails to distinguish adequately between the hierarchy of internationally, nationally and locally protected wildlife, biodiversity and geodiversity sites, as advised by NPPF paragraph 113. **MM8**, which I have amended in the light of Natural England's consultation response, rectifies this and gives appropriate protection to each category of site commensurate with its importance. It also ensures that the policy reflects the national policy approach of seeking first to avoid, then to mitigate, and only as a last resort to compensate for, harm to biodiversity.
101. Similarly, the requirements of policy CE-S4, as submitted, are somewhat unclear and inconsistent with advice in section 12 of the NPPF on the approach to development proposals affecting designated and non-designated heritage assets. **MM9** is therefore needed to ensure that the policy is fully effective and consistent with national policy, while **MM10** is needed to amend policy CE-D3 so that it correctly reflects section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
102. Policies CE-S5 and CE-S6 deal respectively with the conversion or structural alteration of existing buildings, and design and sustainable principles for construction generally. To ensure that they are fully effective, and consistent with national policy in encouraging good design while not imposing unreasonable requirements, a number of modifications are necessary. **MM13** ensures that the requirement in CE-S5 to provide environmental and visual enhancement only applies where necessary to deliver an overall acceptable scheme, rather than to all proposals to convert non-traditional buildings.
103. **MM15 & MM16** clarify which parts of CE-S6 apply to new-build, as opposed to all, development, and **MM16** removes the requirement for development proposals to incorporate energy-efficiency measures, as these are now covered by the Building Regulations. Finally, **MM11, MM12 & MM14** amend the reasoned justification to provide greater certainty on the approach that will be taken to proposals for conversions of traditional buildings, to proposals for residential conversions affected by dwelling size limits, and to the use of appropriate building materials.
104. **MM17** makes a small but necessary change to the punctuation of policy CE-D5 in order to ensure that the criteria protecting landscape character, local distinctiveness and the character and appearance of the area apply to all advertisement proposals.
105. Policy CE-S7 permits the opening of small quarries or the reworking of existing small quarries for building or roofing stone, subject to various criteria. In view of the potential harm to the environment of the Park from quarry workings and their associated traffic, I agree that the policy is justified in imposing a

prior requirement to demonstrate that the stone cannot be sourced sustainably from elsewhere and that it is needed to ensure that the built fabric of the National Park is not devalued.

106. In my view the references to "small-scale" quarries in the title and first line of policy CE-S7 helpfully clarify the policy's intentions. I see no real risk that a proposal which meets the policy requirement to be of a scale appropriate to its location would be refused on account of those references. However, **MM20** is necessary to amend policy CE-S9 (dealing with other mineral development proposals) to make it consistent with the requirements of other relevant policies, and thereby effective.
107. The deletion of policy CE-S8 and the corresponding text in the reasoned justification by **MM18 & MM19** is necessary in view of the risk of unnecessarily sterilising development opportunities through safeguarding all the former stone quarries in the National Park, of which there are very many. Neither Devon nor Somerset County Council, in their capacity as minerals planning authorities, objected to the deletion of the policy. Policies CE-S7 and CE-S8 provide adequate scope for any necessary mineral exploitation within the Park. **MM21** is necessary to make policy CE-D7 fully effective by clarifying the basis upon which the impact of interim development order permissions on local communities will be assessed.
108. As with policy CE-S7, I see nothing unsound in the references to "small-scale" in policies CC-S5 and CC-D4, and in the title of policy CC-D3. These are descriptive adjectives which improve the clarity of the policies without imposing any additional requirements over and above those contained in the policy criteria. However, the reference to "small-scale" in clause 1 of CC-D3 itself does need to be removed by **MM25**, as it is made redundant (and potentially confusing) by the specific height limit on wind turbines which is set by criterion 1(b). It is also necessary for **MM23** to delete the reference to "large-scale, commercial" development in part 2 of CC-S5, as it is unclear how that phrase is to be interpreted. It is sufficient to say that development which would not meet the criteria in part 1 will not be permitted.
109. For consistency with the WMS on wind energy development²⁵, policy CC-D3 needs to identify those areas of the National Park that are suitable for such development. This is achieved by **MM25**, which appropriately excludes the High Coastal Heaths and Open Moorland landscape character types from the areas regarded as suitable. To ensure consistency and effectiveness, **MM26** similarly excludes those areas from consideration for the development of solar arrays under policy CC-D4, while **MM24** amends the reasoned justification to bring it into conformity with national policy in the WMS.
110. It would be misleading to delete the word "small-scale" from clause 6 of policy CC-S6, where it refers to anaerobic digesters and waste management facilities on farms, since the requirements of other Plan policies make it highly unlikely that larger facilities would be acceptable in view of their environmental and traffic impacts. Nor it is necessary to extend the area from which the policy permits feedstocks and waste to be sourced: limiting this area to the National

²⁵ *Local Planning*, House of Commons Written Statement (HCWS42) made by the Secretary of State for Communities and Local Government on 18 June 2015.

Park and adjoining parishes provides reasonable scope to develop facilities on the scale envisaged by the policy.

111. **MM27** is necessary to provide adequate guidance on the circumstances in which policy CC-D5 would permit the use of septic tanks in new development schemes.
112. Subject to the recommended modifications outlined above, the Plan's policies to conserve and enhance the National Park, to respond to climate change and to manage resources are justified, effective and consistent with national policy.

Issue 5 – Does the Plan set out sound policies on achieving enjoyment for all?

113. While the tranquillity of Exmoor National Park is one of its most important characteristics, it is unreasonable for policy RT-S1, as submitted, to expect that all new recreation and tourism development will "underpin" the quiet enjoyment of the Park. Such a requirement, if applied literally, would block many otherwise acceptable development proposals. It is sufficient that such development should be "compatible" with the quiet enjoyment of the Park, and **MM48** accordingly substitutes that requirement.
114. Policy RT-D3 enables the owners of bed-and-breakfast establishments and guest houses to change the use of their premises to a principal residence dwelling, provided that it had originally been a single residential dwelling. This provides appropriate flexibility for these smaller establishments, whereas proposals to change the use of larger guesthouses and hotels (which are unlikely to be suitable for use as a single dwelling) must first meet viability and marketing criteria.
115. However, clause 1(b)(i) of RT-D3 would exclude any dwelling that was converted to a bed-and-breakfast or guest house before 1 July 1948 from benefitting from this policy provision. Imposing that cut-off date might be administratively convenient for the Authority but I see no justification for it in planning terms, or indeed in terms of natural justice. **MM49** therefore amends the policy so that the provision applies to any premises for which clear evidence can be provided that it was originally built as a single residential dwelling.
116. Policy RT-D4 is concerned with the change of use and conversion of buildings to self-catering accommodation. Clause 1(d) appropriately allows this to occur in connection with the diversification of a farm or other land-based business. However it is necessary to add a rider to the clause as submitted, to make it clear that any buildings so converted must be well-related to an existing group of buildings. Otherwise it would permit the conversion of isolated rural buildings, with negative consequences for the wildness and tranquillity of the National Park. Clarification is also needed to ensure that clause 2(b) is not misinterpreted in an unduly restrictive manner. These amendments to make the policy effective are achieved by **MM50**.
117. **MM51** amends policy RT-D6 to ensure that the policy approach to the provision of camping barns is clear and effective and does not duplicate the requirements of other policies.

118. Paragraph 8.105 of the Plan makes it clear that the Authority regard the former Lynton and Barnstaple railway as an important heritage asset and consider that, in order to further National Park purposes, its reinstatement should seek to replicate the original narrow-gauge railway as far as possible. Since the railway is part of the historic and cultural heritage of the Park, and its reinstatement would promote opportunities for the understanding and enjoyment of the Park's special qualities, I see no reason to disagree with that assessment.
119. In taking that view I acknowledge the concerns of those whose land lies on the original route of the railway, who would be directly affected by its reinstatement. However, I saw and heard nothing during the examination to persuade me that any harm to their livelihoods or living conditions arising from reinstatement would outweigh its benefits or make the Plan's support for it unsound. Nor did the evidence show that there are any fundamental technical or financial problems that would make reinstatement unviable.
120. Policy RT-D13 safeguards land along the routes of the former Lynton and Barnstaple railway and West Somerset Mineral Line for use as a footpath, cycle- or bridleway, or (in the case of the Lynton and Barnstaple railway only) for reinstatement for railway use. The potential acquisition of land by the railway trust and any restrictive covenants that may apply to that land are contractual matters that lie outside the scope of the examination.
121. Policy RT-S2 contains detailed criteria to ensure that reinstatement is carried out with the highest possible historical accuracy and that it responds to the Park's landscape character. New infrastructure and buildings will only be permitted where there is no reasonable alternative solution. I consider it unlikely, after hearing the evidence of the railway trust, that inauthentic, mock-historical reinstatement proposals will be put forward, but these policy provisions would provide effective safeguards should that occur.
122. Concerns about visitor traffic and parking are addressed by the policy's requirement for a travel plan to promote sustainable modes of transport and minimise traffic generation. However, as submitted the policy lacks any specific requirement to address any effects that reinstatement may have on biodiversity. **MM52** therefore rectifies that omission, ensuring that policy RT-S2 is justified and effective.
123. Subject to the necessary modifications identified above, therefore, the Plan sets out sound policies on achieving enjoyment for all.

Issue 6 – Does the Plan set out sound policies on achieving access for all?

124. NPPF paragraph 39 sets out guidance on the factors to be taken into account when setting local parking standards. It is clear from the evidence that the Authority have followed this guidance in devising the standards in Table 9.1, which are put into effect by policy AC-D3. However, the *WMS Planning update March 2015*²⁶ contains additional text to be read alongside NPPF paragraph 39. It advises that parking standards should only be set in local plans where there

²⁶ Written statement to Parliament, *Planning update March 2015* from Department for Communities and Local Government and the Rt Hon Eric Pickles MP, 25 March 2015.

is clear and compelling evidence that they are necessary to manage the local road network.

125. In the Exmoor National Park context, the use of local parking standards is justified by two factors: the historic character of many of the Park's settlements, which means there is limited highway capacity especially for on-street parking; and the high quality of the Park's landscape and of much of its built environment, which means that particular attention needs to be given to managing the parking associated with new development.
126. In accordance with the WMS, policy AC-D3 and Table 9.1 make it clear that the standards are to be used as a guide, rather than as setting rigid minimum or maximum levels of parking provision. However, paragraph 9.28 of the reasoned justification needs to be amended so that it is consistent with this approach, and to make it clear that a higher level of parking than indicated in the guide will be permitted where justified by evidence (**MM54**). To make it fully effective, policy AC-S3 also requires an amendment to clarify the circumstances in which replacement of car parking that is lost to development or coastal change, and provision of new small-scale parking facilities, will be permitted. That is achieved by **MM53**.
127. In stating that proposals for major and nationally significant electricity and telecommunications infrastructure will be "resisted", submitted policy AC-S4 conflicts with the guidance in NPPF paragraphs 116 and 154. This conflict is overcome by **MM55**, which makes it clear that policy GP2 (Major Development) will apply when such proposals are considered. **MM56** is necessary to make policy AC-D5 fully effective by clarifying that it seeks to prevent unacceptable adverse effects on sensitive habitats and wildlife or on the historic environment.
128. As submitted, policy AC-D6 is too inflexible in requiring that all new transmission lines must be routed underground except where this will conflict with other Plan policies. **MM57** is needed to allow for circumstances where underground routing is not possible, and to guide applicants to select the alternative with least environmental impact.
129. Subject to these modifications, the Plan sets out sound policies on achieving access for all.

Issue 7 – Does policy ES-S2 set out a sound approach to the relationship between the Plan and the Lynton and Lynmouth Neighbourhood Plan?

130. The Lynton and Lynmouth Neighbourhood Plan came into force in 2013. Section 38(5) of the *Planning and Compulsory Purchase Act 2004* requires any conflict between policies in the development plan to be resolved in favour of the policy in the last document to be adopted. This means that any conflict between the policies of the Local Plan, once it is adopted, and those of the Lynton and Lynmouth Neighbourhood Plan ("Lyn Plan") would need to be resolved in favour of the Local Plan policies.
131. Policy ES-S2 attempts to overcome this by stating that where policies in the Lyn Plan conflict with development management policies of the Local Plan, the conflict will instead be resolved in favour of the Lyn Plan in most cases. It is prompted by an understandable desire to ensure that the Lyn Plan's policies,

which were developed through significant effort on the part of the town council and the local community and were supported at a referendum, should continue to have full effect.

132. However, in attempting to achieve this, the policy conflicts with the fundamental legal principle that a policy in a development plan cannot disapply a statutory provision. Nor can it prescribe the circumstances in which a decision-maker must give greater weight to one given set of development plan policies than to another. Policy ES-S2 is therefore unsound and must be removed from the Local Plan by **MM58**.

133. It is, however, important to note that many of the policies of the Lyn Plan are unlikely to conflict with policies in the Local Plan. Those policies will be unaffected by the provisions of section 38(5). Moreover, it may well be that even the policies that are so affected could nonetheless potentially be capable of being a material consideration to weigh against determining future planning applications in strict accordance with the Local Plan policies. However, this is a matter to be considered by future decision-makers.

Issue 8 – Does the Plan make appropriate and effective provision for implementing and monitoring its policies and proposals?

134. When considering main issue 3 I noted that the Plan's approach to housing provision is new and untested in its present form. I therefore consider it necessary to recommend **MM59 & MM60**. These introduce new policy MI-S1, which would have the effect of triggering a full or partial review of the Plan if that is required to address a situation in which affordable housing delivery falls substantially below the level required to meet local needs. That would provide an adequate safeguard should the Plan's approach fail to meet its principal housing policy objective.

135. The new policy also introduces a requirement for a five-yearly review of the indicative affordable housing need figure and for a review of the Plan to be carried out should it increase by more than 20%. This is necessary to ensure that the Plan continues to meet housing needs. In the light of consultation I have added a definition of the term "existing level of provision" that appears in the policy, to ensure its effectiveness.

136. Taking into account the requirements of this new policy together with the comprehensive monitoring framework set out in Chapter 11 of the Plan, the Plan will make appropriate and effective provision for implementing and monitoring its policies and proposals.

Assessment of legal compliance

137. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that, with the recommended main modifications, the Plan meets them all.

| LEGAL REQUIREMENTS | |
|---|--|
| Local Development Scheme [LDS] | The Plan has been prepared in accordance with the Authority's LDS (April 2016). |
| Statement of Community Involvement [SCI] and relevant regulations | The SCI was adopted in August 2006. Consultation on the Local Plan and the MMs has complied with its requirements. |
| Sustainability Appraisal [SA] | SA has been carried out on the submitted Plan and the MMs, and is adequate. |
| Habitats Regulations Assessment [HRA] | The Habitats Regulations Appropriate Assessment [AA] Screening Report (May 2015) and Addendum (December 2016) set out why AA is not necessary. Natural England do not dissent from this. |
| National policy | The Plan complies with national policy except where indicated and MMs are recommended. |
| 2004 Act (as amended) and 2012 Regulations | The Plan complies with the Act and the Regulations except where indicated and MMs are recommended. |

Overall conclusion and recommendation

138. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. Those deficiencies have been explored in the main issues set out above.

