Chapter 1 - Purpose and Content of the Local Plan

The Development Plan System
Paragraph 1.9

Objection 181/402/FD Conditionally Withdrawn CPRE

Issue:

- The policies in the Local Plan should conform with the Structure Plan and not just complement it.

Inspector's Reasoning and Conclusions

1.1 The Council has accepted the CPRE proposition that the Local Plan should conform with the Structure Plan and not just complement it. The Council has made an appropriate change to paragraph 1.9 and the objection is conditionally withdrawn.

Recommendation 1.1
I recommend no further change to this part of the Local Plan.

Primary Purposes of the Local Plan
Paragraph 1.10

Objection 181/408/FD CPRE

Issue:

- The Local Plan should be concerned with the control of land use which can arise from proposals other than those the subject of a planning application.

Inspector's Reasoning and Conclusions

1.2 This objection by the CPRE seeks to broaden the scope of paragraph 1.10 to include "other proposals concerned with land use" after the reference to planning applications. The Council is setting out here the primary purposes of the Local Plan. It refers firstly to the development of planning policies, then to providing a firm basis for rational and consistent decisions on planning applications. These purposes reflect the thrust of PPG12, which states in paragraph 3.14, "policies in development plans should concentrate on those matters which are likely to provide the basis for considering planning applications or for determining conditions to be attached to planning permissions". Introducing refinements, such as a reference to certificates of lawful use would be an unnecessary complication.

Recommendation 1.2
I recommend no change to this part of the Local Plan.

The Format of the Local Plan
Paragraph 1.22

Objection	*383/1367/F*	*Country Land and Business Association*
Objection	*197/2496/R*	*Devon County Council*
Objection	*410/2115/R*	*Larkbear Consortium*

Issues:

- The Local Plan is formulated in accord with the Structure Plan's broad strategic categories, the relevance of which is questioned.

- The broad strategic areas may require revision prior to the public inquiry as they do not have the support of the EIP Panel.

- The designation of the Area of Economic Activity should be removed to reflect the advice in the Panel Report to the EIP.

Inspector's Reasoning and Conclusions

1.3 The Local Plan has been prepared in the context of the previous adopted Devon Structure Plan First Review. The strategy contained in that Structure Plan has been translated into the Local Plan, including the reference to three broad strategic areas. The three areas appear to relate well to the physical and economic distinctiveness of various parts of the district.

1.4 The revised Structure Plan, recently adopted, has had the areas of economic activity removed following the recommendation of the EIP panel. The Council has made changes to the main strategic areas to reflect the new Structure Plan but remains of the view that they are still relevant to the presentation of planning policies at the district level. The three areas have helped the Council to shape and structure the overall strategy of the Local Plan. I see no reason why they should be abandoned at this stage.

Recommendation 1.3
I recommend no change to this part of the Local Plan.

The Format of the Local Plan
Paragraph 1.24

Objection	*181/403/FD*	*Conditionally Withdrawn*	*CPRE*

Issue:

- There is no mention within paragraph 1.24 of the requirements of Section 54A of the Town and Country Planning Act.

Inspector's Reasoning and Conclusions

1.5 The Council accepts that a reference to Section 54A needs to be made, but considers that the most appropriate place is in paragraph 1.7. The Council has made this change and the objection is conditionally withdrawn.

Recommendation 1.4
I recommend no further change to this part of the Local Plan.

Reading the Local Plan as a whole
Paragraph 1.28

Objection *181/404/FD* *CPRE*

Issues:

- The need for the final sentence of the paragraph is questioned.
- There are a number of statements in the Local Plan that repeat the Structure Plan.

Inspector's Reasoning and Conclusions

1.6 The CPRE consider the final sentence of 1.28 to be misleading. The sentence claims that the Local Plan has avoided repeating the policies and proposals contained in the Devon Structure Plan. Yet there are a number of policies in the Local Plan that effectively repeat a similar policy in the Structure Plan. Policy ENV2 is an example, repeating SP Policy C4. There should be repetition of policies between the two Plans, to avoid conflicting interpretation being made of them.

1.7 The CPRE point about conflicting interpretations is a good one. There is scope for a different slant being put on a Local Plan policy, if it is not exactly in accord with a similar policy in the Structure Plan. One would expect any serious lack of accord to be picked up by the County Council when it considers whether to issue a certificate of conformity. The possibility of different interpretations being made is a serious matter, but it does not justify the wholesale repetition of Structure Plan policies in this Local Plan. The Local Plan is already a lengthy document, and to include a raft of extra policies would extend it unreasonably.

Recommendation 1.5
I recommend no change to this part of the Local Plan.

Chapter 2 - Aims, Objectives and Monitoring

A Vision for North Devon
Paragraph 2.2

Objection	*499/1898/F*	*Conditionally Withdrawn*	*Mr D R Lilley*
Objection	*410/2116/R*		*Larkbear Consortium*

Issues:

- The term 'accessibility' should be clarified in the glossary.
- Access to health has been added as an aim but not access to an adequate supply of housing.

Inspector's Reasoning and Conclusions

2.1 The Vision is a broad statement that sets the overall intent of the Local Plan. It includes themes such as protecting the environment, creating a vibrant economy, tackling social exclusion and improving health, themes based on the "quality of life" objectives established by Government. Access to an adequate supply of housing can be considered to be an aspect of social exclusion, and it is not therefore necessary to highlight it in The Vision.

2.2 The Council has included a definition of accessibility in the glossary. I consider that this change meets the concerns raised by the objector.

Recommendation 2.1
I recommend no change to this part of the Local Plan.

Aims and Objectives of the Local Plan
Paragraph 2.5

Objection	*380/1359/F*		*B I Down*
Objection	*310/1157/F*	*Partially Withdrawn*	*North Devon Archaeological Society*

Issues:

- The basis of knowledge assumed by the Plan is not available at present and needs to be strengthened.
- Aim 1 will not be achieved by attracting vast numbers of people.

Inspector's Reasoning and Conclusions

2.3 The two objections listed above are more in the nature of comments than specific objections. The Archaeological Society's comments are in connection with the objective to protect and enhance the quality and distinctiveness of the historic, architectural and archaeological heritage of North Devon, an objective which is fundamentally flawed because it assumes a basis of knowledge which is not available at present. The Society suggests an extra member of staff is appointed to undertake the necessary studies to inform and strengthen the Council's policies. The Council is remarkably modest in justifying its achievements in preparing the Local Plan, and in listing the wide range of specialist assistance that it can call on. Any specific deficiencies cannot invalidate an objective in any event. The objection has been partially withdrawn and I consider that the Council's response more than meets the remaining objection.

2.4 Mr Down's point is about mass tourism. As the Council points out, tourism is important to the economy of North Devon, and worth some 25% of the GDP of the district. The Local Plan strives to achieve a balance between supporting this industry and protecting the character of the natural assets of the district. This approach is in line with Government tourism objectives and meets the objection in my view.

Recommendation 2.2
I recommend that no change be made to this part of the Local Plan.

Aims and Objectives of the Local Plan
Paragraph 2.6

Objection	*181/405/FD*		*CPRE*
Objection	*225/654/FD*		*Government Office for the South West*
Objection	*499/1899/F*	*Conditionally Withdrawn*	*Mr D R Lilley*

Issues:

- Concern about the principle of reducing the provision of on-site car parking.

- The Government's key objective to reduce the need to travel, especially by the car should be included.
- Open/green space and recreation and leisure facilities should be included in Aim 2 with the inclusion of 'where appropriate to the natural environment' in the ninth bullet point.

- Aim 2 should be split into two separate aims.

Inspector's Reasoning and Conclusions

2.5 The CPRE are concerned about the principle of reducing the provision of on-site car parking. The objective set out in the Local Plan covers all new development, but refers specifically to locations accessible to a choice of transport modes. These tend to be locations close to town centres. The

Council accepts that away from such favoured locations achievement of this objective will not be easy in most of the district, where a scattered rural settlement pattern and a high level of car dependency prevail. Most of the new residential sites, particularly those identified in Barnstaple, are on previously developed land in sustainable locations relatively close to the town centre.

2.6 Achieving a reduction of parking provision in such places ought to be possible without causing the side effects feared by the CPRE, such as congestion and danger due to on-street parking. Paragraph 6.42 addresses the issue and allows for flexibility in provision where there is a particular problem related to existing high levels of on-street parking. The overall intention to reduce the amount of car parking in residential schemes is in line with government policy to reduce car travel where possible, as expressed in PPG3 and PPG13.

2.7 Mr Lilley's desire to split Aim 2 into two separate aims is intended to avoid confusion. Information technology has a potential impact on life and activities across-the-board in North Devon. Putting it in with the accessibility and travel aim has some logic to it, as explained by paragraph 6.4 of the Local Plan, where it is seen as an influence on the need to travel. Though the link is rather tenuous, the objective might as well go in Aim 2 as any of the other aims. It would not justify an aim to itself however, as the improvement of IT coverage in North Devon is not particularly a function of the Council as planning authority. The Council accepts that aim 2 should explicitly include the Government's key objective to reduce the need to travel, especially by car, and has included this change in the Revised Deposit Plan.

Recommendation 2.3
I recommend no change to this part of the Local Plan.

Aims and Objectives of the Local Plan
Paragraph 2.7

Objection	*225/655/FD*		*Government Office for the South West*
Objection	*410/2117/R*		*Larkbear Consortium*
Objection	*499/1900/F*	*Conditionally Withdrawn*	*Mr D R Lilley*

Issues:

- Aim 3 should also include reference to the promotion of more sustainable patterns of development and make better use of previously developed land and better design to contribute to urban renaissance and improve the quality of life.

- The term 'decent homes' should be clarified.

- The deletion of the words in the second objective 'by guiding most development to the towns'.

Inspector's Reasoning and Conclusions

2.8 Government Office (GOSW) support Aim 3 as far as it goes, but call for the following Government objectives to be added: Promote more sustainable patterns of development and make better use of

previously developed land; and to promote better design to contribute to urban renaissance and improve the quality of life. The Council accepted this suggestion and has made changes accordingly which meet the objection.

2.9 Mr Lilley objects to the term "decent home," since it is not a planning term and could be interpreted differently by different people. Different interpretations of the same word bedevil the planning system, but it is not feasible to attempt to define the word in an overall aim. It is also a direct quote from PPG3, which gives it credibility of a kind.