139. The Authority have requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Exmoor National Park Local Plan 2011-2031 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Roger Clews

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Exmoor National Park Local Plan 2011-2031 - Main Modifications

The modifications below are expressed in the conventional form of ~~strike through~~ for deletions and underlining for additions of text.

The page numbers and paragraph numbering below refer to the Publication Draft version of the Local Plan [PDL], and do not take account of the deletion or addition of text.

| REF | PDL PAGE | POLICY/ PARAGRAPH | PROPOSED MAIN MODIFICATION |
|------|-------------|----------------------|---|
| MM1A | 6 | After para. 1.23 | <u>The policies in the Exmoor National Park Local Plan 2011 – 2031 (including Minerals and Waste Policies) and the Policies Map replace all the saved policies in the adopted Exmoor National Park Local Plan (including Minerals and Waste Policies) 2001-2011 and its associated Proposals Map.</u> |
| MM1 | 14 | After para. 3.3 | <p><u>Exmoor National Park’s special qualities are:</u></p> <ul style="list-style-type: none"> • <u>Large areas of open moorland providing a sense of remoteness, wildness and tranquillity rare in southern Britain</u> • <u>A distinct and diverse landscape of softly rounded hills and ridges, with heather and grass moors, spectacular coast, deeply incised wooded valleys, high sea cliffs, fast flowing streams, traditional upland farms and characteristic beech hedgebanks</u> • <u>A timeless landscape mostly free from intrusive development, with striking views inside and out of the National Park, and where the natural beauty of Exmoor and its dark night skies can be appreciated</u> • <u>A mosaic of habitats supporting a great diversity of wildlife including herds of wild red deer, rich lichen communities, rare fritillary butterflies, bats, and other species uncommon in southern Britain</u> • <u>A complex and rich historic landscape that reflects how people have lived in, used and enjoyed Exmoor over the past 8000 years, including prehistoric landscapes and monuments such as burial mounds on ridges and discrete stone settings, ancient farmsteads, hamlets, picturesque villages and historic estates</u> • <u>A deeply rural community closely linked to the land with strong local traditions and ways of life</u> • <u>A farmed landscape with locally distinctive breeds such as Red Devon cattle; Devon Closewool, and Exmoor Horn sheep; and herds of free living Exmoor ponies</u> • <u>An exceptional rights of way network, with paths that are often rugged and narrow in character, along with extensive areas of open country and permitted access, providing superb opportunities for walking, riding and cycling</u> • <u>A landscape that provides inspiration and enjoyment to visitors and residents alike</u> |

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| MM2 | 17 | Paras. 3.19 – 3.20 | <p>3.19 The paragraph below sets out four principles to underpin opportunities for the enhancement of the National Park and reflecting the first statutory purpose. It takes forward objectives in the Plan including to:</p> <ul style="list-style-type: none"> a) ensure that Exmoor’s moorlands remain open, remote and relatively wild in character; that views are preserved; b) conserve and enhance Exmoor’s landscapes as living working landscapes that remain predominately free from intrusive developments; c) ensure that the built tradition, character, distinctiveness and historic character of Exmoor’s settlements, buildings, farmsteads, landscapes, archaeological sites and monuments is conserved and enhanced and that the cultural heritage of Exmoor is protected through the careful management of development. <p>3.20 Principles for the enhancement of the National Park:</p> <ul style="list-style-type: none"> a) opportunities for enhancing the special qualities and valued features of the National Park should be identified and responded to. b) proposals to enhance the National Park should demonstrate a significant overall benefit to the natural beauty, wildlife and cultural heritage, including the historic environment, of the area and should not undermine the achievement of other Plan Policies. c) opportunities should be taken to enhance the National Park by the treatment or removal of intrusive structures or features in a way which conserves the special qualities or valued features of the site and its surroundings. d) opportunities which arise for the enhancement of natural resources, land (including contaminated land and the removal of pollutants) and access/transport should be taken. |

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| MM3 | 19 | Para. 3.26 | <p>The National Park Authority will therefore consider whether a proposed development is deemed to be ‘major’ on a case by case basis taking into account the potential impacts of the proposed development on: the National Park and in its local context</p> <p>a) <u>the local context – this should include taking into account the nature and sensitivity of the site, including landscape character and the size and form of any local settlements, as well as the degree of change over time in terms of the level and scale of past development; and</u></p> <p>b) <u>the potential harm to the natural beauty, wildlife and cultural heritage of the National Park by reason of its scale, character and nature. The decision will not be on the basis of likely impact after that harm is reduced through mitigation. The extent to which harm could be moderated will be considered as part of the assessment process.</u></p> |
| MM4 | 20 | Policy GP2 | <p>GP2 MAJOR DEVELOPMENT</p> <ol style="list-style-type: none"> 1. In the context of the National Park, major development is defined as development which has the potential to have a significant adverse impact on the National Park and its special qualities due to its scale, character and nature. 2. In securing National Park purposes and responding to the National Park’s duty to foster the social and economic wellbeing of its communities, applications for major development will not be permitted except in exceptional circumstances and only then following the most rigorous examination; where applicants can demonstrate that they are in the public interest. 3. Proposals for major development will need to demonstrate: <ol style="list-style-type: none"> a) the need for the development, including in terms of any national considerations; b) the impact of permitting it, or refusing it, upon the local economy and local communities and the extent to which it will provide a significant net benefit to the National Park; c) the cost of, and scope for, developing elsewhere outside the National Park, or meeting the need for it in some other way; d) that there are no significant effects on proposed or designated European sites for nature conservation both within their boundaries and in areas that ecologically support the conservation objectives of the site; e) any detrimental effect on the natural and historic environment, the landscape, and recreational opportunities, <u>including taking into account the National Park’s special qualities, and the extent to</u> |

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| | | | <p>which is any such effect could be moderated (through applying the avoidance, mitigation and compensation sequence of tests set out in clause 4 of this policy);</p> <p>f) that the cumulative impact of the development when viewed with other proposals and types of development is acceptable; and</p> <p>g) the scope for adequate restoration of the land once the use has ceased.</p> <p>4. Where the tests of clause 3 have been met, then every effort to avoid adverse effects will be required. Where adverse effects cannot be avoided, appropriate steps must be taken to minimise harm through mitigation measures. Appropriate and practicable compensation will be expected for any unavoidable effects that cannot be mitigated.</p> |
| MM5 | 36 | Para. 4.27 | <p>While often development can, and with care be accommodated in the landscape, other developments can potentially have unacceptable adverse impacts on landscape character and visual amenity due to their scale, massing, siting, materials, colour or arrangement and therefore could appear to be incongruous within Exmoor’s landscape. Potential impacts will vary on a case by case basis according <u>to</u> the type of development and the sensitivity of the surrounding landscape. Some of these effects may be minimised by addressing the particular landscape or visual amenity issues raised by a proposed development. <u>Environmental Impact Assessments (EIA) should also include Landscape and Visual Impact Assessments (LVIA). However, where an EIA is not required, applications which are considered to be significant in terms of scale and/or impact should provide a LVIA. Applicants will be advised at a pre-application stage whether a LVIA is likely to be required.</u></p> |
| MM6 | 37 | Policy CE-S1 | <p>CE-S1 – LANDSCAPE AND SEASCAPE CHARACTER</p> <p>1. The high quality, diverse and distinct landscapes and seascapes of Exmoor National Park will be conserved and enhanced.</p> <p>2. Development should be informed by and complement the distinctive characteristics of the:</p> <p>a) <u>Landscape Character Types and areas identified in the Exmoor National Park Landscape Character Assessment (LCA); and</u></p> <p>b) <u>Seascape character areas and types identified in the North Devon and Exmoor Seascape Character Assessment.</u></p> <p>3. Development proposals should also have regard to, and be appropriate in terms of impact with the conservation of significant landscape and seascape attributes, <u>including:</u></p> <p>a) <u>Section 3 Land;</u></p> |

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| | | | <p>b) <u>Heritage Coast;</u> c) <u>Landscape setting of Exmoor’s settlements;</u> d) <u>Historic field patterns and boundary features;</u> e) <u>Important trees, tree groups and orchards.</u></p> <p>4. Opportunities to conserve, enhance and restore important landscapes, <u>seascapes</u> and <u>their landscape characteristics as identified in the LCA</u>, including minimising existing visual detractions, will be encouraged.</p> |
| MM7 | 38 | Policy CE-D1 | <p>CE-D1 PROTECTING EXMOOR’S LANDSCAPES AND SEASCAPES</p> <p>1. Development will be permitted where it can be demonstrated that it is compatible with the conservation and enhancement of Exmoor’s landscapes and seascapes through ensuring that:</p> <p>a) the visual impact of the development in its immediate and wider setting is minimised through high quality design that reflects local landscape character with particular regard to scale, siting, materials, and colour; and</p> <p>b) the cumulative and/or sequential landscape and visual effects of development do not detract from the natural beauty of the National Park and the experience of tranquillity.</p> <p>2. Within Exmoor’s Heritage Coast development should be appropriate to the coastal location and conserve the undeveloped nature of the coast consistent with Heritage Coast purposes.</p> <p>3. Landscaping schemes should reinforce local landscape or seascape character and where these are required, conditions will be attached to protect important landscape characteristics and elements and whether appropriate replacement or additional landscape elements will be required.</p> <p>4. Proposals which are considered to be significant in terms of scale and/or impact should provide a professional landscape appraisal <u>Landscape and Visual Impact Assessment</u> as part of the application submission.</p> |
| MM8 | 51 | Policy CE-S3 | <p>CE-S3 BIODIVERSITY AND GREEN INFRASTRUCTURE</p> <p>1. The conservation and enhancement of wildlife, habitats and sites of geological interest within the National Park will be given great weight.</p> <p>2. Development delivery, management agreements and positive initiatives will conserve, restore and re-create priority habitats and conserve and increase priority species identified for Exmoor in the Exmoor Wildlife Research and Monitoring Framework (or successor publication).</p> |

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| | | | <p>3. Sites designated for their international, national or local importance, <u>priority habitats, priority or protected species, ancient woodland, and or veteran trees</u> will be protected from development likely to have direct or indirect adverse effects <u>including on their conservation objectives including notified features, and ecological functioning of cited habitats and species.</u> <u>Protection will be commensurate with their status, giving appropriate weight to their importance, in accordance with the following principles:</u></p> <p>a) <u>Development likely to have a significant effect on any internationally designated site either directly or indirectly, including on features outside the designated site which support the ecological functioning of cited habitats and species, will not be permitted unless it can be ascertained that the development will not have an adverse effect on the integrity of the site.</u></p> <p>b) <u>Development likely to have an adverse impact on the notified special interest features of nationally designated sites will not be permitted. An exception will be made only where the benefits of the development, at that site, clearly outweigh both the impacts it is likely to have on the special interest features of the designated site and any broader impacts on the network of nationally designated sites.</u></p> <p>c) <u>Development likely to cause harm to legally protected species, or lead to the loss of or damage to their habitats, will not be permitted unless this can be mitigated or then offset so that local populations are at least maintained.</u></p> <p>d) <u>Development likely to adversely affect local sites designated for their wildlife will not be permitted, unless it can be demonstrated that the need for, and benefits of, the development clearly outweigh the loss of biodiversity.</u></p> <p>e) <u>Development likely to adversely affect priority species and habitats must be avoided wherever possible (subject to the legal tests afforded to them) unless the need for, and the benefits of the development are exceptional and clearly outweigh the loss of biodiversity.</u></p> <p>f) <u>Development resulting in the loss or deterioration of irreplaceable ancient woodland (including ancient semi-natural woodland and plantations on ancient woodland sites) and veteran trees, will not be permitted unless the need for and the benefits of the development are wholly exceptional and clearly outweigh the loss of biodiversity.</u></p> |

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| | | | <p>4. Regionally important geological sites (RIGS) will be safeguarded for their geological and geomorphological interest.</p> <p>5. Where, in exceptional circumstances <u>and following an assessment against clauses 1, 2, 3 (b)-(f) and/or 4 above where required</u>, the wider sustainability <u>need for and</u> benefits of the development are considered to outweigh the harm to habitats, species or the geological interest of sites, then measures will be required to first avoid such impacts, and if they cannot be avoided, then to mitigate damage harm <u>and or, as a last resort, to provide appropriate compensatory measures.</u></p> <p>6. The enhancement of biodiversity and creation of multi-functional green infrastructure networks at a variety of spatial scales, including cross-boundary connectivity to areas adjacent to the National Park, that help support ecosystem services will be encouraged.</p> <p>7. Opportunities will be promoted for habitat management, restoration, expansion that strengthens the resilience of the ecological network, and enables habitats and species adapt to climate change or to mitigate the effects of climate change.</p> <p>8. Green infrastructure that incorporates measures to enhance biodiversity, including matrix dispersal <u>dispersal</u> areas identified within the ecological network, should be provided as an integral part of new development.</p> |
| MM9 | 57 | Policy CE-S4 | <p>CE-S4 CULTURAL HERITAGE AND HISTORIC ENVIRONMENT</p> <p>1. Exmoor National Park’s local distinctiveness, cultural heritage, and historic environment, will be conserved and enhanced to ensure that present and future generations can increase their knowledge, awareness and enjoyment of these special qualities.</p> <p>2. H-Development proposals affecting <u>Development proposals affecting</u> heritage assets (identified on the Exmoor National Park Historic Environment Record) and their settings, will be considered in a manner appropriate to their significance including:</p> <p>a) designated conservation areas, scheduled monuments, listed buildings, and registered historic parks and gardens; and</p> <p>b) non-designated heritage assets that are of equivalent significance to scheduled monuments, including those that may be discovered in the future;</p> |

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| | | | <p>b) e) locally important historic sites and features, and <u>including</u> (d) Principal Archaeological Landscapes.</p> <p>3. Development proposals should make a positive contribution to the local distinctiveness of the historic environment and ensure that the character, special interest, integrity, and significance of any affected heritage asset and its setting is conserved and <u>or</u> enhanced.</p> <p>4. Development proposals likely to affect heritage assets <u>and/or the setting of heritage assets</u> should be supported by a desk-based assessment <u>appropriate to their significance</u>. and i <u>In appropriate certain</u> cases, developers will be required to arrange for archaeological field <u>or historic building</u> evaluations – these should be prepared in accordance with the Conduct of Archaeological Work and Historic Building Recording within Exmoor National Park (Annex 1).</p> <p>5. Where development proposals are likely to cause <u>will lead to substantial harm to, or total loss of significance of, a designated heritage asset, significant harm to or loss of designated heritage assets or assets of national significance,</u> permission will be refused.</p> <p>6. Adverse impacts on locally important heritage assets <u>and/or their settings</u> should be avoided. Where proposals are likely to cause <u>substantial</u> harm to or loss to <u>of</u> locally important assets, permission will only be granted in exceptional circumstances where the public benefit outweighs the asset’s historic or archaeological interest, <u>having regard to the scale of any harm or loss and the significance of the heritage asset</u>. The features of interest should be preserved in situ, but where this is not justifiable or feasible, provision must be made for appropriate preservation by record.</p> <p>7. Development proposals should positively reinforce the historic character of Exmoor’s settlements through reflecting the traditional vernacular architecture and enhancing local distinctiveness.</p> |
| MM10 | 60 | Policy CE-D3 | <p>CE-D3 CONSERVING HERITAGE ASSETS</p> <p>1. Conservation Areas</p> <p>Development proposals affecting Conservation Areas should ensure that:</p> <ul style="list-style-type: none"> a) the character and <u>or</u> appearance of the area are preserved or enhanced; b) they deliver high quality design and incorporate materials that reflect the scale, architectural quality and detailing of the area. <p>2. Principal Archaeological Landscapes</p> |

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| | | | <p>Development proposals affecting Principal Archaeological Landscapes (PALs) should be well related to existing development and of a scale and form that will not cause unacceptable adverse effects on the significance, integrity or context of the PAL as a whole or its individual components.</p> <p>3. Heritage Assets and their Settings</p> <p>Development proposals affecting a heritage asset and its setting should demonstrate:</p> <ul style="list-style-type: none"> a) a positive contribution to the setting through sensitive design and siting; b) the promotion of the understanding and enjoyment of the heritage asset and its setting or better reveal its significance and appreciation of the setting; and c) avoidance of unacceptable adverse <u>effects</u> and cumulative visual effects that would impact on the setting. <p>4. Heritage Assets and Climate Change</p> <p>Development proposals affecting heritage assets that are required to adapt to, or mitigate the effects of, climate change will be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> a) measures to adapt to climate change will safeguard the heritage asset over the longer term, and conserve their special interest; or b) measures to mitigate the effects of climate change will not harm the special interest or appearance of the heritage asset. <p>5. Redundant Heritage Assets and Assets at Risk</p> <ul style="list-style-type: none"> a) development proposals that seek to bring heritage assets, that are redundant or at risk, into a viable use in ways that are consistent with their long term conservation will be encouraged; and b) proposals should be consistent with policy CE-S4 Cultural Heritage and Historic Environment and CE-S5 Principles for the Conversion or Structural Alteration of Existing Buildings to ensure they continue to positively enhance local character and distinctiveness. |
| MM11 | 62 | Para. 4.121 | <p>Where a traditional building is regarded as structurally <u>unsound</u> unsatisfactory for conversion, i.e. if or would require <u>substantial reconstruction</u>, extension or alteration is proposed or where the building is derelict, has no roof or is structurally unsound; the proposal will be classified as a ‘new build’ rather than ‘conversion’ and will need to accord with the relevant policies set out in this Local Plan. Such proposals should still seek to retain the embodied energy in the building and the historic fabric of the structure. It may be preferable for some</p> |

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| | | | ruined buildings to remain <u>as ruins</u> with measures in place to stabilise their structure where they are of landscape or historic value. |
| MM12 | 63 | Para. 4.125A | <p><u>4.125A In terms of the conversion of buildings to a residential use, it is recognised that the floorspace of existing buildings will occasionally be larger than the required gross internal area for certain occupancy restrictions (HC-S2 A Balanced Housing Stock). Where the proposed gross internal area exceeds the policy requirement, the application should demonstrate how the following points have been considered:</u></p> <ul style="list-style-type: none"> a) <u>The desirability of converting all the existing structure in terms of achieving conservation and enhancement of the building and its setting.</u> b) <u>Whether the building can be converted to more than one dwelling unit.</u> c) <u>Whether part of the building can remain unconverted, or used as ancillary storage/garaging to ensure the habitable space does not exceed the required gross internal area.</u> <p><u>For any dwelling with a floor space restriction, but particularly local affordable dwellings, any increase in the gross internal area should be reasonable in relation to the policy requirement, as the size of the dwelling will have a substantial bearing on its value and affordability over the longer term.</u></p> |
| MM13 | 65 | Policy CE-S5 | <p>CE-S5 PRINCIPLES FOR THE CONVERSION OR STRUCTURAL ALTERATION OF EXISTING BUILDINGS-</p> <ol style="list-style-type: none"> 1. The conversion or structural alteration of any existing building will be permitted where the proposal: <ul style="list-style-type: none"> a) accords with the relevant policies in this Plan in terms of the intended use; b) clearly demonstrates that the building is capable of conversion without substantial reconstruction; c) is suitable for the existing building in terms of the intended use and the intensity of that use, in relation to its capacity, structure and character without substantial alteration; where the conversion of a building relates to a change of use to a dwelling, sufficient curtilage space should be provided where the delineation of this space would not individually or cumulatively result in harm to the character of the building or its setting; and d) <u>maintains or replaces any existing bat and barn owl roosts</u> are maintained or replaced. 2. In addition to clause 1, proposals for the conversion or structural alteration of traditional buildings, should also: <ul style="list-style-type: none"> a) ensure the historic fabric, and architectural interest of the building and its setting including the retention of existing traditional and historic features are conserved and enhanced; <u>and</u> |

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| | | | <p>b) reflect the character and significance of the building and conserve its traditional appearance through sensitive design and the use of traditional materials, detailing and construction principles; and</p> <p>3. 4. <u>Conditions will be attached to remove permitted development rights granted by the General Permitted Development Order 1995 to ensure the character and appearance of traditional buildings are conserved.</u></p> <p>4. 3. <u>In addition to clause 1, proposals for the conversion or structural alteration of non-traditional buildings, will only be considered <u>permitted</u> if traditional buildings are demonstrated to be incompatible with the intended use or no such buildings are present, and where:</u></p> <p>a) the building is of permanent and substantial construction; and</p> <p>b) measures to provide <u>environmental and visual enhancement to the building and/or its setting are incorporated into the proposals where necessary to deliver an overall acceptable scheme.</u></p> |
| MM14 | 69 | Paras. 4.153 – 4.154 | <p>4.153 The treatment of individual design elements is of critical importance to a successful overall design and should be considered once the character of an area has been assessed and key principles of scale, massing and form have been addressed. The use of materials and detailing of elements such as doors and windows will have a significant bearing on how well a new development complements its surroundings. The National Park Authority will seek to ensure that such detailing will enhance the design of the development in a style and arrangement which contributes to and strengthens the local character. The National Park Authority expects that windows and doors should be constructed of timber since this is a both a traditional and sustainable material which has the potential to be grown locally. Timber detailing (windows, doors, weatherboards etc.) when in hardwood or pre-treated, can <u>also</u> be repaired and have a long lifespan. There are examples of wooden windows on Exmoor which have lasted for well over 100 years. Metal-framed windows may be considered where it is clearly part of the local character of the area or reflects the elements of an original building to be replaced.</p> <p>4.154 Some building materials are not considered appropriate in the National Park for aesthetic and environmental reasons, <u>meaning that they can appear incongruous when used in traditional buildings or historic settings and can erode the character and appearance of the building, local area or street scene. For example, as well as the surface finish, some uPVC window and conservatory</u></p> |

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| | | | <p><u>designs can also have much thicker, unmoulded frames than timber, and the designs and detailing (applied glazing bars, joints, non-traditional forms of openings and/or wider frames for opening elements in comparison with the fixed panes) are for the most part limited in terms of being effective replacements for traditional timber designs. The Authority wishes to see the use of timber for window frames as the primary approach to fenestration. However, uPVC window frame / conservatory design has improved and some products now have a closer resemblance to the character, profile and appearance of a traditional timber window. Such Alternative materials may be considered in exceptional certain circumstances for non-traditional buildings in areas outside Conservation Areas (e.g. in the case of some minor extensions to, or replacement windows in, post-war/non-traditional buildings) where existing materials and the age, form and setting of the building may indicate such consideration). Particular attention will paid to the fenestration of the principal elevation of any building as well as any elevations which are publicly visible. It will be necessary to demonstrate that a non-timber window or conservatory would have the same high quality appearance as a traditional timber one - that the design and form has a character and appearance that complements the building: the frame and glazing bars are slim; each pane is individually glazed; the openings operate in a traditional form (including sliding sashes where that form of window is proposed); and the frame and glazing bars have appropriate mouldings. The design must be of the highest quality and the proposal will not where it can be demonstrated that there will be no adversely impact on local character or heritage assets and their settings (CE-S4), and the design is of the highest quality.</u></p> |
| MM15 | 70 | Para. 4.162 | <p>Policy CE-S6 applies to all types of development (<u>new build and conversions</u>) except agricultural and forestry buildings; the design aspects of which will be considered under policy SE-S4 (Agricultural and Forestry Development). In relation to the conversion of existing buildings proposals should <u>also</u> accord with the principles set out in policy CE-S5.</p> |

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| MM16 | 71 | Policy CE-S6 | <p>CE-S6 DESIGN AND SUSTAINABLE CONSTRUCTION PRINCIPLES</p> <p>1. Development proposals should deliver high quality sustainable designs that conserve and enhance the local identity and distinctiveness of Exmoor’s built <u>and historic</u> environment and landscape character and in doing so applicants will be expected to demonstrate the following design principles:</p> <ul style="list-style-type: none"> a) All <u>new build</u> development should positively contribute to its setting in terms of siting, massing, scale, height, orientation, density and layout. b) The materials and design elements of a <u>new building or conversion of an existing building</u>, should complement the local context through the use of traditional and natural sustainable building materials. The use of locally-sourced sustainable building materials will be encouraged. c) Design should reinforce landscape character and the positive arrangement of landscape features through planting and landscaping schemes, boundary treatments, and surfacing. Existing features such as trees, hedges and stone walls should be retained particularly where they are characteristic of the streetscape and/or the local area. d) Design should have regard to health and well-being and ensure that sufficient public and/or private space is provided or available, and footpaths and cycleways are incorporated where appropriate. e) The design and layout of new development should have regard to improving safety, inclusivity and accessibility for those who live, work and visit there. f) The layout and design of new streets and associated infrastructure, required as part of <u>new build</u> development proposals, should respond to local character and the scale, and proportions of the historic street pattern. Opportunities for streets to be used as social spaces will be encouraged. g) The use and activity of the new development should not detrimentally affect the amenities of surrounding properties and occupiers including overlooking, loss of daylight, overbearing appearance, or other adverse environmental impacts. <p>2. Proposals for new development should also demonstrate how they will incorporate sustainable construction methods that:</p> <ul style="list-style-type: none"> a) promote the sustainable use of resources; b) reduce carbon emissions by improving or generating energy efficiencies including through |

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| | | | <p>renewable and low carbon technologies (CC-S5)</p> <p>e) Future proof against climate change impacts in accordance with CC-S1; and</p> <p>d) Provide adequate storage for recycling waste.</p> <p>2. <u>To incorporate sustainable construction methods, proposals should:</u></p> <p>a) <u>promote the sustainable use of resources;</u></p> <p>b) <u>provide adequate access to and storage for recycling waste; and</u></p> <p>c) <u>future proof against climate change impacts, including flood risk, in accordance with CC-S1.</u></p> <p>3. <u>Proposals that reduce carbon emissions further than required by Building Regulations, including through improving energy efficiency or through renewable and low carbon technologies (CC-S5), will be encouraged.</u></p> |
| MM17 | 74 | Policy CE-D5 | <p>CE-D5 ADVERTISEMENTS AND PRIVATE ROAD SIGNS</p> <p>1. Advertisements, and private road signs will only be permitted where it can be demonstrated that in the interests of amenity:</p> <p>a) the proposal represents a joint or / community advertisement or sign; or (b) the advertisement is located on, or is well related to the building that is used for the business or attraction; and</p> <p>b) e) there will be no adverse individual, cumulative, or sequential impact on landscape character and local distinctiveness of the locality; and</p> <p>c) d) the size, scale, colour and siting are appropriate and the materials and design are of a high standard which conserve or enhance the character and appearance of the area.</p> <p>2. The proposal should have no detrimental impact on public safety.</p> <p>3. Opportunities to enhance existing buildings or the landscape through consolidating, redesigning or removing existing advertisements / signage will be encouraged.</p> |

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| MM18 | 77-78 | Para. 4180 | <p>MINERALS SAFEGUARDING AREAS</p> <p>In accordance with Government policy¹⁵¹, t The National Park Authority has <u>not</u> defined Minerals Safeguarding Areas¹⁵¹, which are known locations of specific minerals resources of local and national importance, and are identified to ensure that they are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked. However, there is no presumption that applications to extract the mineral resources defined in Minerals Safeguarding Areas will be granted permission. Neither does a Minerals Safeguarding Area automatically preclude other forms of development. What it does, is draw attention to the presence of important mineral resources and make sure that they are adequately and effectively considered in land use planning decisions. Within the National Park the safeguarded minerals are sources of <u>the local resource of building stone as are identified in the Building Stone Atlas of Somerset and Exmoor¹⁵² and include consist of a large number of small derelict building stone quarries. While a few of these derelict quarries may retain the appearance of a quarry, many others will have been reclaimed by vegetation or in-filled. Policy CE-S8 will be applied in all decisions where an application for non-mineral development is proposed within defined Minerals Safeguarding Areas (see Map 4.3). In the National Park, the need for minerals safeguarding is not considered to be as significant as it is in locations with higher expectations of mineral working and general development. Since new development in the National Park is extremely limited and the demand for local building stone is low, there is very little risk of sterilising the available mineral resource given the extent of the resource across the National Park.</u></p> |
| MM19 | 78 | Policy CE-S8 | <p>CE-S8 MINERAL SAFEGUARDING AREAS</p> <p>1. Development proposals for non-mineral development within minerals safeguarding areas will be permitted where it will not compromise the future extraction of important building stone at existing or former quarries unless:</p> <p>a) the mineral can be extracted satisfactorily prior to the development taking place; or</p> <p>b) the development is of a temporary nature, can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or</p> <p>c) there is an overriding need for the development.</p> |

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| MM20 | 79 | Policy CE-S9 | <p>CE-S9 MAJOR MINERAL EXTRACTION DEVELOPMENT</p> <ol style="list-style-type: none"> 1. Proposals for large scale mineral extraction development, other than that permitted by policies CE-S7 and CE-D7, will not be permitted in the National Park unless in exceptional circumstances, Such proposals will be considered against the major development tests set out in policy GP2: major development, and should be <u>and where they are demonstrated to be in the public interest before being allowed to proceed in accordance with the tests set out in policy GP2 Major Development.</u> 2. If the tests for major development are met, the development and all restoration will be subject to a planning obligation to ensure: <ol style="list-style-type: none"> a) the development should be carried out to high environmental standards and respond to the local landscape character including its natural topography; b) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; c) any waste materials from extraction <u>the mineral development</u> will be re-used or recycled <u>consistent with CC-S6 Waste</u>; and d) a scheme for restoration and after-use of the site should be submitted with the application to ensure it will be carried out to high environmental standards based upon conservation and enhancement of landscape character, geodiversity and biodiversity, and the historic environment. |
| MM21 | 79 | Policy CE-D7 | <p>CE-D7 INTERIM DEVELOPMENT ORDER PERMISSIONS</p> <ol style="list-style-type: none"> 1. Interim Development Order permissions will be subject to an environmental impact assessment that will determine a set of comprehensive conditions in order to mitigate and control any adverse impact on the National Park’s landscape, wildlife, geodiversity, cultural heritage, other special qualities, its enjoyment, <u>or the health and amenity of local communities,</u> of Exmoor and to ensure satisfactory restoration and after-care of the site. Particular regard will be paid to: <ol style="list-style-type: none"> a) the visual impact on the landscape; b) the potential effect on ecological, archaeological and historical features; c) the potential effect on the amenity of local communities or visitors in terms of noise, disturbance, and pollution (including light and dust) and the quiet enjoyment of the National Park; |