2.10 The Larkbear Consortium objects to the deletion of the reference to "guiding most development to the towns", fearing that this will dilute the strategy of focusing development in Barnstaple. The Council's response is that the phrase in question appeared to be redundant after the introduction of the additional GOSW words, but the settlement strategy of the Local Plan of seeking to promote more sustainable patterns of housing by guiding most development to the towns remains unaffected. I have no reason to doubt this assurance and consider the objection met.

Recommendation 2.4
I recommend no change to this part of the Local Plan.

Aims and Objectives of the Local Plan
Paragraph 2.8

Objection *499/1901/F* *Mr D R Lilley*

Issues:

- It is not possible to offer the widest variety of employment and business opportunities.
- The aim should be to provide full employment not just to raise income levels.

Inspector's Reasoning and Conclusions

2.11 Paragraph 2.8 expands upon Aim 4 which is to strengthen and diversify North Devon's economy in a manner that offers the widest possible variety of employment and business opportunities for the whole community in order to raise income levels. The Council has accepted the first of Mr Lilley's points, and has placed the word "possible" between widest and variety. This helps to make the aim more realistic.

2.12 Mr Lilley's second point is not accepted by the Council, as it claims that an aim of providing full employment would itself be unrealistic. The aim of creating a wide variety of jobs and business opportunities in order to raise income levels does not seem unreasonable, given the acknowledged fact that average income levels are generally low by comparison with other areas less dominated by tourism and agriculture.

Recommendation 2.5
I recommend no change to this part of the Local Plan.

Aims and Objectives of the Local Plan
Aim 5: Paragraph 2.9

Objection 225/657/FD *Government Office for the South West*

Issue:

- The omission from Aim 5 of the Government's objectives to sustain and enhance the vitality and viability of town centres.

Inspector's Reasoning and Conclusions

2.13 Aim 5 was formerly expressed as "to reduce social exclusion and improve the self-sufficiency of North Devon's settlements". The Council has accepted this request from GOSW to include the vitality and viability of town centres, and has put a relevant reference into Aim 5 to meet the objection.

Recommendation 2.6
I recommend that no further change be made to this part of the Local Plan.

Implementation and Monitoring
Paragraph 2.12

Objection 181/409/FD *CPRE*

Issue:

- The Local Plan is concerned with the control of land use which can arise from proposals other than those subject to a planning application.

Inspector's Reasoning and Conclusions

2.14 This objection by the CPRE sought to broaden the scope of paragraph 2.12 to include "other proposals concerned with land use" after the reference to planning applications. The Council is setting out in this paragraph how it intends to implement the Local Plan through its statutory planning powers. This is its principal way of influencing land use changes, mainly through applications for planning permission. The following paragraph lists a variety of other ways in which the Council will implement the Local Plan, often working with other bodies, both statutory and voluntary.

2.15 In my view the combination of the two paragraphs sets out the principal ways of working. They reflect the thrust of PPG12, which states in paragraph 3.14 "policies in development plans should concentrate on those matters which are likely to provide the basis for considering planning applications or for determining conditions to be attached to planning permissions". Introducing refinements, such as a reference to certificates of lawful use would be an unnecessary complication.

Recommendation 2.7
I recommend no change to this part of the Local Plan.

Implementation and Monitoring
Table 1 - Monitoring

Objection	*181/2281/R*	*CPRE*
Objection	*225/658/FD*	*Government Office for the South West*
Objection	*457/1752/F*	*Keith Sprason*
Objection	*410/2119/R*	*Larkbear Consortium*
Objection	*310/1158/F*	*North Devon Archaeological Society*
Objection	*469/1781/F*	*The House Builders Federation*

Issues:

- The indicators should be more focused on the planning process rather than substantive outcomes.
- The stated target 'no net loss or damage to important archaeological sites or remains' can only be monitored if an informed and academically sound landscape characterisation is carried out.
- The parking standard in relation to Policy TRA8 could be interpreted as a maximum provision inconsistent with generally high car ownership and congested streets.
- Monitoring should assess the assumptions that underpin the Local Plan strategy rather than merely counting completions, with greater reference made to the guidance provided in the DTLR Best Practice Guidance.
- The practicalities of achieving 15% of renewable energy generation within major developments are questioned.
- The sustainability indicator relating to Policy DVS1A should be removed, as sustainable development should be a theme throughout the Local Plan.

Inspector's Reasoning and Conclusions

2.16 GOSW call for the indicators to be more focused on the planning process rather than substantive outcomes. The Council has made a number of changes to the list of indicators and targets and the concerns of GOSW may well be assuaged.

2.17 The objection by the North Devon Archaeological Society points out that the archaeological heritage of North Devon is not site specific, but lies principally in the character of its well-preserved late medieval landscape. The avoidance of "loss or damage to archaeological sites or remains" is therefore only a fraction of the requirement if objective 2.5 is to be met. Work on historic landscape characterisation is currently being undertaken by English Heritage and Devon

County Council. This could go some way towards outlining rural areas of historic and archaeological sensitivity, but the NDAS view is that this broad brush approach cannot be detailed enough to point out, for example, the importance of a particular boundary, drove field or field system. They believe that an informed and academically sound landscape characterisation will be required if the Local Plan is to be satisfactorily fulfilled.

2.18 The response of the Council is that the Local Plan is underpinned by a range of information relating to the environment, and that whilst the Council appreciates the need to continually gather information, it is not considered appropriate or necessary to refer to such undertakings in Table 1. Whilst sympathising with the archaeologists, I can appreciate the Council's stance that Table 1 cannot contain large amounts of detail. The concept of rural areas of historic and archaeological sensitivity is an interesting one but it is doubtful whether the work is at a sufficiently advanced stage to provide the specific targets necessary for effective monitoring.

2.19 Mr Sprason's objection is to the monitoring target for parking which he believes to be inconsistent with generally high car ownership and congested streets. As the Council points out however, the target quoted (level of on-site car parking not to exceed an average of 1.5 spaces per dwelling) reflects government policy on parking in urban areas (PPG3, paragraph 62). It is of course one of the weapons in the government's armoury to tackle high car ownership and congested streets, together with improvements to public transport, as referred to by Mr Sprason.

2.20 The Council states that it does not fully understand the issues raised by the Housebuilders Federation. It disputes the assertion that the targets in relation to housing merely count completions. It points to targets on net density of development, numbers of affordable homes and the mix of types, sizes and tenures of housing. It does however accept that the DTLR best practice guidance should influence the specific items in Table 1. It proposes a change to the target for previously developed land to bring the figure in line with the change to Policy HSG1.

2.21 The objection relating to renewable energy from the CPRE is dealt with in relation to Policy ECN15.

2.22 The objection by the Larkbear Consortium is to monitoring for Policy DVS1A in Table 1, as sustainable development should be a theme throughout the whole Local Plan rather than an isolated indicator. They call for the removal of the indicator. The Council provides a robust defence of the need to monitor sustainability in development, but the lack of a specific target is disappointing. Table 2A includes a wide range of principles to be addressed in sustainability assessment. It ought not to be too difficult to devise a systematic procedure whereby a percentage of planning permissions leading to development on the ground are measured against the principles. I look to the Council to come up with a suitable scheme and target, and to incorporate it into Table 1.

Recommendation 2.8
I recommend that the Local Plan be modified by altering the target for previously developed sites from 50% to 60% in Table 1 (Policy HSG1), and by incorporating a suitable scheme and target for assessing the principles of sustainable development in Table 1.

Chapter 3 - The Local Plan Strategy

Main Strategic Areas
Paragraph 3.2

Objection	*410/2120/R*	*Larkbear Consortium*
Objection	*499/1902/F*	*Mr D R Lilley*
Objection	*641/2294/R*	*National Farmers Union*
Objection	*184/442/FD*	*The Molland Estate*

Issues:

- The term restraint is unfortunate as it encourages a negative approach to development in the Area of Strategic Landscape and Development Constraint, in contrast to the Local Plan's aims and objectives.

- Support for Bratton Fleming as a smaller village within the ASLDC, where development should be constrained but question why this constraint does not rule out affordable housing for local people.

- Reference to the Area of Economic Activity should be deleted as it is not sufficiently precise to reflect Barnstaple's Sub Regional role.

- Objection to the designation of an Area of Strategic Landscape and Development Constraint and the Priority Area for Rural Regeneration as the whole rural area is in need of regeneration and adequate protection to sensitive areas is given in Policies ENV2 to ENV5.

Inspector's Reasoning and Conclusions

3.1 The basic issue here is whether there is any longer a role in planning terms for the three strategic areas into which the district is divided, now that the Structure Plan no longer includes them. The Council clearly believes that they are still relevant to the district scale, and that they have helped shape the overall strategy of the Local Plan, reflecting the relative self-containment and clear settlement hierarchy in North Devon. The emphasis is on balance, so that in the area of development constraint there can still be economic development and affordable housing within selected villages, to ensure that the life blood of the area does not drain away.

3.2 Further inland, away from the protected landscapes the scope for development is greater, and more needed, as the rural area continues to recover from the trauma of foot and mouth. The area around Barnstaple, and Bideford, is clearly one where there are greater pressures for development, and the need is for appropriate policies based upon the channelling of economic growth. If the Council genuinely believes that the areas have a purpose and meaning in guiding planning decisions then it seems only right that they should remain. The Local Plan now needs to acknowledge however that they are no longer to be found in the adopted Structure Plan.

Recommendation 3.1
I recommend that the Local Plan be modified by deleting references to the Devon Structure Plan and the three strategic areas in paragraphs 3.1 to 3.3, and paragraphs 3.13, 3.17 and 3.24.

Settlement Hierarchy
Paragraph 3.4

Objection	*410/1518/F*	*Larkbear Consortium*

Issue:

- RPG10 has now been adopted and the paragraph should refer to various elements of it, including improving access to Barnstaple and the provisional approval of the Western Bypass.

Inspector's Reasoning and Conclusions

3.3 The Council readily accepts the need to refer to the adopted Regional Planning Guidance, and it does so in the Revised Deposit Plan. It resists going into more detail than the paragraph currently contains, particularly in relation to transport matters, as these are set out in some detail already in the Barnstaple chapter of the Local Plan. This seems a reasonable response to the objection in my view.

Recommendation 3.2
I recommend no change to this part of the Local Plan.