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| | | | <p>d) the potential impact on the recreational use of the area;</p> <p>e) hours of operation; and</p> <p>f) access, traffic generation and highway safety.</p> |
| MM22 | 89 | Policy CC-S2 | <p>CC-S2 COASTAL DEVELOPMENT</p> <p>1. Proposals for development should avoid areas at risk from coastal change, ensure they are compatible with the latest Shoreline Management Plan and available coastal vulnerability data, and where necessary undertake a vulnerability assessment. Development that would increase the risk of coastal erosion will not be permitted.</p> <p>2. Development will be permitted at the coast only where it has been demonstrated that it:</p> <ul style="list-style-type: none"> a) is located in a named settlement (GP3) or requires a coastal location; b) is not within an area identified at risk of coastal change including Coastal Change Management Areas unless it is essential infrastructure or sea defences which clearly require such a location and there are no alternative solutions; c) is appropriate to the setting and character of the coastline (CE-S1, CE-D1) and does not adversely affect coastal interests including coastal biodiversity and heritage assets; and d) does not increase risk to life or property, or affect the natural coastal processes at any part of the coastline both within and outside of the National Park. |
| MM23 | 102 | Policy CC-S5 | <p>CC-S5 LOW CARBON AND RENEWABLE ENERGY DEVELOPMENT</p> <p>1. Development proposals for small scale renewable energy schemes that assist in contributing towards reducing greenhouse gas emissions and moving towards a carbon neutral National Park will be supported <u>permitted</u> where they:</p> <ul style="list-style-type: none"> a) contribute towards meeting domestic, community or business energy needs within the National Park; b) are compatible with the landscape and seascape character of the locality and avoid the most sensitive landscapes; c) do not compromise the natural beauty, wildlife, cultural heritage or historic environment of the National Park, or lessen the enjoyment of its special qualities, either on their own, or in a |

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| | | | <p>combination with other schemes;</p> <p>d) do not adversely affect habitat quality or the maintenance of wildlife populations;</p> <p>e) provide environmental enhancement or community benefits wherever possible;</p> <p>f) conserve the amenity of the area including in relation to landscape and visual impact, tranquillity, access and recreation, air and water quality, noise, dust, odour and traffic generation; and</p> <p>g) make provision for the removal of the facilities and reinstatement of the site, should it cease to be operational.</p> <p>2. Proposals for large scale, commercial renewable energy development <u>that do not meet the criteria in (1) above, will not be permitted.</u></p> |
| MM24 | 103 | Para. 5.98 | <p>In order to judge whether the potential impacts of a proposal are likely to be acceptable, applicants should consider the impacts of the wind turbine along with any required infrastructure, such as road access, on site-tracks, turbine foundations, hard standings, anemometer masts, a construction compound, electrical cabling and an electrical sub-station and control building. Some of these features are permanent and others are required only in the construction phase and as such are temporary. Applications should include any necessary supporting information regarding the assessment of impacts on landscape, wildlife, cultural heritage, historic environment and other resources as set out under the issues to be considered in proposals for renewable energy development (CC-S5) paragraphs 5.65 to 5.94. <u>Applicants will be expected to demonstrate that, following consultation, the planning impacts identified by affected local communities and ‘communities of interest’ such as users of the National Park have been fully addressed and therefore the proposal has their backing^x. Proposals within any areas of search allocated in a Neighbourhood Plan will be considered to have the backing of that local community.</u></p> <p><i>Insert footnote:</i></p> <p>^x <u>House of Commons (2015) Written Statement (HCWS42) made by Secretary of State for Communities and Local Government on 18 June 2015. Local Planning (wind energy development)</u></p> |
| MM25 | 104 | Policy CC-D3 | <p>CC-D3 SMALL SCALE WIND TURBINES</p> <p>1. Proposals for individual wind turbines serving individual properties of groups of properties will only be permitted where they are small scale and:</p> |

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| | | | <ul style="list-style-type: none"> a) <u>they are sited within suitable areas of the National Park, excluding Landscape Character Types A: High Coastal Heaths and D: Open Moorland as shown on the Policies Map;</u> b) <u>a) they are appropriate in scale to the property being served, with a maximum height of 20m to rotor tip;</u> c) <u>b) there is no unacceptable landscape or visual impact including cumulative impacts; and any residual impacts are minimised by locating the turbine close to any associated development or features and by screening and colour of the turbine;</u> d) <u>e) there is no unacceptable adverse impact on tranquillity or amenity including the effects of shadow flicker and noise on nearby properties or access routes;</u> e) <u>d) the location does not conflict with the use of the area for recreation and access, and public safety is not compromised; and</u> f) <u>e) access to the site for construction and maintenance can be provided without damage to rural roads or historic bridges and fords.</u> |
| MM26 | 105 | Policy CC-D4 | <p>CC-D4 FREESTANDING SOLAR ARRAYS</p> <p>1. Small scale freestanding solar arrays to serve the needs of individual properties, groups of properties, community buildings such as village halls, agricultural properties or other businesses will be permitted where:</p> <ul style="list-style-type: none"> a) <u>they are sited within suitable areas of the National Park, excluding Landscape Character Types A: High Coastal Heaths and D: Open Moorland as shown on the Policies Map;</u> b) they are appropriate in scale and in proportion to the size of the property they are intended to serve; c) they are suitably sited and screened to avoid any intrusive visual or landscape impact, and where they are clearly associated with the buildings or properties that they are intended to serve; d) they are sensitively sited to avoid impacts on wildlife and land of high ecological interest; e) the design, colour and choice of materials minimises any visual impact; and f) they do not detract from the <u>harm the significance and</u> setting of listed buildings or other heritage assets, or cause damage to archaeological interests. <p>2. Proposals for ground mounted solar arrays that are sited in isolation away from existing built forms will</p> |

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| | | | not be permitted. |
| MM27 | 113 | Policy CC-D5 | <p>CC-D5 SEWERAGE CAPACITY AND SEWAGE DISPOSAL</p> <ol style="list-style-type: none"> 1. Development proposals for, or which require new or extended sewerage infrastructure, will be permitted where it can be demonstrated that the facility will pose no unacceptable harm to public health, amenity or environmental quality. The following criteria must also be satisfied: <ol style="list-style-type: none"> a) the appropriate location, scale and design of the infrastructure (CE-S6); b) the use of necessary mitigation measures (including climate change resilience measures), to avoid impacts on surrounding areas including noise, air, soil and water pollution, odour, litter, visual intrusion, and other disturbances; and c) connection to a public mains sewer, where available and physically possible. Where existing capacity is insufficient, proposals should contribute to an integrated and adequate network of <u>this is not the case, proposals for non- mains sewerage should first consider a combined sewage treatment system installation, sufficient to meet the needs of existing and proposed development, or if this is not feasible, a system incorporating septic tank(s).</u> Proposals which require non-mains sewerage must demonstrate that the proposal cannot be connected to a public mains sewer. 2. Satisfactory arrangements should be made to ensure the public sewerage infrastructure can appropriately manage the additional required capacity of the proposal before the development is occupied or activated. 3. Development proposals which exceed the capacity of private sewerage infrastructure or which do not otherwise include satisfactory arrangements consistent with the requirements of this policy will not be permitted. For development proposals that require new or extended private sewerage infrastructure, this must be provided before the development is occupied or activated to ensure current sewerage capacity is not exceeded. 4. Regularly occupied development such as residential buildings will not be permitted in locations likely to be unacceptably affected by the proximity of sewerage infrastructure. |
| MM27A | 126 | Para. 6.28 | <p>6.28 The objectively assessed housing need (OAHN) for Exmoor National Park is 541 units 2011-31.^x The unadjusted housing figure identified by the Joint SHMA Update for Exmoor National Park based on household projections 2011-31 is 537 units.²⁹³</p> |

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| | | | <p><i>References:</i></p> <p>^x Housing Vision (September 2016) Northern Peninsula Housing Market Area SHMA: The Implications for Housing Need of the 2014-based Household Projections. Figures derived from Tables 2.3 and 2.4</p> <p>²⁹³ Housing Vision (January 2015) Northern Peninsula Housing Market Area Strategic Housing Market Assessment (SHMA) Update: Final Report</p> |
| MM27B | 126 | Para. 6.30 | <p>6.30 Taking into account the backlog of affordable housing, there is projected to be an objectively assessed need (OAN) for 306 affordable units in the area of the National Park in West Somerset over the plan period.²⁹⁵ <u>The remaining area of the National Park is within the West Somerset housing authority area. In this plan, the focus is on the delivery of affordable housing for which it is projected that there will be a need for 238 units over the plan period.</u>^x</p> <p><i>References:</i></p> <p>²⁹⁵ Housing Vision (March 2015) Strategic Housing Market Assessment Update: Exmoor National Park. Final Report, Dulverton: Exmoor National Park Authority.</p> <p>^x Housing Vision (September 2016) Northern Peninsula Housing Market Area SHMA: The Implications for Housing Need of the 2014-based Household Projections. Figures derived from Tables 2.3 and 2.4</p> |
| MM27C | 126-7 | Para. 6.31 | <p>6.31 The estimate of local affordable housing need in the National Park 2011-2031 is 306 units. This does not take into account affordable housing completions since 2011. The approach to housing delivery in this Plan is therefore to provide positively for housing, working with estimates of housing provision through a rural exceptions approach and without a target to deliver locally needed affordable homes housing up to the point at which the National Park would be harmed. The indicative figure of affordable housing units needed in the National Park 2011-2031 for this Local Plan is 238 units.</p> <p><i>{Split to create a new paragraph}</i></p> <p><u>6.31A</u> This approach is appropriate in a remote rural area, given the small size of Exmoor’s settlements, landscape sensitivity and capacity, and SHLAA supply and is consistent with National Park purposes, national policy and guidance, and the duty to local communities, and national policy and guidance.</p> |
| MM27D | 127 | Para. 6.35 | <p>6.35 This figure of 90 units should be considered as part of the 306 affordable households identified for West Somerset within the National Park.³⁰⁰ <u>This estimate, within the affordable need figure of 306, is considered helpful in framing the Local Plan housing strategy for the National Park to 2031. However, The affordable need figure of 238 units is considered helpful in framing the Local Plan housing strategy</u></p> |

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| | | | <p>to 2031^x, however the housing figures set out in this plan should not be used in determining individual planning applications- and Parish surveys may ultimately show a different figure for the remaining period of the Local Plan.</p> <p><i>Reference:</i> ²⁰⁰ Housing Vision (2014) Strategic Housing Market Assessment Update: Exmoor National Park in West Somerset, Final Report. ^x Housing Vision (September 2016) Northern Peninsula Housing Market Area SHMA: The Implications for Housing Need of the 2014-based Household Projections, Figures derived from Tables 2.3 and 2.4.</p> |
| MM28 | 132 | Policy HC-S1 | <p>HC-S1 HOUSING</p> <p>1. The purpose of housing development will be to address the housing needs of local communities. The principal community identified need is for affordable housing with local occupancy ties. Exceptionally, new housing <u>development</u> will be acceptable <u>permitted</u> where it addresses an identified local housing need for:</p> <p>a) a Affordable homes that remain affordable in perpetuity and which will be occupied by local persons in proven housing need in accordance with the local occupancy definition in HC-S3;</p> <p>b) <u>Homes for</u> rural workers in agriculture, forestry or other rural land based enterprises with a proven essential, functional need in accordance with HC-D7 or HC-D8 and HC-D9 or to enable succession farming on established farm businesses in accordance with HC-D7 or HC-D8 and HC-D10;</p> <p>c) specialist housing for older people and other vulnerable members of the community, in accordance with HC-D3 which will be occupied by local persons in perpetuity; or</p> <p>c) d) a An “eExtended fFamily dwelling”, in accordance with HC-D4, which will be occupied by local persons in perpetuity.</p> <p>2. <u>Accessible and adaptable housing for older people and other vulnerable members of the community will be permitted where:</u></p> <p><u>a) it meets an identified need for accessible and adaptable affordable housing in accordance with clause 1(a) above; or</u></p> <p><u>b) it will cross-subsidise at least two units of local need affordable housing, as part of a wider new-build housing development, or will cross-subsidise at least one unit of local need affordable housing as part of a wider housing conversion scheme (HC-S2, HC-D3).</u></p> |

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| | | | <p>3. 2.Consistent with an exceptions approach to housing, provision will not be made for housing solely to meet open market demand and housing land will not be allocated in the development plan. 3. ‘Principal Residence’ market housing will only be considered <u>permitted</u> where:</p> <p><u>a) it is essential to deliver an identified need for local need affordable housing in a Local Service Centre or Village to meet an identified local need and it accords and in accordance with Policy HC-S4.; or</u></p> <p><u>b) the proposal relates to a Vacant Building in a Local Service Centre or Village (HC-Dx).</u></p> <p>4. ‘Principal residence’ market housing <u>Clause 3 b) above and Policy HC-Dx of this Plan will only be considered</u> <u>apply</u> as long as government guidance on planning obligations relating to thresholds for affordable housing vacant buildings credit <u>is extant</u>. <u>If the guidance changes, policy HC-Dx and clause 3 b) above will be reviewed.</u></p> <p>a) through the change of use of existing buildings or the redevelopment of a ‘vacant building’ (including provisions for commuted sums towards local needs affordable housing in the National Park); and</p> <p>b) only within Local Service Centres and Villages.</p> <p>If the guidance changes, this provision will no longer apply and 100% affordable housing will be sought.</p> |
| MM29 | 133 | Text Box | <p>Text Box</p> <p>Government guidance on planning obligations, inserted into the PPG, is in force at the time of the drafting of this Local Plan. It sets out minimum thresholds for the size of housing developments where affordable housing can be sought and introduces a vacant buildings credit. The thresholds for National Parks can be set at 5 dwellings or fewer. The guidance is clear that rural exceptions sites are excluded from this change.</p> <p>While this guidance is in force only, as a variation to HC D1, applicants will be able to change the use of existing non-residential buildings or redevelop vacant buildings to dwellings in Local Service Centres or Villages (see Policy GP3) In such cases the following thresholds will apply:</p> <ul style="list-style-type: none"> • where the existing building is only able to accommodate up to 5 dwelling units or fewer, and/or have a maximum combined gross floorspace not exceeding 500m²; or • where the existing building is only able to accommodate between 6 and 10 dwelling units, and/or have a maximum combined gross floorspace not exceeding 1000m². From units 6-10, the National Park Authority |