Settlement Hierarchy
Policy STY1 - Sub Regional Centre: Barnstaple

Objection	*287/2230/R*	*Barnstaple Town Centre Management*
Objection	*197/2497/R*	*Devon County Council*
Objection	*225/644/FD*	*Government Office for the South West*
Objection	*225/659/FD*	*Government Office for the South West*
Objection	*410/2121/R*	*Larkbear Consortium*

Issues:

- The Local Plan's strategic focus could be strengthened by inserting strategic policies, giving the broad magnitude of housing, employment and service development at the beginning of the respective chapters. Support for the strategy contained in STY1 to STY3, although Proposals should be amended to Policies as they do not propose development.

- The clarification of the role of the settlement is supported although further clarification of all the information relating to housing provision is required.

- Is it proposed to modify Policy STY1 to 2000 dwellings and reduce the level of employment land in light of the Structure Plan Panel's Report?

- Policy STY1 needs to be redrafted to make clear Barnstaple's strategic role in the District.

Inspector's Reasoning and Conclusions

3.4 The objection from GOSW identified a gap between broad aims and spatial strategy and the policies and proposals themselves. The Council has addressed this gap by changing Policies STY1 2 and 3 to clarify the quantities of housing and employment development required in each of the main centres, and the role of development within local centres. Although these changes do not address the service development point, they have been welcomed by GOSW. Changes have been made to Policy STY1 to clarify the role of Barnstaple as a sub-regional centre and to give an indication of the amount of development being proposed for Barnstaple during the Local Plan period. This meets the Larkbear objection in my view.

3.5 Devon County Council welcome the clarification of the role of Barnstaple, but ask for consistency with other tables and policies as to how much housing is proposed over what time periods. There are tables listing the proposed residential capacities for the four main settlements in each of the relevant Action Plans. These tables identify the overall housing capacity for the proposed residential sites, but do not include the level of existing commitments or estimated windfall provision. The housing figures in all of the policies and tables are consistent although minor amendments are required to Policy HSG1A, Tables 11, 15, 17 and 18, and Policies STY1 and STY2. The figure for the provision of new dwellings in Barnstaple should be reduced from 1500 to 1375 in Policy STY1, in accordance with the proposed amendments to Policy HSG1A, following the amended figures set out in General Paper 2.

3.6 The phased release of land is set out in paragraphs 7.10 to 7.12 and Policy HSG1. Paragraph 7.12 indicates that the phased release of housing land only relates to Barnstaple, Ilfracombe and South Molton. However it also applies to Braunton and Wrafton so paragraph 7.12 must be amended to rectify that omission. The only figures indicating how much housing is proposed over what time periods are those in the individual Action Plans for the main settlements. These figures relate solely to allocated housing sites and the phasing restrictions apply only to the green field sites.

3.7 The Structure Plan panel's report referred to by Barnstaple Town Centre Management is the report on the recently adopted Structure Plan, covering the period up to 2016. It is inappropriate to embody proposals from this Structure Plan into the Local Plan which has a time horizon of 2011. In any event the proposal to increase housing provision in North Devon by 500 dwellings was rejected by the County Council, and an increase of 200 dwellings was accepted.

Recommendation 3.3

I recommend that the Local Plan be modified by:

1) changing the figure for new dwellings in Barnstaple from 1500 to 1375 in Policy STY1;

2) adding a reference to Braunton and Wrafton to paragraph 7.12.

Settlement Hierarchy
Policy STY2 - (Area Centres)

Objection	*197/2498/R*	*Devon County Council*
Objection	*225/787/FD*	*Government Office for the South West*
Objection	*225/2421/RD*	*Government Office for the South West*
Objection	*410/2122/R*	*Larkbear Consortium*

Issues:

- The strategy contained in Policy STY2 is supported, although Proposal should be amended to Policy as it does not propose development.

- The policy is not clear as to how much housing is proposed over what time periods. It needs to be consistent with other tables and policies.

- South Molton appears to exceed the scale of development expected for a town of its size, although it is noted that provision reflects the town's large catchment area and regeneration priorities. The LPA should satisfy itself that the scale of provision is justified and realistic in relation to these factors and that it is consistent with the objective to create more sustainable patterns of development.

- The level of development proposed at the Area Centres of South Molton and Ilfracombe appears more than required to sustain these settlements in terms of their size or function.

Inspector's Reasoning and Conclusions

3.8 Policy STY2 sets out the broad level of development identified for the area centres of Braunton, Ilfracombe and South Molton. The Council accepts the point about policy/proposal and has changed the title to policy. This meets the objection of GOSW.

3.9 Devon County Council asks for consistency with other tables and policies as to how much housing is proposed over what time periods. The Council response is that there are tables listing the proposed residential capacities for the four main settlements in each of the relevant Action Plans. These tables identify the overall housing capacity for the proposed residential sites, but do not include the level of existing commitments or estimated windfall provision. The housing figures in all of the policies and tables are consistent although minor amendments are required to Policy HSG1A, Tables 11, 15, 17 and 18, and Policies STY1 and STY2, as set out in their individual statements prepared by the Council.

3.10 The phased release of land is set out in paragraphs 7.10 to 7.12 and Policy HSG1. Paragraph 7.12 indicates that the phased release of housing land only relates to Barnstaple, Ilfracombe and South Molton. However it also applies to Braunton and Wrafton so paragraph 7.12 must be amended to rectify that omission. The only figures indicating how much housing is proposed over what time periods are those in the individual Action Plans for the main settlements. These figures relate solely to allocated housing sites and the phasing restrictions apply only to the green field sites.

3.11 The Council argues that proposed growth for both South Molton and Ilfracombe is consistent with their area centre functions. This implies that they have a significant role beyond their boundaries in acting as a focal point and service centre for a wide hinterland. Significant growth is therefore appropriate for each place, particularly in the light of the objective of promoting the economic and social wellbeing of North Devon's coastal and rural communities in the context of the South West

Regional Development Agency's Market and Coastal Towns Initiative. Following a detailed analysis of housing land and building supply within North Devon, the Council has concluded that the total provision should be for about 3,200 dwellings rather than 3,100 dwellings shown in Policy HSG1A, resulting in a reduction in the provision for Ilfracombe from 490 to 420 dwellings. This change is in relation to a reduction in the anticipated windfall provision to better reflect the opportunities in the town relative to other settlements such as Barnstaple. This seems a more realistic approach to take.

Recommendation 3.4
I recommend that the Local Plan be modified by changing the figures for housing in Policy STY2 in South Molton from 570 dwellings to 540, in Braunton from 190 to 185, and in Ilfracombe from 490 to 420.

Settlement Hierarchy
Policy STY3 - (Local Centres)

Objection	*197/2499/R*	*Devon County Council*
Objection	*225/789/FD*	*Government Office for the South West*
Objection	*410/2125/R*	*Larkbear Consortium*

Issues:

- The strategy contained in STY3 is supported although Proposal should be amended to Policy as it does not propose development.

- The additional wording 'improving the role of local centres' is objected to as it is imprecise and does not adequately address what the role of these settlements should be, and could be interpreted as permitting an inappropriate level of development.

- The terminologies relating to the PARR and ASLDC may require revision prior to the public inquiry.

Inspector's Reasoning and Conclusions

3.12 The Council has taken the advice of GOSW and changed proposal to policy.

3.13 The inclusion of the word "improve" is justified by the Council in relation to the function of acting as a focal point for the surrounding rural communities. This objective is elaborated in General Paper 2 as "allowing a modest level of growth targeted towards helping the viability of local services including schools, shops and pubs, to promote greater self-sufficiency and aid in the creation of thriving, inclusive and sustainable rural communities". In the light of this strategy, I see no reason to assume that an inappropriate level of development would take place in local centres.

3.14 The issue of the use of the PARR and ASLDC acronyms is addressed in General Paper 2. The Council accepts that the terms are not appropriate for the Structure Plan, but maintains that they are

relevant in the context of North Devon. Dividing the district into three broad environmentally and economically distinct areas has helped shape and structure the overall strategy of the Local Plan, and reflects the relative self-containment and distinct settlement hierarchy in North Devon. If using the divisions has assisted the Council in creating its strategy that seems a good enough reason for continuing to use them.

Recommendation 3.5

I recommend no change to this part of the Local Plan.

The Spatial Strategy
Paragraphs 3.10 and 3.11

Objection	*481/1838/F*	*Conditionally Withdrawn*	*Heanton Punchardon Parish Council*
Objection	*354/1326/F*		*M Holden*
Objection	*324/1480/F*	*Partially Withdrawn*	*Midas Homes*
Objection	*466/1774/F*		*Mrs D M Perry*
Objection	*91/169/F*	*Conditionally Withdrawn*	*S J Watson-Davies*
Objection	*324/1481/F*	*Partially Withdrawn*	*Midas Homes*

Issues:

- The spatial strategy is not consistent with PPG1, PPG3 and PPG13, and the levels of growth for individual settlements should be re-appraised particularly in relation to the reliance upon brownfield sites in Barnstaple, and the level of green field growth for South Molton, which is considered to be too high.

- More growth should be allowed in areas such as Ilfracombe and South Molton, rather than Barnstaple.

- Combe Martin should not be in the Area of Strategic Landscape and Development Constraint given its reliance on tourism and limited industry and resources and should therefore be put in the Priority Area for Rural Regeneration.

Inspector's Reasoning and Conclusions

The spatial strategy

3.15 The strategy and distribution of housing in the Local Plan is largely based on Regional Planning Guidance for the South West and the Structure Plan. The strategy of urban concentration set out in those documents has been applied to the district through the settlement hierarchy. The Local Plan concentrates most new development in Barnstaple, but recognises the growth potential of South Molton, as a significant centre serving a rural hinterland with a buoyant economy and good access to the rest of the region. Similarly the Local Plan recognises the growth potential of Ilfracombe in order to develop its role as an area centre and promote economic development in a less buoyant area.

3.16 The amount of green field development proposed at South Molton is objected to. Most of the sites proposed for development are identified in the Urban Capacity Study either in the form of previously developed land and buildings or, in the case of land at South Street and Raleigh Park (SMO1d) and between Gunswell Lane and West Street (SMO2a) are situated within the existing urban fabric of the town. Land west of Jury Park (SMO2c) provides an urban extension to the west of the town. This land is currently allocated in the adopted Local Plan.