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| | | | <p>will expect that a financial contribution will be provided towards the provision of local needs affordable housing in the National Park.</p> <ul style="list-style-type: none"> • where the existing building is able to accommodate 11 dwelling units (or more), and/or has a maximum combined gross floorspace greater than 1000m²; the National Park Authority will expect any housing to be on-site and for units 11 and above to meet a local affordable need in accordance with Policy HC-D1. <p>The guidance also applies to the change of use or redevelopment of non-residential vacant buildings to housing under the 'vacant buildings credit'. The guidance specifies that the gross floorspace of housing achieved through the demolition of an existing vacant building and its redevelopment for housing should be no greater than the existing gross floorspace of the existing vacant buildings. Housing which would exceed the gross floorspace will be expected to address an identified local need (clause 1 of HC-D2);</p> <p>In all these cases, new housing whether through the change of use of an existing building or the redevelopment of a vacant building will be expected to be principal residence housing (see HC-S4) and be in line with HC-S2. Changes of use to housing should also accord with CE-S5 and conditions will be attached to planning permissions to remove permitted development rights (see HC-S2 and CE-S5).</p> |
| MM30 | 133 | Policy HC-DX (to be inserted after policy HC-S1) | <p><u>POLICY HC-DX VACANT BUILDINGS IN SETTLEMENTS</u></p> <p><u>1. Exceptionally, Principal Residence market housing may be permitted through the change of use or redevelopment of an existing Vacant Building where:</u></p> <p><u>a) the proposal accords with Policy HC-S1 clause 3 b) and 4;</u></p> <p><u>b) sufficient evidence is provided to demonstrate that the building can be considered to be Vacant through meeting the following tests:</u></p> <p><u>i) it is not abandoned;</u></p> <p><u>ii) it has been unoccupied, without content and has been marketed for a minimum of 3 years;</u></p> <p><u>iii) it is not an agricultural building or previously developed land without a building;</u></p> <p><u>iv) it can be demonstrated that the building has not been made vacant for the sole purpose of redevelopment and there has been no intent to leave the building empty or cause it to become empty in order to circumvent affordable housing requirements. Extant or recently expired planning permissions applying to the building for the same or similar development will be taken</u></p> |

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| | | | <p><u>into account in considering proposals;</u></p> <p><u>v) the building is within a Local Service Centre or Village; and</u></p> <p><u>vi) clear and robust evidence demonstrates that no affordable housing can be provided on site or as part of the development for viability reasons. In such cases, provision for a commuted sum towards local need affordable housing in the National Park will be sought commensurate with an agreed and robust viability assessment.</u></p> <p>2. <u>Proposals for the change of use of a Vacant Building to Principal Residence market housing will only be permitted where:</u></p> <p>a) <u>the existing building is able to accommodate two or more dwelling units of 93sqm floorspace in size (HC-D1);</u></p> <p>b) <u>the existing building(s) is considered to be worthy of conservation and it does not have an adverse impact on the character and visual amenity of the area; and</u></p> <p>c) <u>they will accord with CE-S5.</u></p> <p>3. <u>Proposals for the redevelopment of a Vacant Building for Principal Residence market housing will only be permitted where:</u></p> <p>a) <u>the existing building is not a traditional building, is not listed or considered to be of historic or architectural importance worthy of conservation and it has an adverse impact on the character and visual amenity of the area;</u></p> <p>b) <u>the redevelopment proposal will achieve demonstrable environmental enhancement of the building and its locality; and</u></p> <p>c) <u>the gross floorspace of the Principal Residence housing achieved will be no greater than the existing gross floorspace of the existing Vacant Building(s). Housing which would exceed the gross floorspace will be required to meet an identified local affordable need in accordance with Plan policies.</u></p> |
| MM31 | 135 | Policy HC-S2 | <p>HC-S2 A BALANCED LOCAL HOUSING STOCK</p> <p>1. <u>Having regard to the existing housing stock in the locality, A-all new residential development will contribute towards the creation of sustainable, balanced, and inclusive Exmoor communities by ensuring a mix of dwellings (in terms of size, type and tenure), providing housing that addresses that will meet the local needs of present and future generations. through:</u></p> |

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| | | | <p>a) Having regard to the existing housing stock in the locality, ensuring that new housing provision will, through the mix of new dwellings in terms of size, type and tenure, meet the needs of Exmoor's communities, and</p> <p>2. <u>New housing will offer a good standard of accommodation by being constructed to be neither too large nor too small and using flexible standards that enable dwellings to be adapted to the needs of people over their lifetime.</u></p> <p>3. <u>All new build housing developments will be encouraged to be constructed in accordance with Building Regulations Requirement M4(2) for accessible and adaptable dwellings or successor regulations. In new build developments of 5 or more dwellings, a minimum of 20% will be required to meet this standard.</u></p> <p>4. <u>Wheelchair user dwellings will be encouraged to be constructed in accordance with Building Regulations Requirement M4(3) (or successor regulations) and will be encouraged where a specific local need for a wheelchair adaptable or accessible dwelling is identified.</u></p> <p>5. b) For local need affordable dwellings permitted under HC-S1 and HC-D1, or HC-D2, HC-D5, HC-D6, or HC-D7, the dwelling(s) will be affordable by size and type to local people and will remain so in perpetuity.</p> <p>6. For private owner occupied local need <u>affordable dwellings, including custom/self-build (HC-D5), specialist accessible and adaptable housing for Exmoor's communities (HC-D3), and 'eExtended fFamily dwellings' (HC-D4) and 'succession farm dwellings'</u>, the <u>net floorspace gross internal area</u> will be <u>90 93</u> square metres or less.</p> <p>7. <u>For local need affordable housing controlled through a Registered Provider, a gross internal area greater than 93 square metres may be permitted only where there is a proven need for a larger dwelling.</u></p> <p>8. e) Where permission is granted for:</p> <p style="padding-left: 40px;"><u>a) dwellings of up to 90 93sqm, including those created through subdivisions, a condition will be attached removing permitted development rights in respect of extensions; or</u></p> <p style="padding-left: 40px;"><u>b) dwellings created through subdivisions (HC-D14) (including those up to 93sqm) a condition may be attached removing permitted development rights in respect of extensions to ensure that dwellings do not exceed 90sqm in size.</u></p> <p>9. Where permission is granted for employment uses as part of a proposal, a condition may be attached <u>tying the occupation of the dwelling to the operation of the business space.</u></p> |

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| MM32 | 139 | Policy HC-S3 | <p>HC-S3 LOCAL OCCUPANCY CRITERIA <u>FOR AFFORDABLE HOUSING</u></p> <ol style="list-style-type: none"> 1. New local need affordable housing will be occupied by a person(s) (and their dependents) with a proven housing need who cannot afford (to rent or buy) accommodation in the locality and who meets one or more of the following definitions: <ol style="list-style-type: none"> a) has a minimum period of 10 years permanent residence in the parish or an adjoining parish and who is forming an independent household or is currently homeless or living in otherwise unsatisfactory accommodation; b) has a minimum period of a total of 10 years permanent residence within parishes within the National Park and who can demonstrate a clear link with a parish or its adjoining parish and is forming an independent household or is currently homeless or living in otherwise unsatisfactory accommodation; c) is not now resident in the parish or an adjoining parish but with a local connection with the parish including a period of permanent residence of 10 years or more within the last 30 years; d) has an essential need to live close to another person who has a minimum of 10 years permanent and continuous residence in the parish or an adjoining parish, the essential need arising from proven age or medical reasons; or e) needs to live close to their place of work or meets the requirements of an Exmoor worker in the parish or an adjoining parish. <ol style="list-style-type: none"> i) <u>carries out paid work which is of value to the National Park and its communities; and</u> ii) <u>needs to live in the parish or adjoining parish in order to carry out that work effectively.</u> 2. A planning obligation will be secured to ensure that occupancy of the dwelling(s) is confined to persons in local <u>affordable</u> housing need in perpetuity. 3. The definition of local <u>affordable</u> need shall initially be based on criteria <u>criterion 1</u> above. Where there are no local people meeting criteria <u>criterion 1</u> and properties are vacant, a cascade approach will apply and the planning obligation will allow <u>the dwelling to be occupied by:</u> <ol style="list-style-type: none"> a) other local persons with a minimum period of 5 years permanent and continuous residence in the parish or an adjoining parish to qualify; b) <u>Where properties become vacant and</u> there is no-one meeting criteria 1 above, or the 5 |

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| | | | <p>year residency qualification, the final stage of the cascade will allow <u>other local persons with strong local ties living in the relevant district council area of the National Park; and</u></p> <p>c) <u>where there is no-one living in the relevant district council area of the National Park, other local persons with strong local ties living in the National Park as a whole.</u></p> <p>4. 3.b) will ensure <u>For privately owned dwellings, that the planning obligation will ensure that the occupancy cascade will not go wider than the National Park area unless for those subsequent occupants who qualify under clauses 1(c), 1(d) or 1(e) above; or.</u></p> <p>5. 3.a) For <u>dwelling(s) owned or controlled by a registered provider (including housing associations) the planning obligation will ensure that the dwelling may be occupied by other local persons with strong local ties to the remaining District Council area outside the National Park; or</u></p> |
| MM33 | 140 | Policy HC-S4 | <p>HC-S4 PRINCIPAL RESIDENCE HOUSING</p> <p>1. Any <u>new market housing development</u> will be '<u>Principal Residence</u>' housing and will only be permitted, through the change of use of non-residential buildings to housing in settlements, and/or <u>where it is required to enable the delivery of affordable housing to meet local needs in accordance with policy HC-S1 (Housing), clause 3 a) or b) and in accordance with:</u></p> <p>a) HC-D1 (conversions to dwellings in settlements);</p> <p>b) HC-D2 (new build dwellings in settlements);</p> <p><u>c) HC-D3 (Accessible and Adaptable housing for Exmoor's Communities)</u></p> <p>d) RT-D3 (safeguarding serviced accommodation) and HC-D6 (the change of use of serviced accommodation to housing); or</p> <p>e) d) HC-D14 (subdivisions of existing dwellings).</p> <p>2. <u>Where permission is granted for a Principal Residence market dwelling, a condition will be attached to ensure that the occupancy of the dwelling(s) is confined to a person's sole or principal residence.</u></p> |
| MM34 | 143 | Policy HC-D1 | <p>HC-D1 CONVERSIONS TO DWELLINGS IN SETTLEMENTS</p> <p>1. Within the named settlements, the change of use of a non-residential building(s) to a dwelling(s) will be permitted where: a) the building is well related to existing buildings, and the proposal conserves or enhances the character of the settlement and accords with CE-S5; and where: b) the proposal meets the requirements of CE-S5;</p> |

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| | | | <p>a) e) there is a proven local need for the dwelling(s) which will meet an affordable local need, and the intended occupants meet the requirements of the local need occupancy criteria which will be secured in perpetuity through a planning obligation in accordance with HC-S3; and</p> <p>b) d) the dwelling(s) will be affordable by size and type to local people and will remain so in perpetuity in accordance with HC-S2.</p> <p>2. Proposals for 'extended family dwellings, will accord with criteria 1 (a) and (b) above, be occupied by a person who meets the definition of 'extended family' and be in accordance with HC-D4.</p> <p>2. <u>3.</u> The intention will remain the provision of 100% affordable housing to meet an identified local need and the change of use of a non-residential building to residential will address an identified local affordable need unless. Where the building is able to accommodate more than one dwelling unit, and an element of Principal Residence housing is proposed, the following tests will also apply:</p> <p>a) it is an element of principal residence market housing in accordance with HC-S4;</p> <p>a) b) it is clearly and robustly demonstrated that it <u>an element of Principal Residence market housing (HC-S4)</u> is required to enable delivery of <u>local need</u> affordable housing <u>(HC-S3)</u> which cannot be made financially viable without it;</p> <p>c) the building is able to accommodate more than one dwelling unit;</p> <p>b) d) it is within a Local Service Centre or a Village <u>named settlement</u> (GP3);</p> <p>c) e) it is the minimum number of p<u>Principal</u> r<u>Residence</u> market houses <u>dwellings</u> required to support the delivery of the required affordable housing to <u>and will</u> maximise the proportion of affordable homes within viability constraints;</p> <p>f) the affordable dwellings will be occupied by a person(s) with a proven housing need in accordance with HC-S3;</p> <p>d) g) in terms of size and type, the <u>affordable housing and</u> mix of p<u>Principal</u> r<u>Residence</u> market housing, is in accordance with Policy HC-S2;</p> <p>e) h) the affordable housing and p<u>Principal</u> r<u>Residence</u> market housing will be indistinguishable and will be fully integrated on the development site; and</p> <p>f) i) the affordable housing will be provided broadly in-step with the p<u>Principal</u> r<u>Residence</u> housing as development progresses; or <u>unless</u></p> |

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| | | | <p><u>g) the building is in a Local Service Centre or Village, it is accepted to be Vacant and proposed Principal Residence housing through the change of use of a Vacant Building(s) accords with HC-S1 clauses 3b) and 4 and Policy HC-Dx.</u></p> <p>j) it is 'Principal Residence' housing in accordance with HC-S1 clause 4.</p> <p><u>3.</u> 4. The National Park Authority will ensure that, whether through a single permission or incremental permissions, the number of affordable dwellings created is that which would have been required if the scheme had been constructed as a single development having regard to the planning unit and previous permissions since the adoption of the March 2005 Local Plan. In the case of the creation of one or more dwellings from a single previous planning unit (whether at once or over a period of time), the development should contribute the maximum number of local need affordable homes consistent with this policy. or in accordance with HC-S1, clause 4.</p> <p><u>4.</u> 5. Where there is reason to believe that the proposal is formulated with a view to circumventing or mitigating affordable housing requirements, including where the National Park Authority considers that a building is able to accommodate more than one dwelling units, its capacity will be re-calculated.</p> <p><u>5.</u> 6. Where a scheme would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future a financial contribution will be required towards affordable housing needed elsewhere in the National Park in accordance with Policy GP5.</p> <p><u>6.</u> 7. Proposals for <u>accessible and adaptable</u> specialist housing will be permitted where they accord with HC-D3S1.</p> <p>8. Where permission is granted condition(s) will be attached removing permitted development rights in accordance with HC-S2 and CE-S5.</p> |
| MM35 | 146 | Policy HC-D2 | <p>HC-D2 NEW BUILD DWELLINGS IN SETTLEMENTS</p> <p>1. New build housing development will be permitted in named settlements where: a) the site is well related to existing buildings and any development would conserve or enhance the character of the traditional settlement pattern and the character and appearance of the site and its surroundings; and</p> <p><u>a) b) it will meet an affordable local need, and there is a proven local need for the dwelling(s) and that need cannot be met within the existing housing stock, or from sites/buildings already with planning permission;</u></p> <p><u>b) c) the intended occupants meet the requirements of the local need occupancy criteria requirements</u></p> |

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| | | | <p>which will be secured in perpetuity through a planning obligation in accordance with HC-S3; and</p> <p>c) d) the dwelling(s) will be affordable by size and type to local people and will remain so in perpetuity in accordance with HC-S2;</p> <p>2. All new build housing must address an identified local need and be affordable with occupation restricted to local people in perpetuity unless, in the named Local Service Centres and Villages, where:</p> <p>a) F for reasons of financial viability, ENPA is satisfied that it can be clearly and robustly demonstrated that:</p> <p>a) i) An element of pPrincipal rResidence market housing (HC-S4) is required to enable delivery of <u>more than one unit of local need</u> affordable housing which cannot be made financially viable without it. The affordable housing will be owned or controlled by a Registered Provider (including Housing Associations) or a community land trust. The intention will remain the provision of 100% affordable housing to meet an identified local need.</p> <p>b) ii) It is the minimum number of pPrincipal rResidence houses required to support the delivery of the required affordable housing.</p> <p>iii) The affordable dwellings will be occupied by a person(s) with a proven housing need in accordance with the local occupancy definition in HC-S3 and will otherwise accord with this Policy.</p> <p>c) iv) In terms of size and type, the <u>affordable housing and mix of p</u>Principal <u>r</u>Residence market housing is in accordance with HC-S2;</p> <p>d) v) †The affordable housing and pPrincipal rResidence housing are indistinguishable and fully integrated on the development site; and</p> <p>e) vi) The affordable housing will be provided broadly in-step with the pPrincipal rResidence housing as development progresses;</p> <p>or unless</p> <p>f) <u>the building is in a Local Service Centre or Village, is accepted to be Vacant and proposed Principal Residence housing through the redevelopment of a Vacant Building(s) will be in accordance with HC-S1 clauses 3b) and 4 and Policy HC-Dx.</u></p> <p>f) It is 'Principal Residence' housing through the redevelopment of a 'Vacant Building(s)' in accordance with HC-S1 clause 4 only. In such cases, for a building to be considered as Vacant, applicants will need to demonstrate that it is not abandoned and that it has been unoccupied and</p> |

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| | | | <p>without content for a minimum of 3 years.</p> <p>3. Proposals for specialist <u>accessible and adaptable</u> housing will be permitted where they accord with HC-D3S1.</p> <p>4. Where permission is granted for local need or 'principal residence' dwellings or specialist <u>adaptable and accessible</u> housing of up to 90 <u>93</u>sqm floorspace, a condition will be attached removing permitted development rights in accordance with HC-S2.</p> |
| MM36 | 150 | Policy HC-D3 | <p>HC-D3 ACCESSIBLE AND ADAPTABLE SPECIALIST HOUSING FOR EXMOOR'S COMMUNITIES</p> <p>1. Proposals which address an identified local need or requirement for specialist housing <u>accessible and adaptable homes</u> for older people and/or other vulnerable members of the community who <u>have an established local connection, and require care and assistance homes that can be adapted to meet their needs over their lifetime, will be encouraged. permitted where:</u></p> <p>a) it cannot be provided within the existing housing stock, including through the appropriate subdivision and adaptation of existing dwellings in accordance with HC-D14 or from sites/buildings already with planning permission;</p> <p>2. b) pProposals for <u>will be permitted where:</u></p> <p><u>a) they are in accordance with clause 2 of HC-S1, more than one dwelling unit of local needs affordable housing and any principal residence market housing provide for an identified need or requirement for specialist housing permitted in accordance with HC-D1 or HC-D2; and where and with HC-D1 or HC-D2 as appropriate.</u></p> <p><u>b) the dwelling size is in accords with HC-S2;</u></p> <p><u>c) i) it they will be integrated into the local community to enable access to required services and facilities;</u></p> <p><u>d) they are constructed in accordance with Building Regulations Requirement M4(2) (accessible and adaptable dwellings) or M4(3) (wheelchair user dwellings) regulations and they accord with Policy HC-S2, clauses 3 or 4 as appropriate; and</u></p> <p><u>ii) it is built to standards and to a size in accordance with HC-S2; and</u></p> <p><u>e) iii) subdivision, adaptation or conversion work accords with CE-S5.</u></p> <p>3. 2. A planning obligation will be secured to ensure that the occupancy of specialist <u>accessible and adaptable</u> housing is confined in perpetuity to a local person (and their dependents) who has a</p> |

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| | | | <p>minimum period of a total of 10 years permanent residence within parishes in the National Park <u>and where permission is granted, a Principal Residence Occupancy condition will be attached in accordance with HC-S4.</u></p> <p>4. 3. Where permission is granted a condition will be attached removing permitted development rights in accordance with HC-S2.</p> <p>4. The planning obligation will allow, where properties become vacant, and where no person in need of specialist housing, can be found to occupy a property, other persons with a local affordable housing need consistent with HC-S3 to occupy the dwelling.</p> <p>5. The provision of specialist accommodation offering care and assistance through a residential institution, should be in accordance with HC-S7.</p> |
| MM37 | 154 | Policy HC-D6 | <p>HC-D6 THE CHANGE OF USE OF SERVICED ACCOMMODATION TO HOUSING</p> <p>1. Proposals for the change of use of serviced accommodation to dwelling(s) will only be considered where the requirements in RT-D3 are satisfied. The intention, through the change of use will remain the provision of 100% affordable housing to meet an identified local need.</p> <p>2. In the Local Service Centres and Villages, proposals will accord with HC-D1.</p> <p>3. Outside the Local Service Centres and Villages, an element of principal residence market housing in accordance with HC-S4 may only be permitted where:</p> <p>a) the proposal meets the requirements of CE-S5;</p> <p>b) it is clearly and robustly demonstrated that it is required to enable delivery of affordable housing which cannot be made financially viable without it;</p> <p>c) the building is able to accommodate more than one dwelling unit;</p> <p>d) it is the minimum number of principal residence market houses required to support the delivery of the required affordable housing and to maximise the proportion of affordable homes within viability constraints;</p> <p>d) the affordable dwellings will be occupied by a person(s) with a proven housing need in accordance with HC-S3;</p> <p>e) in terms of size and type, the affordable dwellings and the mix of principal residence market housing is in accordance with HC-S2;</p> |

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| | | | <p>f) the affordable housing and principal residence market housing will be indistinguishable and will be fully integrated on the development site; and</p> <p>g) the affordable housing will be provided broadly in step with the principal residence housing as development progresses.</p> <p>4. The National Park Authority will ensure that, whether through a single permission or incremental permissions, the number of affordable dwellings created is that which would have been required if the scheme had been constructed as a single development having regard to the planning unit and previous permissions since the adoption of the March 2005 Local Plan. In the case of the creation of more than one dwelling from a single previous planning unit (whether at once or over a period of time) the development should contribute the maximum number of local need affordable homes consistent with this policy.</p> <p>5. Where there is reason to believe that the proposal is formulated with a view to circumventing or mitigating affordable housing requirements, including where the National Park Authority considers that a building is able to accommodate more than one dwelling unit, its capacity will be re-calculated.</p> <p>6. Where a scheme would provide more affordable homes than are needed in the parish and the adjacent parishes, now and in the near future, a financial contribution will be required towards affordable housing needed elsewhere in the National Park in accordance with GP5. Any housing which may be permitted to deliver the required affordable housing should be principal residence housing (HC-S4) and will be the minimum number required to support the delivery of the affordable housing.</p> <p>7. Where permission is granted, condition(s) will be attached removing permitted development rights in accordance with HC-S2 and CE-S5.</p> |
| MM37A | 155 | Para. 6.139 | <p>6.139 Rural worker dwellings (HC-D9) and Succession Farm Dwellings (HC-D10) are required to be 90 <u>93</u>sqm or less. Exceptionally, a <u>A rural worker dwelling or, exceptionally, a Succession Farm dwelling larger than 90 93sqm may be permitted where it is justified by the needs of the business, for example to accommodate a farm office space required for the operation of the farm holding. This will be considered where the dwelling is the principal or only dwelling on a holding. In such cases, the upper size limit of the dwelling will be 120sqm.</u></p> |
| MM38 | 158 | Policy HC-D9 | <p>HC-D9 RURAL WORKERS</p> <p>1. New housing to meet the needs of rural workers in the open countryside will only be permitted in</p> |

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| | | | <p>accordance with HC-D7 or HC-D8 and where:</p> <ul style="list-style-type: none"> a) it is justified by a proven essential functional need for a full time rural worker in agriculture, forestry or other rural land based enterprises to live permanently at or near their place of work; b) in the case of agriculture or other rural land based enterprises, the business is proven to be financially viable in the long term, it is extensive in nature, the land management activity contributes to the conservation or enhancement of the natural beauty and wildlife of the National Park and is in accordance with the tests set out in Annex 2 of this Plan; c) where the need for a dwelling is proven, a planning condition will be attached to ensure that occupancy of the dwelling(s) is confined to a rural worker in agriculture, forestry or <u>another rural land based rural land</u> enterprise operating in the locality and in accordance with clause 1. a) above; and d) the net floorspace <u>gross internal area</u> will be 90 <u>93</u>sqm or less unless the Authority is satisfied it is demonstrated that a larger dwelling is required in which case, the size of the dwelling will be commensurate with the needs of the holding, it can be sustained by the farm business and it would be affordable for the essential need in perpetuity. |
| MM38A | 159 | Para. 6.150 (c) | <p>c) the enterprise and activity concerned has <u>have</u> been established for at least three years and both the enterprise and the business need for the job, are financially sound, being profitable for at least one of them with a clear prospect of remaining so for a reasonable period of time. Evidence of actual or potential economic performance will be required. To assess economic sustainability it will be necessary to show the business has a reasonable prospect of providing a market return for all operators for the amount of management and manual labour inputs, including the job for which the rural enterprise dwelling is being sought, for at least five years from the anticipated completion of the proposed development. This should be assessed on the basis of what is a realistic income for the skills of the operator. <u>Policy HC-D10 requires that dwellings will be 93sqm or less in size, unless in exceptional cases, a larger dwelling can be demonstrated to be necessary for the operation of the enterprise. A financial test is also necessary to assess the size of dwelling which the enterprise can afford to build and maintain.</u> The requirements of the enterprise rather than <u>those</u> of the owner or occupier will determine the size of dwelling that is appropriate. Dwellings which are unusually large in relation to the needs of the enterprise, or unusually expensive to construct in relation to the income it can sustain in the long term, will not be permitted.;</p> |

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| MM38B | 160 | Policy HC-D10 | <p>HC-D10 SUCCESSION FARMING – SECOND DWELLINGS ON ESTABLISHED FARMS</p> <ol style="list-style-type: none"> 1. New housing to meet the needs of succession farmers in the open countryside will be in accordance with HC-D7 or HC-D8. A new second dwelling <u>on a single farm holding</u> within the open countryside will only be permitted where: <ol style="list-style-type: none"> a) the accommodation is designed to meet an existing proven functional need for an additional 0.5 or more of a full time agricultural worker to live permanently at their place of work on an established enterprise; b) the business is proven to be financially viable in the long term, it is extensive in nature and where the farming activity contributes to the conservation or enhancement of the natural beauty and wildlife of the National Park and is in accordance with the tests set out in Annex 2 of this Plan; c) a planning obligation will require that there are secure and legally binding arrangements in place to demonstrate that: <ol style="list-style-type: none"> i. the farm business is jointly held; or ii. management of the farm business has been transferred to a person younger than the person currently responsible for management; or iii. that transfer of management will take place on planning permission being granted for the dwelling; d) the need cannot be met in any other way including through the re-organisation of labour responsibilities; e) the design and layout of the development meet the requirements of Policy CE-S6; and the net floorspace will be in accordance with HC-S2; and f) <u>the gross internal area will be 93sqm or less unless, exceptionally, it is demonstrated that a larger dwelling is required, in which case the size of the dwelling will be commensurate with the needs of the holding, and that it can be sustained by the farm business in perpetuity; and</u> g) f) a planning condition is attached to ensure that occupancy of the dwelling(s) is confined to rural workers in accordance with Policy HC-D9. 2. The policy will apply only to a single additional succession farm dwelling to be attached to an established farm after adoption of this Plan. Permission will not be granted for subsequent succession farm dwellings on the holding. |

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| MM39 | 166 | Policy HC-D14 | <p>HC-D14 SUBDIVISION OF EXISTING DWELLINGS</p> <ol style="list-style-type: none"> 1. Proposals for the subdivision of existing residential dwellings will be permitted where: <ol style="list-style-type: none"> a) there would be no adverse impact on the character of the area, amenity of neighbouring occupiers, or highway safety; b) any necessary alterations will not adversely affect buildings of historic and/or architectural merit (CE-S4, CE-D3); and c) any additional units created will be pPrincipal rResidence housing and subject to a condition limiting its occupancy to a person as their only or principal home (HC-S4). 2. Where a property has a local affordable occupancy tie, any subdivision would require that the new unit(s) created would retain the same occupancy restriction. 3. Proposals to subdivide a dwelling with a rural worker or succession farming occupancy tie will only be permitted where: <ol style="list-style-type: none"> a) the additional unit(s) created will be occupied in accordance with HC-S3 Local Occupancy Criteria; or b) the additional unit(s) created will be occupied in accordance with the requirements for HC-D9 Rural Workers Dwelling or HC-D10 Succession Farming. 4. <u>Where permission is granted a condition may be attached removing permitted development rights in accordance with HC-S2.</u> |
| MM40 | 167 | Policy HC-D15 | <p>HC-D15 RESIDENTIAL EXTENSIONS</p> <ol style="list-style-type: none"> 1. Proposals for residential extensions will be permitted where they: <ol style="list-style-type: none"> a) accord with the principles set out in CE-S6 Design and Sustainable Construction Principles and CE-D4 Extensions; b) ensure there is sufficient space within the existing curtilage to accommodate the extension without resulting in overdevelopment of the site or adversely impacting on residential amenity space and parking provision; c) are not disproportionate to the original dwelling and in any case do not increase the external floorspace of the original dwelling by more than 35% (taking into account any extensions provided through permitted development rights); and |

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| | | | <p>d) ensure the maintenance or replacement of any bat and barn owl roosts that may be present.</p> <p>2. Residential extensions will not be permitted <u>for temporary dwellings</u>. in the following circumstances:</p> <p>a) for dwellings where the size is restricted the proposed extension would exceed the net internal floorspace limitation – including local need affordable dwellings, extended family dwellings, succession farming dwellings, rural land based worker dwellings and specialist housing for older people;</p> <p>b) for temporary dwellings, or</p> <p>c) for dwellings that are unauthorised or immune from enforcement action – including those dwellings which have had the benefit of a Certificate of Lawful Use or Development.</p> <p>3. Extensions to residential curtilages will only be permitted where it can be demonstrated that it will not adversely affect visual amenity, the setting of the residential building, and the surrounding landscape, <u>biodiversity</u> and/or settlement character of the area.</p> |

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| MM41 | 176 | Policy HC-S6 | <p>HC-S6 LOCAL COMMERCIAL SERVICES AND COMMUNITY FACILITIES</p> <ol style="list-style-type: none"> 1. The National Park Authority will work with constituent local authorities, parish and town councils and communities to ensure that Exmoor’s communities are sustained, the economy strengthened, and the needs of visitors addressed. 2. The provision of new or extended local commercial services and community facilities will be supported where it can be demonstrated that they: <ol style="list-style-type: none"> a) will benefit the local resident community and the needs of visitors; and b) are of a scale and location appropriate to the community they serve. 3. For new developments or extensions to existing premises, preference will first be given to the reuse of existing traditional buildings (CE-S5). The re-use of non-traditional buildings (CE-S5), will be considered if enhancement of the built and natural environment can be achieved. 4. New build developments should be located within Local Service Centres and Villages <u>the named settlements</u> or, for community facilities where no suitable site exists, are <u>should be</u> well-related to these settlements. Proposals specifically for new build and ancillary local commercial services should be in accordance with policy HC-D18 Local Commercial Service Provision. 5. Proposals enabling the enhancement of existing services and facilities, or the flexible use of new or existing buildings to allow a range of community services or facilities to take place on site will be encouraged – where this applies to an existing service the sharing of facilities should support the retention of the primary use. 6. The provision of publicly accessible green space within or adjoining the named settlements will be supported. 7. Local commercial services and community facilities will be safeguarded in accordance with policy HC-D19. 8. Important visual amenity space identified within and adjoining the settlements will be protected in accordance with policy HC-D20. |