3.17 The only additional green field allocation not included in the adopted Local Plan is land east of Parsonage Lane (SMO2d). Although the allocation measures 7.8 hectares, it is only proposed for 150 dwellings to ensure the provision of significant amounts of public open space and to protect the most environmentally sensitive parts of the site. Thus whilst the amount of green field development at South Molton appears high, it is justified as a means of shaping the growth of the town in an acceptable way.

Combe Martin

3.18 It is suggested that Combe Martin should not be in the Area of Strategic Landscape and Development Constraint (ASLDC), given its reliance on tourism and limited industry and resources. It should rather be placed in the Priority Area for Rural Regeneration (PARR). Combe Martin is of course a bustling tourism centre, and the policies and proposals for Combe Martin provide some opportunities for growth including tourism and limited industry. The village is already located in the AONB, the heritage coast and the coastal preservation area, all designations that lend themselves to the Area of Strategic Landscape and Development Constraint. It would not be practical in any event to include Combe Martin in the PARR as this is many miles away south of the North Devon link road.

3.19 The objection by Heanton Punchardon Parish Council that more houses should be built in South Molton and less in Barnstaple was met by the withdrawal of Larkbear from the Revised Deposit Plan. The objection is conditionally withdrawn.

Recommendation 3.6
I recommend no change to this part of the Local Plan.

The Priority Area for Rural Regeneration
Paragraph 3.18

Objection *389/1415/F* *Highways Agency*

Issue:

- Concentrating the majority of employment development in South Molton outside the main area of economic activity is likely to increase traffic flows on the adjacent A361.

Inspector's Reasoning and Conclusions

3.20 Most new employment development in the Local Plan is concentrated at Roundswell in Barnstaple, to reflect its sub-regional role. A significant amount, 20 hectares compared with 25 hectares at

Roundswell, is allocated to South Molton, to reflect its role as an area centre in the Priority Area for Rural Regeneration. The town is well-placed to benefit from good access to the M5, via the North Devon link road, and is seen as a regeneration focus for a wide hinterland. For these reasons it is receiving a more generous allocation of employment land than its size might otherwise suggest.

3.21 Local plans to extend Pathfields Business Park have taken into account the traffic implications for the A361 through a transport assessment. Any further employment development at Pathfields will be required to contribute towards the cost of improving the link to the A361 (see chapter 16: South Molton Action Plan: paragraph 16.6 onwards).

Recommendation 3.7
I recommend no change to this part of the Local Plan.

The Priority Area for Rural Regeneration
Large Villages
Paragraphs 3.19 to 3.21

Objection	*207/594/FD*	*Jeffrey Patton*
Objection	*322/1242/F*	*Mrs Ruth Moore*
Objection	*207/595/FD*	*Jeffrey Patton*
Objection	*329/1267/F*	*Mrs J Duncan*
Objection	*207/597/FD*	*Jeffrey Patton*

Issues:

- Landkey is much larger than Swimbridge. Swimbridge should be listed as a small village in view of its size, topography, lack of economic opportunities and services and cannot therefore support or justify significant levels of new development.

- Swimbridge is not self-sufficient and development will not help sustain the village nor promote self-sufficiency, and will be an unwelcome burden where there is not the infrastructure to support it.

- The viability of the school cannot be used as a reason for development as schools no longer have designated catchment areas. Mixed and balanced communities have little practical meaning as development packages are unlikely to offer anything for most villages, and will only benefit the developer and people who live on the development.

Inspector's Reasoning and Conclusions

3.22 There is clearly a strong feeling that Swimbridge should be listed as a small village rather than a large one. The Local Plan does not however set down clear criteria for distinguishing between small and large. Simply in terms of area and population, Swimbridge is much smaller than Landkey, and Table 2 shows that it lacks a general store and children's play area and playing field.

It does however have a significant previously-developed site at The Tannery, and there is an opportunity for the provision of a sports field if an adjoining housing development goes ahead. Its designation as a large village is not unreasonable therefore. This designation brings with it a clearly defined development boundary beyond which development should not normally go. Its designation as a large village does not therefore necessarily pose any significant threat to the AGLV.

3.23 With regard to school catchment areas, the Council states that the education authority bases the capacity of schools on designated catchment areas which are set out in its schools organisation plan. The Council believes that allowing a moderate level of growth in the large villages may prevent local services such as schools and shops becoming unviable and contribute towards mixed communities. Whether a strict catchment policy is pursued by the education authority or not, new development within a reasonable distance of a school is likely to help keep it in business.

Recommendation 3.8
I recommend no change to this part of the Local Plan.

The Priority Area for Rural Regeneration
Small Villages
Paragraph 3.22

Objection	*181/410/FD*	*CPRE*
Objection	*207/599/FD*	*Jeffrey Patton*

Issues:

- Goodleigh should be deleted as a small village within the Area of Strategic Landscape and Development Constraint.

- Swimbridge should be included as a small village as it has similar circumstances to Chittlehampton.

Inspector's Reasoning and Conclusions

3.24 The CPRE objects to the inclusion of Goodleigh in a list of small villages in the Priority Area for Rural Regeneration when it is in fact located in the Area of Strategic Landscape and Development Constraint. The Council's justification is that the size, character and level of facilities justifies allowing some modest development to sustain rural community life. Treating Goodleigh as an ASLDC village would mean defining a development boundary, a less flexible approach that would restrict opportunities for appropriate development.

3.25 Planning in Goodleigh is inevitably complicated by the fact that the boundary of the Area of Great Landscape Value runs right through the middle of the village. There is thus greater constraint to development in the northern half of the village, and a policy which allows for some flexibility may be more appropriate than the drawing of a hard and fast line to the settlement edge. Both the PARR and the ASLDC approaches allow for some development provided it does not harm the character and setting of the village. Both also have Policies EN3 and COM4 applying to them, allowing

appropriate employment and community facilities development. Whilst it may be rather confusing to include an ASLDC village in a group of PARR villages, I would not expect to see any harm resulting in terms of unsuitable development.

3.26 The second objector would like to see Swimbridge included as a small village as it has similar characteristics to Chittlehampton. The Local Plan acknowledges that Chittlehampton is of a size and contains a range of facilities that make it a "large village", but given its development constraints, including topography, the growth strategy applying to small villages is considered more appropriate. As the objector points out, there is little difference between the topography of Swimbridge or Chittlehampton, but the main difference between the two places is that Swimbridge contains a previously-developed site suitable for redevelopment, and land near the Jubilee Hall suitable for a modest housing scheme. There is less opportunity for growth at Chittlehampton, and the more flexible approach to development under Policy HSG3 is more appropriate.

Recommendation 3.9
I recommend no change to this part of the Local Plan.

The Area of Strategic Landscape and Development Constraint
Paragraph 3.24

Objection	*383/1368/F*	*Country Land and Business Association*
Objection	*641/2296/R*	*National Farmers Union*

Issues:

- Recognition of the need to maintain the viability and vitality of many small communities and their associated services and facilities, but with reservations regarding the extent to which the rural economy will be permitted to adapt and change, particularly in the Area of Strategic Landscape and Development Constraint.

- Object to the Area of Strategic Landscape and Development Constraint as the whole rural area is in need of regeneration and adequate protection to sensitive areas is given in Policies ENV2 to ENV5.

Inspector's Reasoning and Conclusions

3.27 These objections are querying whether the ASLDC should exist. The rationale for its definition, now that the Structure Plan does not use the expression, is that a special policy stance is justified in an area dominated by AONB and Heritage Coast on the one hand and the fringes of Exmoor National Park on the other.

3.28 The issue of the use of the PARR and ASLDC acronyms is addressed in General Paper 2. The Council accepts that the terms are not appropriate for the Structure Plan, but maintains that they are relevant in the context of North Devon. Dividing the district into three broad environmentally and economically distinct areas has helped shape and structure the strategy of the Local Plan, and reflects the relative self-containment and distinct settlement hierarchy in North Devon. If using the

divisions has assisted the Council in creating its strategy that seems a good enough reason for continuing to use them.

3.29 Whilst the planning strategy in the ASLDC applies a genuinely restrictive approach, the policy framework allows the social and economic needs of local communities within the area to be addressed. Economic development and affordable housing schemes in villages in this area would be allowed. There is clearly a need to protect these vulnerable landscapes from too much development, but this must be tempered with a sensitive attempt to meet the needs of communities in an appropriate way.

Recommendation 3.10
I recommend no change to this part of the Local Plan

The Area of Strategic Landscape and Development Constraint
Paragraphs 3.28, 3.34

Objection	*181/2300/R*	*CPRE*
Objection	*181/2299/R*	*CPRE*

Issues:

- All towns and villages in North Devon of any consequence have development boundaries in order to control and regulate growth.

- Removing the development boundary from Bratton Fleming will open the door to all forms of development, on green field sites impacting on the AGLV.

- The deletion of the development boundary amounts to a permissive approach to residential development which should be primarily focused on Barnstaple.

Inspector's Reasoning and Conclusions

3.30 Bratton Fleming is identified as a village within the Area of Strategic Landscape and Development Constraint (ASLDC).The strategy establishes a restrictive approach to new development in the ASLDC in recognition of the strong development pressures in the area, whilst being balanced against the development needs of the local community. The removal of the development boundary and its replacement with a criteria-based policy for development control is a response to the need for some flexibility in the light of the likely emerging community development needs. There is no specific allocation of housing development and there is therefore no significant threat to the primary focus in the Local Plan of residential development at Barnstaple.

3.31 The CPRE object to the removal of the development boundary from Bratton Fleming. They argue that the justification put forward in the Local Plan that the village has a role as an important local centre serving a wide rural area where development opportunities, particularly new housing are extremely limited is fallacious. There are, according to CPRE, scores of towns and villages in North Devon in a similar position, all with development boundaries and none with a proposal to

remove them. Bratton Fleming is surrounded by AGLV and lies close to Exmoor National Park. To remove the development boundary threatens these designated areas.

3.32 The Council argues that the deletion of the development boundary around the village will enable a more flexible and opportunistic approach to new development. The village forms part of an alliance of parishes that has secured "vital village" funding from the Countryside Agency. Bratton Fleming is included within the Government's Neighbourhood Management Pathfinder Programme, alongside Ilfracombe and Combe Martin, the only rural area in the South West Region selected for this programme.