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| MM42 | 192 | Policy SE-S2 | <p>SE-S2 BUSINESS DEVELOPMENT IN SETTLEMENTS</p> <ol style="list-style-type: none"> 1. In the named settlements proposals for business development or extensions to existing businesses should accord with policy SE-S1 and be located within the settlement or where no suitable buildings/sites are available, well-related to existing buildings. 2. Proposals will be permitted where: <ol style="list-style-type: none"> a) they reuse existing traditional buildings wherever possible, in a way that maintains and/or enhances their character, or where no suitable buildings are available; b) <u>where no suitable traditional buildings are available they reuse non-traditional buildings, or previously developed sites, and proposals achieve enhancement of the built environment is incorporated into proposals where necessary to deliver an overall acceptable scheme; or where this cannot be achieved;</u> c) <u>where this cannot be achieved a replacement of a non-traditional building, or a new site/building may be permitted.</u> 3. In addition to clause 1, any proposals for new build development in Porlock Weir, other than extensions to existing premises, should be: <ol style="list-style-type: none"> a) small-scale to reflect the form and character of the of the settlement; and b) compatible with industries associated with the settlement. 4. <u>Where permission is granted for new B1 uses a condition will be attached to remove permitted development rights in respect of temporary changes of use, use as a state funded school, or a registered nursery.</u> |
| MM43 | 192 | Insert new paragraphs after para. 7.26 | <p><u>Policy SE-S3 aims to provide diversification opportunities for rural land-based businesses which are businesses that manage the land in a way that conserves the National Park’s special qualities. These can be defined as farming enterprises based on primary food production, rural estates, forestry, mixed enterprises (e.g. with equestrian activities and/or game shooting) and other businesses that manage the land for conservation and/or recreation, which have benefits for health and well-being. Rural land-based businesses must also have a need to be located in the open countryside due to the nature of their operations.</u></p> <p><u>In terms of diversification proposals e.g. for conversions to holiday lets (RT-D4), provision of alternative camping accommodation (RT-D9), or the conversion of buildings for business development (which do not</u></p> |

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| | | | <p><u>benefit from permitted development rights) a rural land-based business should provide at least full time employment for at least one member of staff. A small-holding that is a hobby farm as a lifestyle choice, which does not directly provide employment for one full-time equivalent person is unlikely to be considered for such diversification opportunities.</u></p> <p><u>Where there may be difficulties in determining whether a proposal for diversification of a ‘rural land-based business’ the applicant will need to demonstrate that the land-based business is a viable concern that generates sufficient income to diversify, or provide a business plan to show how the land-based enterprise can continue to be viable through diversification proposals.</u></p> |
| MM44 | 194 | Policy SE-S3 | <p>SE-S3 BUSINESS DEVELOPMENT IN THE OPEN COUNTRYSIDE</p> <ol style="list-style-type: none"> 1. Business development will be permitted for the change of use and conversion of an existing traditional building that is well-related to an existing group of buildings on a farmstead or in a hamlet where there is an existing dwelling, in accordance with policies SE-S1 and CE-S5. 2. Proposals for extensions to existing business sites or buildings that are well related to an existing group of buildings on a farmstead or in a hamlet where there is an existing dwelling will be permitted in accordance with SE-S1 and where the scale and appearance of the development are compatible with local landscape character. 3. Additionally, proposals for the diversification of existing agricultural, or other primary businesses responsible for land management, through the reuse/change of use of an existing non-traditional building for business development may be permitted where the following will be achieved: <ol style="list-style-type: none"> a) they are well-related to an existing group of buildings on the farmstead and accord with policy CE-S5; b) it can be demonstrated that the agricultural use of the existing building(s) to be re-used is redundant; b) c) the proposed business development supports an existing agricultural or other primary business responsible for land management and does not conflict with the existing farming or land management activity; and c) d) where proposals relate to the change of use of an existing building from an agricultural use to |

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| | | | <p>a business use (use classes B1, B2, B8 or sui generis), a condition may <u>will</u> be attached to the permission to enable the building to be used for the purposes of agriculture or the permitted business use; and</p> <p><u>d) a condition will be attached removing permitted development rights for the erection of new farm buildings on the holding.</u></p> <p>4. The erection of new business premises in the open countryside will not <u>only</u> be permitted for the <u>redevelopment of existing employment sites, where existing buildings are replaced with no significant increase in size, and enhancement to the site and/or its setting is incorporated into the proposals where necessary to deliver an overall acceptable scheme, which is consistent with local landscape character.</u></p> <p>5. Business use in buildings which stand alone or which do not relate well to existing buildings and are not part of a farm group or hamlet will not be permitted.</p> <p>6. <u>Where permission is granted for new B1 uses a condition will be attached to remove permitted development rights in respect of temporary changes of use, use as a state funded school, or a registered nursery.</u></p> |
| MM45 | 195 | Policy SE-D1 | <p>SE-D1 HOME BASED BUSINESSES</p> <p>1. The use of part of a residential property, a small scale extension, the use of ancillary buildings where they are well related to existing buildings or, where no suitable buildings exist new outbuildings within the domestic curtilage, for a small scale home based business will be permitted where:</p> <p>a) there is no unacceptable adverse impact on the landscape or the amenity of the area or on the occupiers of neighbouring properties; and</p> <p>b) where an extension is proposed the development accords with Policy HC-D15 Residential Extensions.</p> <p>2. Where necessary, conditions will be attached to any granting of planning permission including to:</p> <p>a) control the use to avoid or minimise any potential adverse impacts;</p> <p>b) remove permitted development rights to protect the character and appearance of the building;</p> <p>c) ensure any new development may only be occupied in association with the dwelling and cannot be</p> |

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| | | | <p>let or disposed of separately from that dwelling; and</p> <p>d) allow, where appropriate, the business use to cease and revert to an ancillary domestic use without the need for further planning permission.</p> <p>3. Proposals for live-work units should be in accordance with the housing policies in this Plan <u>and designed so the employment space can be used independently of the living accommodation.</u></p> |
| MM46 | 196 | Para. 7.40 | <p>If the Authority is satisfied that the site and/or buildings are no longer viable in employment use, the owner/applicant will be required to maintain an enhanced level of <u>provision for</u> employment generating uses on the remaining part of the site/in the building (i.e. at the same level as on the whole site but on/in a smaller area) or alternative provision will need to be provided on another suitable site(s)/building(s) under the control of the applicant; a planning condition or obligation will be used to ensure that the alternative provision is secured at an appropriate time in relation to the redevelopment of the site or building.</p> |
| MM46A | 196 | Policy SE-D2 | <p>SE-D2 SAFEGUARDING EXISTING EMPLOYMENT LAND AND BUILDINGS</p> <p>1. Development proposals that would involve the loss of employment land and/or buildings will not be permitted unless it can be demonstrated that the site and/or buildings cannot be continued or made viable in the longer term. Applicants will be required to provide detailed evidence to justify their proposals and demonstrate that:</p> <p>a) all available opportunities of grant funding and financial support to help retain the employment use(s) have been fully explored and none are viable; and</p> <p>b) reasonable marketing of the site and/or building(s) for employment uses for a minimum period of 12 consecutive months has occurred.</p> <p>2. If it is demonstrated that the site and/or buildings are no longer viable in employment use, the following will be required:</p> <p>a) in the first instance, <u>provision for employment-generating uses</u> will be maintained on the remaining part of the site/in the building, or</p> <p>b) alternative provision will be provided on another suitable site(s)/building(s) under the control of the applicant and in the locality or where it can be demonstrated that this is not possible, elsewhere in the National Park.</p> <p>c) If it can be demonstrated that (a) or (b) are not possible, the reuse/redevelopment of the site for</p> |

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| | | | <p>community uses will be favoured.</p> <p>d) If it is demonstrated that the alternative uses in clauses (a) to (c) are not viable, proposals for residential development will be considered in accordance with the relevant housing policies in the Plan.</p> <p>3. In respect of 2b) above, planning conditions or obligations will be used to ensure that the alternative provision is secured at an appropriate time in relation to the redevelopment of the site/building.</p> |
| MM47 | 200 | Policy SE-S4 | <p>SE-S4 AGRICULTURAL AND FORESTRY DEVELOPMENT</p> <p>1. Permission will be granted for new or replacement buildings, tracks and structures or extensions required for agriculture or forestry purposes where:</p> <p>a) it can be demonstrated there is a functional need for the extension, building, structure or track and its size and scale is commensurate with the demonstrated need;</p> <p>b) the building, track or structure is designed for the purposes of agriculture or forestry;</p> <p>c) in the case of new buildings, the site is related physically and functionally to existing buildings associated with the business;</p> <p>d) the <u>buildings, tracks or structures</u> are sited appropriately in the context of local topography and of an appropriate design that responds to and reinforces landscape character in terms of size, scale, massing, layout, external appearance and materials – if a landscaping scheme is required it should be in accordance with policy CE-D1;</p> <p>e) the <u>proposals</u> do not generate a level of activity or otherwise detrimentally affect the amenity of surrounding properties and occupiers including through loss of daylight, overbearing appearance, or conflict with neighbouring land uses;</p> <p>f) appropriate measures are taken to ensure <u>proposals</u> do not, including through the level of activity, have an adverse impact on biodiversity and</p> <p>g) it can be demonstrated that opportunities have been taken for:</p> <p>i) the integration of passive design and sustainable construction methods to improve energy efficiency;</p> <p>ii) the integration of appropriate renewable energy technologies to reduce carbon emissions in accordance with CC-S5; and</p> |

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| | | | <p>iii) minimising surface water run-off to avoid impacts on water quality (CC-D1).</p> <p>2. The National Park Authority will consider attaching a condition to any planning permission to require the removal of agricultural or forestry buildings when they are no longer required and the reinstatement of the land.</p> <p>2. <u>3.</u> New isolated buildings will not be permitted unless it can be demonstrated that there are exceptional circumstances relating to an overriding functional need for a more isolated location, and where</p> <p>a) they do not replace existing agricultural buildings that have been subdivided away from the holding; and</p> <p>b) <u>it is not as a result of the requirement for them does not result from a change in of farming practices, such that could adversely affect the management of the traditional landscape character of the National Park.</u></p> <p><u>3. Where new agricultural buildings with a floorspace of 500sqm or less are granted planning consent, permitted development rights may be withdrawn in respect of changes of use of agricultural buildings and any land within its curtilage to alternative uses.</u></p> |

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| MM48 | 204 | Policy RT-S1 | <p>RT-S1 RECREATION AND TOURISM</p> <p>1. Opportunities to provide a high quality, inclusive visitor experience on Exmoor through a diverse range of recreation and tourism facilities that actively enhance the understanding and enjoyment of the National Park’s special qualities will be encouraged <u>in accordance with the following principles:-</u></p> <p>2. Development proposals should demonstrate that:</p> <p>a) They underpin <u>are compatible with</u> the quiet enjoyment of the National Park. There are no unacceptable adverse effects on the natural and historic environment either individually or cumulatively through levels of activity or use.</p> <p>b) They contribute towards a sustainable future for Exmoor’s local economy and communities.</p> <p>c) They support the improved health and wellbeing of people living, working and visiting Exmoor through the benefits of recreation and experience of tranquillity.</p> <p>d) They ensure appropriate and safe access by the road network and where possible by walking, cycling, horse-riding and public transport.</p> <p>e) They safeguard the existing access network, including public rights of way, and access land; and provide enhancements where opportunities arise (RT-D12).</p> <p>f) They respond to opportunities to improve the quality and viability of existing recreation and tourism businesses, through appropriate restoration, extension, expansion or diversification.</p> <p>g) They are of a scale compatible with their location and setting, in accordance with the relevant development management policy considerations for tourism and recreation (policies RT-D1 to RT-D12).</p> |
| MM49 | 209 | Policy RT-D3 | <p>RT-D3 SAFEGUARDING SERVICED ACCOMMODATION</p> <p>1. Development proposals that would involve the loss of existing serviced accommodation will only be permitted where:</p> <p>a) other employment uses are to be created in the existing building; or</p> <p>b) <u>the building is to become a Principal Residence dwelling (HC-S4) and evidence clearly demonstrates the use can change to a principal residence dwelling (HC-S4) that where:</u></p> |

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| | | | <p>i) the use was formerly a single residential dwelling on 1st July 1948 or <u>the building was originally built as a single residential dwelling subsequently;</u></p> <p>ii) there has been no excessive alteration or extension; and</p> <p>iii) the existing use does not provide an additional community service or function; or</p> <p>c) <u>they accord with clauses 2 and 3 below.</u></p> <p>2. Where clauses <u>1 a) and b)</u> does not apply, proposals relating to the change of use of serviced accommodation should be demonstrate that the current use of the building as serviced accommodation cannot be continued or made viable in the longer term and the property has been marketed as a going concern at a reasonable value for a minimum period of 12 months. An independent valuation of the building will be required.</p> <p>3. Where it is demonstrated that the serviced accommodation is <u>no</u> longer viable (clause 2), proposals for change of use should be compatible with the cultural heritage of the existing building, local character and amenity and in accordance with the following:</p> <p>a) Changes that will be considered acceptable in principle include:</p> <p>i) Change of use to self-catering apartments.</p> <p>ii) Change of use to provide community services or facilities.</p> <p>iii) A mixed use development, based on the uses listed above including employment use.</p> <p>b) Proposals for the change of use to residential dwellings will only be considered where the requirements of this policy are met and clause 3(a) cannot be achieved. Proposals should accord with HC-D6 Change of Use of Serviced Accommodation to Housing <u>the tests set out in clause 2 of policy HC-D1.</u></p> <p>c) In relation to 3 (a) and (b), opportunities for the partial change of use of the building or complex that supplements the existing serviced accommodation will be encouraged.</p> |

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| MM50 | 212 | Policy RT-D4 | <p>RT-D4 NON-SERVICED ACCOMMODATION</p> <ol style="list-style-type: none"> 1. Proposals for the change of use and conversion of buildings to non-serviced accommodation will be permitted where they: <ol style="list-style-type: none"> a) create additional unit(s) on an existing self-catering complex; b) accord with RT-D3 Safeguarding Serviced Accommodation clause 3a); c) reuse a redundant building associated with a hotel/guesthouse premises; or d) relate to the diversification of a rural land-based business, <u>where the building is well-related to an existing grouping of buildings.</u> 2. Proposals should also meet the following principles: <ol style="list-style-type: none"> a) the character and appearance of the building and its setting is conserved, and where they accord with policies on landscape character, cultural heritage and design (<u>CE-S1, CE-S4 and CE-S6</u>); b) <u>where the proposal involves the change of</u> changing the use of traditional farm buildings, the entire range conversion of all such buildings within a farmstead, will not be permitted in order to be converted to protect the historic character and significance of the buildings collectively (<u>CE-S5</u>); c) the design and layout of access and parking requirements are compatible with landscape character and built heritage, and the local road network has capacity to service the accommodation without adversely affecting road safety; and d) there are no adverse impacts on tranquillity and local amenity. 3. Small scale extensions and alterations will be permitted to improve the quality and viability of existing non-serviced accommodation; where it would not adversely affect the historic character of the existing building. No new build units of holiday-let accommodation will be permitted. 4. Where a non-serviced accommodation unit is no longer needed or viable, a proposal to replace the holiday occupancy condition of the unit with an agreement limiting occupancy to meet a local affordable need for housing or housing for extended families will be considered in accordance with policy HC-D13. In respect of changes to business or community use, proposals should accord with the relevant policies in the plan. |