3.33 In view of these development-oriented initiatives it does not seem unreasonable for the Council to wish to proceed with planning in the village without the constraints of a development boundary. The criteria-based policy which will be used to determine developments (Policy BRF1A) should ensure that the scale and location of new development is compatible with the village and its surroundings. Used in conjunction with other policies in the Development Standards and Environment chapters, and with specific policies on economic development and community facilities, it should ensure that the right type of development takes place, respecting the needs of the village and its fine landscape setting.

Recommendation 3.11
I recommend no change to this part of the Local Plan.

The Rural Settlements
Paragraph 3.29

Objection	*242/800/FD*	*Kate and Bryn Anderson*
Objection	*279/1009/F*	*Witheridge Parish Council*

Issues:

- Holmacott should be identified as a rural settlement as part of the strategy to allow limited growth to meet the needs of the local community.

- There should be scope for constrained development within the Witheridge village's post code boundary, which will reduce the council tax charge on the parish rate, and provide social benefits to the village and help keep alive the community spirit.

Inspector's Reasoning and Conclusions

3.34 Paragraph 3.29 lists a number of smaller settlements selected because they contain or are accessible to a basic level of services and facilities, including a school and shop. Holmacott is too small to qualify under this grouping and comes instead under "Other Settlements" in paragraph 3.31. These "unidentified" settlements do not generally have the services, scope or need to develop further. Any significant new development would be contrary to national policy for the protection of the countryside, and the principles of sustainable development.

3.35 Chapter 18 of the Local Plan (the Witheridge Action Plan), includes proposals for residential development off Broomhouse Park and west of Apple Tree Close. This would seem to meet the parish council's request for constrained development within the village post code boundary, although the village itself is closely defined by its development boundary.

Recommendation 3.12
I recommend no change to this part of the Local Plan.

Other Settlements
Paragraph 3.31

Objection 377/1350/F Romansleigh Parish Council

Issues:

- Romansleigh needs small-scale development to keep alive community spirit and retain sufficient families to provide an acceptable precept within the parish and should be included as a rural settlement in paragraph 3.29.

Inspector's Reasoning and Conclusions

3.36 The Council's response to this objection is that Romansleigh has insufficient community facilities for it to be identified as a rural settlement and therefore fails to meet the criteria set out in paragraph 3.30 of the Local Plan. It is therefore in the same category as Holmacott above.

3.37 The Council's original recommendation to members was to amend paragraph 3.31 to recognise that new development may be acceptable in the unidentified rural settlements provided it meets the economic and social needs of the community and subject to environmental considerations. This softer approach has not found its way into the Revised Deposit Plan however. There would seem to be scope for a slightly less harsh policy for recognisable settlements such as Romansleigh, where the social advantages of very limited development can be seen to outweigh any drawbacks that might accrue through unsustainable journeys.

3.38 PPG7 refers to new building development in the open countryside away from existing settlements needing to be strictly controlled. Clearly there will always be room for debate as to what constitutes a settlement, and in the case of the Local Plan there is a well defined hierarchy coming down from area and local centres to large villages, small villages, villages and rural settlements. The question is whether any of the other settlements are large enough and cohesive enough to justify some small transfusion of development to keep community spirit alive.

Recommendation 3.13
I recommend the Local Plan be modified by the addition to paragraph 3.31 of a sentence as follows: "Limited new development may be acceptable in the unidentified rural settlements, provided it meets a justified economic or social need."

Re-using Previously Developed Land and Buildings
Paragraphs 3.37 and 3.38

Objection	*458/1759/F*	*Castle Hill Estate*
Objection	*249/838/FD*	*North Devon Friends of the Earth*

Issues:

- The re-use of previously developed land and existing buildings should be broadened to encourage the re-use of redundant rural buildings for non agricultural uses.

- The selection of green field sites for housing development should not be made on the basis of their potential to facilitate the provision of major infrastructure that would benefit the wider community.

Inspector's Reasoning and Conclusions

3.39 Paragraph 3.37 explains the Council's strategy towards the use of previously-developed land for housing and other uses. Previously-developed land has a statutory definition as set out in PPG3 Annex C. Land and buildings used for agriculture is excluded from this definition. As the Council points out however, Policy ECN5 permits the re-use of buildings in the countryside for an identified housing need in the rural community. This meets the objection in my view.

3.40 The Council states that the Local Plan aims to maximise the re-use of previously developed land in order to promote more sustainable patterns of development. Green field sites have generally been identified as a last resort only to make up the strategic housing requirements, and have been identified having regard to criteria set out in paragraph 31 of PPG3.

3.41 Despite these re-assurances, the sentence in paragraph 3.38 to which the Friends object does suggest that considerations other than strictly land use ones might come into the equation when a piece of green field land is being looked at. The provision of a new primary school as part of a green field expansion could influence a decision on whether a development should go ahead. In fact there is no need to include this sentence, as the possibility of infrastructural improvements is alluded to in the previous sentence under "the capacity of existing and potential infrastructure".

Recommendation 3.14
I recommend that the Local Plan is modified by the deletion of the second sentence in paragraph 3.38.

Making the Best Use of Land and Buildings
Paragraph 3.41

Objection	*181/406/FD*	*CPRE*

Issue:

- The reduction in the provision of on-site car parking will not reduce car ownership and usage, is unrealistic and anti-social and contrary to road safety.

Inspector's Reasoning and Conclusions

3.42 The key issue raised by this objection by the CPRE is in relation to the reduction in the provision of on-site car parking. The intention under the second bullet point covers all new development, but refers specifically to locations accessible to a choice of transport modes. These tend to be locations close to town centres. The Council accepts that away from such favoured locations achievement of this objective will not be easy in most of the district, where a scattered rural settlement pattern and a high level of car dependency prevail. Most of the new residential sites, particularly those identified in Barnstaple, are on previously-developed land in sustainable locations relatively close to the town centre.

3.43 Achieving a reduction in such places ought to be possible without causing the side effects feared by the CPRE, such as congestion and danger due to on-street parking. Paragraph 6.42 addresses the issue and allows for flexibility in provision where there is a particular problem related to existing high levels of on-street parking. The overall intention to reduce the amount of car parking in residential schemes is in line with government policy to reduce car travel where possible, as expressed in PPG3 and PPG13.

Recommendation 3.15
I recommend no change to this part of the Local Plan.

The Provision of Social and Physical Infrastructure
Paragraph 3.46

Objection	*410/2127/R*	*Larkbear Consortium*
Objection	*159/331/FD*	*Mr and Mrs W G J Schiller*

Issues:

- Appropriate levels of social and physical infrastructure should be available to meet the needs of new development.

- The last sentence of this paragraph is not clear. It should be deleted or clarified.

Inspector's Reasoning and Conclusions

3.44 As indicated in paragraph 3.46, development should only proceed where there will be an appropriate level of physical and social infrastructure capable of supporting its use. This includes many aspects of life and daily activity that are not strictly the province of land use planners. The Council has produced appropriate supplementary planning guidance on the provision of developer contributions towards necessary infrastructure.

3.45 The Council accepts that there is an error in the final sentence, where *any* should be changed to *may*.

Recommendation 3.16
I recommend that the Local Plan is modified by changing *any* to *may* in the final sentence of paragraph 3.46

The Spatial Strategy
Table 2 - The Characteristics of the Main Rural Settlements

Objection 197/573/FD Conditionally Withdrawn Devon County Council

Issue:

- "Conservation Area" should be included as a constraint in Table 2.

Inspector's Reasoning and Conclusions

3.46 The Council has made the necessary change in Table 2 and the objection is withdrawn conditionally.

Recommendation 3.17
I recommend no further change to this part of the Local Plan.

Chapter 4 - Development Standards

Development Standards
Private Amenity Space

Objection *457/1750/F* *Keith Sprason*

Issue:

- The omission of a standard for private amenity space associated with new dwellings.

Inspector's Reasoning and Conclusions

4.1 The concern here is that by following advice in PPG3 to increase density levels, pressure will be put on amenity space and inadequate provision will be made for space for sitting outdoors, drying of clothes, storage of refuse and for children to play. The Council's reaction is to state that this is not a material planning consideration and would lead to inflexibility if introduced. The Council does however rely on Policies DVS1 and DVS3 to ensure that new dwellings will have sufficient amenity space.

4.2 Space at home is perhaps more of a matter of individual choice than it used to be. PPG3 does not require the provision of any minimum standards of amenity space. The policies referred to by the Council do not specifically cover the point. Houses built without adequate amenity space are less likely to sell in the general housing market, and perhaps this will be the driver to ensure that at least a minimal amount is provided.

Recommendation 4.1
I recommend no change to this part of the Local Plan.

Policy DVS1A (Sustainable Development)

Paragraph 4.1A

Table 2A - Principles to be Addressed in Sustainability Assessment.

Objection	*181/2304/R*	*CPRE*
Objection	*181/2307/R*	*CPRE*
Objection	*181/2310/R*	*CPRE*
Objection	*225/2422/R*	*Government Office for the South West*
Objection	*469/2271/R*	*The House Builders Federation*
Objection	*469/2272/R*	*The House Builders Federation*

Objection	*469/2273/R*	*The House Builders Federation*
Objection	*157/2362/R*	*The Woodland Trust*
Objection	*410/2128/R*	*Larkbear Consortium*

Issues:

- Both the policy and the text should include the need to maximise the use of natural lighting.
- Paragraph 4.1A appears to contain policy material (i.e a requirement for a sustainability assessment) which will be used as a basis for decisions and is therefore contrary to PPG12 (paragraph A24).
- The requirement that all development proposals other than those of a minor nature should be accompanied by a sustainability assessment is considered to be onerous and inappropriate.
- The requirement in Policy DVS1A that new developments will need to incorporate the sustainable principles set out in Table 2A is imprecise and does not clearly set out what is required in order for a scheme to be acceptable.
- Whilst supporting the general thrust of Table 2A, reference to the contribution of new native broadleaved woodland to sustainability should be included in the table.
- The policy and its accompanying table impose a level of detail more appropriate to the Building Regulations.

Inspector's Reasoning and Conclusions

4.3 The CPRE calls for the policy and text to include the need to maximise the use of natural lighting. The Council is reluctant to include anything more however for fear that the policy would become excessively detailed. It quotes Sustainable Design Principle 1, which already refers to energy efficient heating and lighting systems. Whilst this does not expressly refer to natural lighting, both this reference and the previous one referring to maximising solar gain can be taken to include the use of natural light in building design.