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| MM51 | 214 | Policy RT-D6 | <p>RT-D6 CAMPING BARNES</p> <ol style="list-style-type: none"> 1. Proposals for the change of use and necessary alteration of a traditional building to a camping barn or hostel accommodation will be permitted where it complements the historic character and appearance of the building, biodiversity interests, and its setting within the landscape. 2. Where the existing building is <u>located: in a farmstead or hamlet in close association with an existing dwelling, or in a named settlement:</u> <ol style="list-style-type: none"> a) <u>in a farmstead or hamlet in close association with an existing dwelling</u>, parking and access arrangements should be incorporated within the hamlet/farmstead <u>building group</u> without detrimentally impacting on landscape character and visual amenity; or b) <u>in a named settlement</u>, parking and access arrangements in a settlement are consistent with policies AC-D1 and AC-S3;; <u>and</u> c) utility and service supplies will be routed underground. 3. The change of use and conversion of a traditional barn or building in an isolated location to provide basic shelter in a camping barn (stone tent) with limited facilities for walkers, will be permitted where it can be demonstrated that: <ol style="list-style-type: none"> a) the building can be managed effectively without new access provision; b) the proposal does not involve alterations to the external fabric and surroundings of the building that would materially affect the character or appearance of the building and its setting; a) the building is well related to the rights of way network or access land; and b) any bat and barn owl roosts that may be present are maintained or replaced. |
| MM52 | 231 | Policy RT-S2 | <p>RT-S2 REINSTATEMENT OF THE LYNTON AND BARNSTAPLE RAILWAY</p> <ol style="list-style-type: none"> 1. Proposals for the reinstatement of the Lynton and Barnstaple Railway should be in accordance with the following criteria: <ol style="list-style-type: none"> a) the proposal should seek to reinstate and replicate the former narrow gauge railway including the line of the original route and the siting, design, appearance, and materials of the associated structures or buildings; b) any additional new development over and above the original historic former railway should |

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| | | | <p>provide demonstrable evidence that it is essential for the operation of the reinstated former railway or is a restoration of a historic feature and that there are no alternative solutions which would reasonably meet the need for the development in any other way;</p> <p>c) reinstatement proposals should:</p> <ul style="list-style-type: none"> i) Seek to re-use the original buildings associated with the former railway. ii) Where it can be demonstrated that the re-use of the original buildings cannot be achieved, existing buildings in suitable proximity to the reinstatement proposal may be considered. iii) New buildings will only be considered where it can be demonstrated that there are no existing buildings suitable for re-use. <p>d) new infrastructure, buildings and structures should complement the character of the original railway;</p> <p>e) the proposal should respond to landscape character and ensure landscaping is appropriate to the site and character of the area and having regard to traditional features of the former railway (CE-S1);</p> <p>f) <u>the proposal should safeguard wildlife, habitats and sites of geological interest (CE-S3);</u></p> <p>g) f) sustainable construction methods should be used, unless they compromise the historical accuracy and appearance of the former railway;</p> <p>h) g) the proposal should accord with AC-D1 and provide a travel plan to incorporate measures to enable safe access by walking, cycling and public transport that will help to minimise traffic generation and the need for parking;</p> <p>i) h) parking provision should be in accordance with policies AC-S3 and AC-D2; and</p> <p>j) i) provision of temporary overflow parking to help address peak parking demand should accord with AC-D3.</p> |
| MM53 | 240 | Policy AC-S3 | <p>AC-S3 TRAFFIC MANAGEMENT AND PARKING</p> <p>1. The approach to traffic management on Exmoor will take into account the needs of all users including pedestrians, walkers, cyclists, horse-riders, and disabled people, including through the provision of</p> |

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| | | | <p>alternative routes to avoid busy roads, safer crossing points, and use of shared surfaces where appropriate.</p> <p>2. The Exmoor Route Network, as shown on the policies map, will form the framework for traffic and freight management in the National Park.</p> <p>3. Replacement of existing car parking (lost through development or coastal change), or the creation of small scale new facilities will be permitted where: (a) this enables opportunities to enhance public understanding and enjoyment of the National Park,; or (b) <u>this would relieve</u> traffic and parking pressure elsewhere in the locality,; and including adverse impacts arising from parking on the highway. <u>and</u> Such provision should also ensure that:</p> <p>a) e) there is good accessibility, and there would be no material harm to the character and appearance of the locality or views from publicly accessible locations; and</p> <p>b) d) it is well designed in accordance with the criteria set out in policy AC-S2(1).</p> <p>4. In the National Park there is a presumption against providing for peak parking demand. The National Park Authority will work with highways authorities, Town and Parish Councils and local communities to identify local solutions to congestion and parking issues in keeping with landscape character, providing for community needs and utilising temporary solutions for peak parking where necessary and appropriate (AC-D4).</p> <p>5. Proposals for new development should make adequate provision for parking in accordance with AC-D3.</p> |
| MM54 | 240 | Para. 9.28 | <p>Policy AC-D3 guides parking provision in developments – the principle will be to minimise parking taking into account environmental constraints. Table 9.1 <i>Guide to Parking Standards</i> lists optimum <u>is intended to guide</u> levels of provision and is intended to guide applicants regarding the levels of <u>for</u> car, cycle, motorcycle parking and parking for disabled people¹. The parking standards reflect the rural nature of the National Park, and that many people will be dependent on access to a car. Car parking standards include any garages or car ports provided. However, developments in more sustainable locations that are well served by public transport or</p> |

¹ The parking standards in Table 9.1 are based on the Somerset County Council Parking Standards (Zone C), adapted to reflect the lower levels and sizes of development that are more typical in the National Park, and applied across the whole National Park.

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| | | | <p>have good walking and cycling links will be considered appropriate for lower levels of car parking provision. There may be circumstances such as change of use, or new development in restricted locations where it is not possible to accommodate parking. In order to enable otherwise appropriate development, the National Park Authority will take into account the proximity of public parking (including on- road parking) and public transport when considering applications. Applicants will be expected to provide clear evidence to justify higher car parking provision. <u>Proposals for a higher level of car parking provision should be supported by robust evidence.</u> Proposals for higher levels of cycle parking will be favourably considered.</p> |
| MM55 | 247 | Policy AC-S4 | <p>AC-S4 ELECTRICITY AND COMMUNICATIONS NETWORKS</p> <ol style="list-style-type: none"> 1. Development to improve the accessibility and standard of the electricity and telecommunications networks will be encouraged in order to contribute to thriving communities and businesses, and climate change mitigation. Great weight will be given to ensuring that the National Park and its special qualities are conserved and enhanced. 2. Proposals will be supported where: <ol style="list-style-type: none"> a) the location, siting, scale and design of structures will not cause any unacceptable adverse impacts on the landscape and/or seascape character, visual amenity, biodiversity and cultural heritage of the National Park; b) co-operative working with partner organisations and utility operators has been demonstrated, to facilitate the sharing, utilisation and consolidation of existing communications infrastructure in rolling out new or improved communication technologies; and c) provision is made for the removal of apparatus and reinstatement of land when the apparatus becomes redundant. 3. <u>Proposals for M-major and nationally significant transmission infrastructure including high voltage pylon transmission lines, substations and other above ground structures from large scale offshore renewable energy schemes will be considered in accordance with resisted (GP2 Major Development).</u> |
| MM56 | 248 | Policy AC-D5 | <p>AC-D5 RADIO AND MOBILE TELECOMMUNICATIONS INFRASTRUCTURE</p> <ol style="list-style-type: none"> 1. Proposals for radio and mobile telecommunications development will be permitted where they first seek to share existing infrastructure, there is capacity in landscape terms, and no increase in height of existing masts is required. 2. Where it can be demonstrated that (1) is not possible, apparatus will be sited on existing masts or |

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| | | | <p>other features such as buildings or other structures, to minimise adverse effects on landscape character.</p> <p>3. Where it can be demonstrated that (1) and (2) are not possible, the apparatus shall be sited and designed to ensure that it has an acceptable appearance in the landscape including through camouflage as a natural or traditional feature.</p> <p>4. In determining all proposals:</p> <ul style="list-style-type: none"> a) the highest standards of design will be sought in terms of colour, dimensions, construction and overall shape to minimise any visual impact; b) there will be no unacceptable cumulative or sequential visual impact with other vertical structures in the landscape; c) there will be no <u>unacceptable</u> adverse effects on sensitive habitats and wildlife <u>or the historic environment</u>; d) if on a building, apparatus and associated structures should be sited and designed in order to seek to minimise impact to the external appearance of the host building; e) the amenity of nearby residents and visitors are not adversely affected; and f) opportunities for enhancement of the landscape including consolidation of any existing telecommunications infrastructure will be sought. <p>5. A condition will be attached to any planning consent to ensure that there will be ongoing management in place where trees are essential in providing amelioration to visual impacts including as camouflage to antenna within trees.</p> |
| MM57 | 251 | Policy AC-D6 | <p>AC-D6 FIXED LINE TRANSMISSION INFRASTRUCTURE</p> <p>1. Proposals for new transmission lines will only be permitted where they <u>first seek to be</u> are routed underground, unless they <u>this</u> will conflict with policies CE-S1 Landscape and Seascape Character, CE-S3 Biodiversity and Green Infrastructure, CE-S4 Cultural Heritage and Historic Environment and the need for the service cannot be met in any other way.</p> <p>2. <u>Where it can be demonstrated that (1) is not possible, other means of providing the service with minimal environmental impact should be considered (CC-S5 Low Carbon and Renewable Energy Development, CE-D7 Satellite Antennae).</u> and the need for the service cannot be met in any other way.</p> |

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| | | | <p>3. Where it can be demonstrated that (1) and (2) are not possible in this circumstance, proposals for overhead lines may only be permitted where the visual impact is minimised by selecting the least obtrusive route and where it will not cross any moorland or open landscapes, or break the skyline.</p> <p>4. 2- Proposals relating to low voltage electrical cabling from renewable energy technologies (CC-S5) will only be permitted where:</p> <ul style="list-style-type: none"> a) they will be routed underground; b) they will not adversely affect landscape and seascape character, biodiversity, cultural heritage or recreational use of the coast; and c) there is adequate infrastructure to connect cabling nearby that does not require substantial modification or upgrading, or where any modification /upgrading to existing infrastructure is minimal and will not have any unacceptable impact. <p>5. 3-Development p Proposals that include <u>require</u> electricity or telecommunication service lines to new development will be expected to provide underground routing subject to policies CE-S1, CE-S3 and CE-S4.</p> |
| MM58 | 279 | Policy ES-S2 | <p>ES-S2 LYNTON & LYNMOUTH NEIGHBOURHOOD PLAN</p> <p>1. Development proposals within Lynton & Lynmouth parish shall be determined in accordance with the Lynton & Lynmouth Neighbourhood Plan 2013 – 2028 and the strategic policies of the Local Plan.</p> <p>2. Development management policies in the Local Plan will only be given greater weight in the following circumstances:</p> <ul style="list-style-type: none"> a) where the neighbourhood plan is silent, indeterminate or out of date; and b) using RT-D3 safeguarding serviced accommodation to determine related proposals for the change of use of serviced accommodation within the Neighbourhood Plan area (over-riding the Lyn Plan policy E2 Change of Use of Hotels & Guesthouses). <p>3. Should a conflict arise between development management policies in the Local Plan and the policies in the Neighbourhood Plan, the conflict will be resolved in favour of the Neighbourhood Plan until the end of the Plan period in 2028 or until it is reviewed, whichever is earlier, unless it is considered that the</p> |

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| | | | proposal would otherwise have a detrimental impact on the achievement of National Park purposes. |
| MM59 | 302 | <p>After para. 11.3 – insert new paragraph 11.3A</p> <p>After new para. 11.3A and before Policy M1-S1, insert new para 11.3B</p> | <p><u>11.3A Particular attention will be paid to monitoring both the indicative level of need for affordable housing and the number of affordable dwellings permitted each year. This reflects the priority which the Plan gives to providing affordable housing to meet local needs. Policy MI-S1 sets out the indicators that will be used to determine whether affordable housing need is being met and the process for determining whether a review of the Plan may be needed.</u></p> <p><u>11.3B Reflecting experience of rural affordable housing delivery, in applying policy M1-S1 the National Park Authority will have regard to:</u></p> <p>a) <u>the cumulative number of affordable dwellings that have been permitted since the start of the plan period;</u></p> <p>b) <u>affordable dwellings under construction and completions since the start of the plan period; and</u></p> <p>c) <u>Evidence from parish household surveys on the level of affordable housing need in the National Park.</u></p> <p><u>Experience of providing for affordable housing on Exmoor shows that up to date parish household need surveys are the most accurate way of assessing affordable housing need for parishes within the National Park to enable housing to be delivered where it is needed. Following a needs led approach, such surveys will in practice be the basis for assessing planning applications for affordable local need housing (see para 6.35 (as amended by para 6.35 to 6.36 of Further Proposed Changes to Section 6). If monitoring shows that affordable housing delivery is below the threshold set out in the policy, evidence from up to date parish housing need surveys will be assessed. If this also indicates that there is a shortfall in the delivery against proven need then it will help to decide to trigger a review.</u></p> |
| MM60 | 302 | Insert after para. 11.3 | <p><u>MI-S1 MONITORING AND REVIEW OF AFFORDABLE HOUSING NEED AND PROVISION</u></p> <p><u>1. The Authority will complete a review of the indicative affordable housing need figure for the Plan period set out in paragraph 6.31 of the Plan, on the basis of the latest available evidence, by no later than 31 December 2020 and at intervals of no more than five years thereafter. If any review shows that there has been an increase of more than 20% in the indicative affordable housing need figure compared with the figure in paragraph 6.31 of the Plan, a full or partial review of the Plan will be</u></p> |

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| | | | <p><u>undertaken to take account of this change.</u></p> <p>2. <u>If in any continuous three-year monitoring period the total number of affordable dwellings permitted in those three years is less than 10% of the indicative affordable housing need figure for the Plan period as a whole set out in paragraph 6.31 of the Plan, the Authority will carry out a review of the reasons for this in consultation with local stakeholders unless:</u></p> <p>a) <u>cumulative delivery since 2011 meets or exceeds the total of the average annualised figure of affordable housing need to date; or</u></p> <p>b) <u>evidence from up to date parish housing need surveys shows that existing levels of provision are sufficient to meet local needs for affordable housing. In this context “existing levels of provision” means the existing affordable housing stock together with any affordable dwellings which are under construction or which have extant planning permission.</u></p> <p>3. <u>If a review is triggered in accordance with clause 2 of this policy and it indicates that changes to the Plan are needed to increase delivery of affordable housing to meet local needs, a full or partial review of the Plan will be undertaken to take forward the necessary changes.</u></p> |