4.4 There is a reference to the benefits of natural light in the leaflet on sustainable construction, produced jointly by the Council and the Somerset Trust for Sustainable Development. This type of supplementary planning guidance is probably the most appropriate place for advice of this kind. The request from the Woodland Trust for the role of woodland to be recognised is not easy to accommodate in a table of this type. As the Council points out however, Sustainable Construction Principle 12 refers to the use of locally sourced and sustainable materials, which could include native broadleaved woodland.

4.5 Government Office for the South West object to the inclusion of "policy" material in the text, and to the principle of requiring a sustainability assessment as a pre-requisite for planning approval. The House Builders' Federation consider the requirements to be onerous and inappropriate. On the matter of principle, the Council provides enough references to the importance of sustainability in Government policy statements to justify the use of sustainability assessments in the planning approval process. I do not accept therefore that the principle of assessment is onerous. Neither do I accept that the policy and its accompanying table impose a level of detail more appropriate to the Building Regulations. In my view the matters set out in Table 2A are reasonably succinct and appropriate to the planning control process.

4.6 What is not clear from the current text and policy is whether assessments will be required for the significant proportion of development projects below the thresholds referred to in paragraph 4.1A.

Housing developments of 40 or so units ought to demonstrate sustainability, but it is not clear whether the present policy would refer to them. Greater clarity is needed in my view, with the incorporation into the policy of appropriate thresholds in relation to the scale of development.

Recommendation 4.2
I recommend that the Local Plan be modified by revising Policy DVS1A to include thresholds above which sustainability assessments would be required, together with a more precise description of the depth of assessment required.

Policy DVS1 (Design):
Paragraphs 4.4 to 4.7.
Table 2B - Schedule to Policy DVS1

Objection	*277/2351/R*		*Combe Martin Parish Council*
Objection	*410/1519/F*		*Larkbear Consortium*
Objection	*410/2129/R*		*Larkbear Consortium*
Objection	*410/2131/R*		*Larkbear Consortium*
Objection	*181/411/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/2309/R*		*CPRE*
Objection	*138/251/FD*		*Devon and Cornwall Constabulary*
Objection	*138/252/FD*		*Devon and Cornwall Constabulary*
Objection	*197/567/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*197/574/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*225/660/FD*		*Government Office for the South West*
Objection	*225/2423/R*		*Government Office for the South West*
Objection	*469/2274/R*		*The House Builders Federation*
Objection	*469/2275/R*		*The House Builders Federation*

Issues:

- The definition of continuity and enclosure should be amended with reference to private spaces and defensible space and the depth of advice relating to crime reduction should be increased.

- Reference should be made to historic landscape characterisation.

- Reference should be made to maximising the use of natural lighting.

- Why is the principle of this policy one of presumption of approval, whereas other policies within this chapter all have a presumption of refusal?

- The policy does not appear to provide a clear basis for decisions. The urban design objectives and aspects of development form should be included within the policy.

- The principle of sustainable development is supported but the policy and its accompanying table impose a level of detail more appropriate to the Building Regulations. The policy is imprecise and does not clearly set out what is required in order for a scheme to be acceptable.

- Every other new home should incorporate solar panels to ensure that the renewable energy target of at least 15% is met.

- The final sentence in paragraph 4.7 in the Revised Deposit Plan should be deleted.

Inspector's Reasoning and Conclusions

4.7 The first issue concerns continuity and enclosure. The Police are anxious that the Local Plan should not promote ease of movement between residential areas, and between public and private spaces to the extent that casual intrusion into such areas is facilitated. They see a direct correlation between casual intrusion and crime, and regard natural surveillance from residents over potential intruders as ineffectual. The Council has changed the Local Plan by adding a sentence referring to private spaces being defensible, and being designed to give feelings of influence, control and ownership. The Council argues that further detail such as is suggested by the Police regarding roads and footpaths, lighting, landscaping, communal spaces, car parking etc should properly be included in the design guide to be adopted as SPG.

4.8 Whilst the additional sentence included in paragraph 4.4 provides some guidance on the handling of private spaces it does not address the issue of the fundamental conflict between the desire for permeability and ease of movement within and between residential areas and the need for security. A further change was discussed at the Inquiry, which acknowledges the concerns of the Police to avoid unnecessary access to residential areas by non-residents. I consider an addition to this effect will improve the objective in a realistic way.

4.9 The objection by Devon County Council to lack of reference to landscape character is met by the Council's addition to the "Character" objective. The County's objection with regard to clarity is met by the changes to Policy DVS1, and the specific reference to the principles set out in Table 2B (not Table 2A as the Revised Deposit Plan states). The Council (NDDC) proposes a change to the Plan to correct this error, with which I concur.

4.10 The CPRE questioned the reference in the policy to planning approval rather than refusal. The Council has reacted to this suggestion by adding a second sentence oriented towards refusal, and the CPRE have conditionally withdrawn. In my view this change meets the objection. The CPRE's second objection calls for the policy and text to include the need to maximise the use of natural lighting. The Council is reluctant to include anything more for fear that the policy would become excessively detailed. It quotes Sustainable Design Principle 1, which already refers to energy efficient heating and lighting systems. Whilst this does not expressly refer to natural lighting, both this reference and the previous one that refers to addressing orientation and layout to maximise solar gain can be taken to include the use of natural light in building design. There is a reference to the benefits of natural light in the leaflet on sustainable construction, produced jointly by the district council and the Somerset Trust for Sustainable Development. This type of supplementary planning guidance is probably the most appropriate place for advice of this kind.

4.11 Similar considerations apply to the proposal by Combe Martin Parish Council that houses should incorporate solar panels. The sentiment is a good one, and is probably necessary if the renewable energy target contained in Policy ECN15 is to be achieved. Table 2A point 6 refers to incorporating renewable energy, heating or power systems into new developments. Any more specific advice should be set out in SPG.

4.12 The Larkbear Consortium seeks deletion of the Policy on the grounds that it is over-restrictive, and that reference to design principles and aspects of development form should be a material consideration in the assessment of planning applications. They also object to the level of detail which is more appropriate to the Building Regulations. The House Builders Federation object to the requirement that new developments will need to apply the aspects of development form to achieve the design principles which are set out in Table 2B. The policy is imprecise and does not set out clearly what is required.

4.13 Good design in development is fundamental and the Council are right in my view to give it prominence in the Local Plan. Table 2B is a detailed table, but the aspects of design which it covers are comprehensive. It manages to deal with them in terms of principles and does not stray into specifics, as one might find in Regulations. As regards over-restrictiveness, the principles refer to a process of gaining approval for a development scheme which will be part of the public domain for many years to come. It is right that the level of standards sought should be high, and that any scheme which fails to achieve them should be refused.

4.14 Another objection by the consortium refers to the final sentence of paragraph 4.7, which the Council has added in the Revised Deposit Plan to refer to the intention to prepare a design guide. The sentence is simply conveying the Council's intention to produce this SPG and is unobjectionable in my view.

4.15 The objection by GOSW has been largely met by the Council's addition of a second sentence to the policy. It has not included urban design objectives in the policy.

Recommendation 4.3
I recommend the Local Plan is modified by:

a) adding to the paragraph on Continuity and Enclosure under 4.4 the following as its penultimate sentence: "To reduce casual intrusion by potential offenders, they should avoid having unnecessary access to developments by non-residents".

b) changing the reference in both paragraphs of Policy DVS1 from Table 2A to Table 2B.

Policy DVS2 (Landscaping)
Paragraph 4.8

Objection	*498/1882/F*	*Conditionally Withdrawn*	*The Barn Owl Trust*
Objection	*181/412/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*410/1520/F*		*Larkbear Consortium*
Objection	*286/1044*		*Barnstaple Town Council*

Issues:

- Rough grassland should be included as an example of a landscape feature as it is an important habitat

for barn owls and other species and is often overlooked in landscape design.

- The policy should be one of presumption of refusal in line with other policies.

- Whilst generally supporting Criterion 2 of the policy, the wording should be strengthened to include the implementation of a time limit, and consultation with the Police Architectural Liaison Officer.

- The policy is simply an objective and would be overly restrictive.

Inspector's Reasoning and Conclusions

4.16 The Council has included rough grassland in the list of landscape features to be retained when development takes place. This should meet the objection of the Barn Owl Trust. Similarly, it has turned the policy round to presume refusal as the CPRE wanted.

4.17 The Larkbear Consortium considers the policy too restrictive. There is something in this point, as there are many instances where a landscaping scheme would not be appropriate, such as developments of one or just a few houses, where landscaping is likely to be a matter for the residents themselves, in their private gardens. The second sentence of 4.8 suggests some flexibility by using the phrase "appropriate to the scale and type of development". This phrase could well be included in the policy to ensure that it does not become too restrictive.

4.18 The points raised by the town council are both concerned with the details of implementation. As a matter of course the Police Architectural Liaison Officer is consulted on appropriate planning applications. Part 2 of the policy refers to arrangements to secure implementation and maintenance of the landscape scheme. This will inevitably include aspects of timing, and there is no need for further elaboration in the policy itself.

Recommendation 4.4

I recommend that the Local Plan be modified by including the phrase "appropriate to the scale and type of development" after "landscaping scheme" in Policy DVS2.

Policy DVS3 (Amenity Considerations)

Objection	*225/661/FD*	*Government Office for the South West*
Objection	*421/1612/F*	*M Baker (Property Services) Ltd*
Objection	*279/1010/F*	*Witheridge Parish Council*

Issues:

- The value of this policy is doubted as it deals with material considerations and may make the process less flexible by requiring certain things to be taken into account.

- More emphasis should be based on the quality of life of residents living nearby, similar to the

approach of Exmoor National Park Authority.

- The policy is too restrictive and may prevent desirable development and should provide for amelioration to achieve desirable development.

Inspector's Reasoning and Conclusions

4.19 Policy DVS3 sets out clearly the kind of amenity considerations that will be brought into play when assessing acceptability of development. It is a fundamental aspect of development control, supported by PPG1 paragraph 64 and rightly treated as a policy rather than a material consideration. In my view it is clearly and unambiguously worded and provides a firm basis to determine what types of development will not be permitted. Any matters of amelioration are for the applicants to consider in order to achieve more acceptable developments.

4.20 The comment of Witheridge Parish Council on the quality of life of residents living nearby is a fair one, but as the Council points out the application of the policy will ensure that the quality of life will not be compromised.

Recommendation 4.5

I recommend no change to this part of the Local Plan.

Public Health and Safety

Policy DVS4 (Public Health and Safety)

Objection	*311/1164/F*	*Conditionally Withdrawn*	*Environment Agency*
Objection	*421/1613/F*	*Conditionally Withdrawn*	*M. Baker (Property Services) Ltd*

Issues:

- In Policy DVS4 and paragraph 4.17 (contaminated land) should refer to the impacts on the water environment and to the contaminated land strategy.

- Criterion B) fails to recognise that in most cases, remediation is a satisfactory solution.

Inspector's Reasoning and Conclusions

4.21 In response to concerns raised by the Environment Agency, Policy DVS4 has been amended to reflect the potential impact of pollution on the water environment. Reference has also been made in paragraph 4.16 to the Council's Contaminated Land Strategy. These changes meet the EA objections in my view.

4.22 In response to the M. Baker objection, the Council has amended the policy to recognise that hazards may be removed, reduced or mitigated to an acceptable level. This meets the objection.

Recommendation 4.6

I recommend no change to this part of the Local Plan.

Public Health and Safety
High Pressure Gas Main and Air Safeguarding Zone
Paragraphs 4.21, 4.22

Objection	*414/1540/F*	*Conditionally Withdrawn*	*Secondsite Property*
Objection	*421/2414/R*		*M Baker (Property Services) Ltd*
Objection	*137/249/FD*		*National Air Traffic Services Ltd*
Objection	*137/250/FD*		*National Air Traffic Services Ltd*

Issues:

- The reference to British Gas in paragraph 4.21 is incorrect and should refer to Transco who are responsible for gas transportation and storage.
- The Civil Aviation Authority is no longer responsible for the air safeguarding zone, and in the case of Burrington the responsibility has been passed to the National Air Traffic Service.
- The safeguarding zone for Burrington as shown on the Proposals Map is incorrect.
- There is no need to include windfarm developments as a specific use.

Inspector's Reasoning and Conclusions

4.23 The Council has made changes to paragraphs 4.21 and 4.22 to reflect the change of circumstances identified by Secondsite Property and NATS. These meet the objections in my view.

4.24 The Proposals Map has been amended to show the current extent of the area currently covered by the Burrington Radar Safety Zone, which meets the objection from NATS. NATS also asked for the Proposals Map to show the safeguarding zone for wind turbine developments for the radar station. As this is for a radius of 30 kilometres and includes the entire district, the Council has chosen to make reference to it in paragraph 4.22. As it affects land use across the district however, a note on the Proposals Map should bring this to the attention of potential windfarm developers.

4.25 M Baker objects that there is no need to include windfarm developments as a specific land use as consent is required from NATS in addition to any planning permission. This may be so, but it does not reduce the relevance of the safeguarding area specifically for wind turbines as a land use matter.

Recommendation 4.7
I recommend that the Local Plan be modified by adding a note to the Proposals Map about the 30 km wind turbine consultation zone.

Flood Risk and Water Quality

Policy DVS6 (Flooding and Water Quality)
Paragraph 4.27

Objection	*311/1165/F*	*Conditionally Withdrawn*	*Environment Agency*
Objection	*409/1514/F*		*Barratt Exeter*
Objection	*167/347/F*		*Environment Protection Group SW*
Objection	*181/2312/R*		*CPRE*
Objection	*410/2132/R*		*Larkbear Consortium*
Objection	*249/839/F*		*North Devon Friends of the Earth*
Objection	*511/2285/R*		*Taw - Torridge Estuary Forum*
Objection	*469/1782/F*		*The House Builders Federation*
Objection	*249/841/F*	*Conditionally Withdrawn*	*North Devon Friends of the Earth*

Issues:

- The second sentence of paragraph 4.27 and Criterion 1 C) of Policy DVS6 should include reference to ground water in addition to surface water quality, and to the DETR/DEFRA Circular 03/99 relating to non mains sewage in areas where public sewage systems are unavailable.

- Flooding issues affecting North Devon and the full implications of new development should be recognised.

- The policy does not address obligations under PPG22 to encourage renewable energy regeneration from water.

- The removal of constrictions on flood flows formed by structures, the statutory duty as environmental health authority to serve abatement notices and Article 8 of the Human Rights Act.

- The policy should be more flexible to encourage the redevelopment of previously developed land.

- Greater clarity is required regarding the requirements of PPG25 and the role of mitigation to overcome flood risk.
- Criterion E) would read better as 'adequate water resources are not available'.

- Criteria D), E) and F) should be deleted as these issues are covered by other legislation and their inclusion in the policy is superfluous.

- In Criterion C) the word estuarine should be added.

- The omission of a policy to prevent water pollution by diffuse sources

Inspector's Reasoning and Conclusions

4.26 The objection by the Environment Agency has led to the Council making the changes in the Revised Deposit Plan. The objection has been conditionally withdrawn. In my view the changes made meet the objection.

4.27 The objection of Environment Protection Group SW raises issues of flood protection that are well outside the scope of a land use policy. PPG25 sets out Government guidance on drawing up policies for local plans. Policy DVS6 is in line with this advice. It is not clear how the requirements

of PPG25 have been breached, as the objector claims.

4.28 North Devon Friends of the Earth object that the policy does not address obligations under PPG22 to encourage renewable energy regeneration from water. The PPG requires local authorities in local plans to include their detailed policies for developing renewable energy sources. They should identify broad locations, or specific sites, suitable for the various types of renewable energy installations. Policy ECN15 (Renewable Energy) is primarily a criteria-based policy for assessing the acceptability of a renewable energy proposal. It does not attempt to identify specific sites or even broad locations suitable for energy projects. The text that precedes it makes reference to the various types of renewable energy sources, and describes the areas of greatest potential for one of them, wind turbines. It also refers to the potential for marine current turbine energy production. Whilst it clearly falls some way short of the strict requirements of the PPG, Policy ECN15 addresses and deals with the land use issues relating to renewable energy. Policy DVS6 is not the correct place to consider such issues.

4.29 A second objection by NDFoE refers to the need for the policy to address the removal of constrictions on flood flows formed by structures. The removal of constrictions on flood flows formed by structures is not a function of a local plan policy, however worthy and proper such a course of action might be. PPG1 advises against over-elaborate and excessively detailed local plans, advising that they should concentrate on those matters which are likely to provide the basis for considering planning applications. PPG12 states that development plans should not contain policies which duplicate provisions in other legislative regimes. The Friends specific proposal is to refer in DVS6 to a third type of work required for a development to proceed, "work which it is the responsibility of a public authority to undertake or secure under Environmental Protection Act 1990 Section 79 or common law". Such a reference would not be appropriate in this Plan, according to PPG12.

4.30 A third objection concerns diffuse pollution, which is seen as a major cause of non-compliance with water quality standards. The Environment Agency has drawn the attention of Government to the fact that many sources of diffuse pollution are not amenable to control through the legal mechanisms available to the Agency. The Friends call for the prevention of water pollution by diffuse sources to be integrated into the policies of the local planning authority. Such a policy as it proposes at DVS8 would however be contrary to paragraph 2.13 of PPG23, which warns against over-prescriptive development plan policies. In my view Policy DVS4 provides an adequate vehicle for the control of development that might cause pollution of land, air, water or the wider environment. This includes diffuse pollution.

4.31 Barratt Exeter object that the policy is overly restrictive, justifying this statement by reference to the acceptability of the redevelopment of currently developed land within indicative flood plains providing there is no net increase in the risk of flooding. They call for the policy to be amended to reflect greater flexibility in redeveloping previously developed land. Policy DVS6 permits the redevelopment of previously developed land, provided the risk of flooding is not unacceptable and appropriate defence works and mitigation measures are undertaken. This is an entirely appropriate position to take, in the light of advice in PPG25 and PPG3.

4.32 The Housebuilders call for greater clarity regarding the requirements of PPG25 and the role of mitigation to overcome the risk of flooding. They call for the policies to provide a more positive and proactive framework. The Government's approach to developer contributions to the cost of flood defence and mitigation works is set out in some detail in PPG25 (paragraph 61). It would not be appropriate to include this amount of detail in a local plan. Paragraph 4.25 sets out a summary of the main points as they relate to development proposals in flood risk areas. The two principle means of paying for such works is stated in part 2 of Policy DVS6. In my view Policy DVS6 is clearly worded and meets the requirements of PPG25.

4.33 Larkbear Consortium object to several criteria in the policy. The objection to Criterion D is that the additional wording on nature conservation is imprecise and could become a "catch-all" reason for refusing legitimate development. The wording is certainly imprecise, but may be sufficient to reflect in the policy the sentiment expressed in paragraph 4.27, line 5/6 referring to harmful impact on nature conservation and fisheries. Use of the criterion to refuse a development proposal would require evidence of a more specific impact.

4.34 Criterion E is considered to be superfluous by the Consortium, since if inadequate water resources are available then development cannot proceed until that issue is addressed. The CPRE propose that the criterion is expressed in the positive form rather than the negative. Whilst the Council seeks to justify the inclusion of this clause by reference to PPG12, the references it relies upon are mainly concerned with the need to ensure adequate supplies of water before significant developments are proposed. This is precisely the point made by the Consortium and to that extent I agree with them that the reference is out of place in this policy.

4.35 Criterion F has been included at the specific request of the Environment Agency (though not in precisely the words that it suggested) and seems a reasonable enough criterion with which to assess development where adverse effects on water quality may be an issue.

4.36 Criterion C is objected to by the Taw Torridge Estuary Forum, who wish to see the word "estuarine" added. The Council are happy to oblige and I think that the addition of this delightful word will enhance the Local Plan.

Recommendation 4.8

I recommend that Policy DVS6 be modified by the addition of "estuarine" to Criterion C after "coastal", and by the deletion of Criterion E.

Policy DVS7 (Sustainable Urban Drainage Systems)

Objection	*167/348/FD*	*Environment Protection Group SW*
Objection	*410/1521/F*	*Larkbear Consortium*
Objection	*249/840/FD*	*North Devon Friends of the Earth*
Objection	*469/1783/F*	*The House Builders Federation*

Issues:

- SUDS schemes will need monitoring and maintenance for life to clear silt and retain efficiency. It is highly dubious that this can be achieved.

- The policy should be amended to ensure a satisfactory, legally binding and enforceable mechanism to ensure their proper maintenance in order to protect ground and surface water and continuing effectiveness for surface water disposal.

- The policy should include a reference that SUDS will contribute to the recharge of ground water.

- The policy is overly-restrictive and does not reflect the sentiment in paragraph 4.26, which indicates SUDS should be incorporated when conditions allow.

Inspector's Reasoning and Conclusions

4.37 Three objectors express concerns about the effectiveness of SUDS and the problems of achieving proper maintenance of systems. The need for proper management and maintenance of SUDS systems is referred to briefly at the end of paragraph 4.26. The National Working Group is in the process of providing more detailed guidance on a range of issues including the maintenance and management of SUDS. This guidance will help in the implementation of Policy DVS7. The Council believes that more detailed guidance on best practice for the adoption and future maintenance of SUDS is a matter for SPG. I agree, in the interests of brevity and clarity in the Local Plan.

4.38 Friends of the Earth propose an addition to the policy to ensure that mechanisms to ensure the proper maintenance of SUDS are imposed by planning obligations or otherwise. FoE propose an addition to this effect at the end of DVS7, and propose the addition of "the most appropriate" before the words "sustainable urban drainage systems" in DVS7. It is not necessary to add "the most appropriate" before SUDS, as consultation with the Environment Agency should ensure that the most appropriate system is designed in any event.

4.39 With regard to the FOE proposed wording, Circular 1/97 demonstrates that planning obligations cannot be imposed upon a developer. If agreement cannot be reached on the form of a Section 106 Agreement to ensure adequate maintenance of a drainage system, the planning authority can impose a condition on the permission, or refuse permission altogether. Whilst it is not appropriate to refer to an obligation being imposed, neither is it necessary to refer to one being sought. The final sentence of 4.26 could simply read "The proper management and maintenance of these systems will be ensured by using planning obligations or planning conditions".

4.40 The Larkbear Consortium considers the policy to be over-restrictive, and not reflecting the sentiment in paragraph 4.26 that SUDS should be incorporated when conditions allow. The Council has accepted this point and made a change to the policy, with which I concur.

4.41 The Environment Agency objection proposed the inclusion of a reference to SUDS contributing to the recharge of groundwater. The Council has accepted this and made an appropriate change to paragraph 4.26 with which I again concur.

Recommendation 4.9

I recommend that the Local Plan be modified by replacing the final sentence of 4.26 with:-

> **"The proper management and maintenance of these systems will be ensured by using planning obligations or planning conditions".**

Chapter 5 - The Environment

The Environment: General

Objection	*194/535/FD*		*Mrs J Long*
Objection	*498/1880/F*		*The Barn Owl Trust*
Objection	*498/1881/F*		*The Barn Owl Trust*
Objection	*197/569/FD*	*Conditionally Withdrawn*	*Devon County Council*

Issues:

- The lack of a policy relating to any form of development that would affect a public right of way.
- A policy should be included restricting the timing of development in order to avoid disturbance to nesting barn owls.
- A new policy should be included which ensures grant aided tree planting avoids rough grassland and other prime habitats for barn owls in areas where the species is not known to be present.
- Paragraph 5.1 should mention the historic landscape characterisation.

Inspector's Reasoning and Conclusions

5.1 Mrs Long would like to have a policy regarding any form of development that would affect a right of way. Any development that affects a public right of way would be considered by the Council as a material planning consideration. There is separate highway legislation concerned with the diversion and stopping up of rights of way. Advice in PPG12 is that development plans should not contain policies that duplicate provisions in other legislation.

5.2 Policy ENV11 covers the effect of development on protected species, including barn owls. Time restrictions on proposed developments could be attached as a condition on any planning permission and a specific policy is not therefore required.

5.3 The planting of trees does not constitute development, and a policy prohibiting the planting of trees on rough grassland would have no effect.

5.4 In recognition of the concerns raised by Devon County Council a reference to the Historic Landscape Character Map for Devon has been included in paragraph 5.3. This meets the objection in my view.

Recommendation 5.1
I recommend no change to this part of the Local Plan.

Landscape Character and Countryside
Policy ENV1 (Development in the Countryside)
Paragraphs 5.2, 5.3, 5.4, 5.5A

Objection	*383/2251/R*		*Country Land and Business Association*
Objection	*383/2252/R*		*Country Land and Business Association*
Objection	*181/413/FD*		*CPRE*
Objection	*181/414/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/415/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/416/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/2317/R*		*CPRE*
Objection	*197/2510/R*		*Devon County Council*
Objection	*184/2388/R*		*The Molland Estate*
Objection	*184/2389/R*		*The Molland Estate*
Objection	*225/662/FD*		*Government Office for the South West*
Objection	*225/2424/R*		*Government Office for the South West*
Objection	*417/2373/R*		*M G Leisure*
Objection	*416/1546/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1547/F*	*Conditionally Withdrawn*	*M G Leisure*

Issues

- Incorrect wording is used in line 6 of paragraph 5.2 in the context of the policy in the Devon Structure Plan.

- In paragraph 5.3, the status of the Exmoor fringe is unclear and does not appear on the proposals map.

- Paragraph 5.4 and Policy ENV1 should support and encourage development which results in a net improvement to the countryside rather than merely protecting AONBs.

- The provisions for economic or social benefits do not appear to be related to protecting an interest of acknowledged importance, contrary to PPG1 at paragraph 40. Lack of certainty could lead to inappropriate development being permitted in the countryside, contrary to the guidance in PPG7 at paragraph 2.3.

- The policy would allow the possibility of substantial development within the countryside to its detriment.

- The requirement which states that development will not be permitted in the countryside unless a rural location is essential is a clear misinterpretation of PPG7.

- In paragraph 5.2, *or* should be reinstated before *enhance* to be consistent with Policy ENV1, Criterion C).

- In paragraph 5.5A, the term *value* needs to be defined; the last sentence is contrary to County policy in respect of designated areas, and conflicts with Policy ENV1, in that it permits harm to the

countryside while the policy does not.

- The additional requirement in Criterion A) is unreasonable, and significantly affects the potential for diversification and development of the rural economy, contrary to the thrust of PPG7 and should therefore be deleted in addition to 5.5A.

- Paragraph 5.5A is unclear as the first sentence implies that development not requiring a rural location which would harm the countryside will not be permitted whilst the second sentence would allow these in certain circumstances.

- The essential test in Criterion A) appears to go too far and sets a very high hurdle for development. The test for agricultural development is required and that appears more appropriate here.

Inspector's Reasoning and Conclusions

5.5 The Council made some changes at the Revised Deposit stage, and these led to objections. The Council now proposes to change Criterion A) of the policy to read "a rural location is required" instead of "is essential". This will be more flexible and will allow appropriate forms of development in the countryside, including agriculture and rural diversification schemes. The Council contends, and I agree, that this change meets the objection of the Molland Estate and of GOSW. The Council also proposes the deletion of paragraph 5.5A, which sought to explain Criterion A). This was criticised for being unclear and the Council accepts this. It proposes to make an incidental change in paragraph 5.2, line 5, changing essential to required. I agree with the Council that these changes will improve clarity and bring the Local Plan more into line with policy expressed in PPS7, which has now replaced PPG7. By removing 5.5A, the objections of the CPRE and Devon County Council are met.

5.6 The CPRE's objection resulted in the Council changing *or* to *and* in the Revised Deposit Plan, with the effect that development in the countryside to be acceptable must benefit economic activity and maintain and enhance its environment. At Inquiry it was accepted by the CPRE that maintaining and enhancing is not a requirement of Government policy as expressed in PPS7 [Key Principles: 1 (ii)]. The CPRE are therefore happy for *and* to be made *or* again, as proposed by the Council. The same change would satisfy the objection of M.G. Leisure.

5.7 The objection regarding the Exmoor Fringe has been clarified by the Council's explanation of the role of the Exmoor Fringe as a landscape character zone. The CPRE was happy with this at Inquiry and withdrew the objection.

5.8 Paragraph 5.4 describes how the landscape assessment should be used to ensure that any development proposal fits in with the character of its area. It is not concerned with protecting the AONBs which are the subject of ENV2. Policy ENV1 is drafted in terms which would encourage development that would result in a net improvement to the countryside. This clarification meets the objections of M.G. Leisure, which have been conditionally withdrawn.

5.9 Both GOSW and the Devon Conservation Forum have reservations about the position of "economic or social benefits to the local community". The fear is that this phrase could lead to substantial inappropriate development being allowed in the countryside. The Council resists the deletion of the phrase, pointing to the prominence given to the subject in Government policy. PPS7 promotes sustainable development, which includes social and economic growth and development as key principles. The Council believes that Policy ENV1 enables social and economic benefits to be balanced against any environmental impact. I think that this is not an unreasonable assertion.

Recommendation 5.2
I recommend that the Local Plan is modified by:

- **Changing "and" back to "or" in line 3 of paragraph 5.2:**
- **Changing "essential" to "required" in line 5 of paragraph 5.2:**
- **Deleting paragraph 5.5A:**
- **Changing "essential" to "required" in Criterion A) of Policy ENV1.**

Landscapes of National Importance
Policy ENV2 (Area of Outstanding Natural Beauty)
Paragraphs 5.7 to 5.9

Objection	*197/572/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*197/576/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*383/1369/F*		*Country Land and Business Association*
Objection	*383/1370/F*		*Country Land and Business Association*
Objection	*181/418/FD*		*CPRE*
Objection	*96/178/FD*		*West Down and Bittadon Anti Wind Turbine Group*

Issues:

- In paragraph 5.7 it should be noted that AONBs are shown on the Proposal and Inset Maps for information only.
- In paragraph 5.8, reference should be made to historic landscape characterisation.
- In paragraph 5.9, reference that development proposals outside the AONB may be scrutinised for the effect they will have upon the AONB provides uncertainty.
- The wording of the Policy does not conform with the Structure Plan Policy for the AONB.
- The Policy makes no reference to the social and economic needs of communities within the AONB, which should also be protected.
- A new criterion should be added to the policy to apply to development outside the AONB, similar to Policy ENV4, and a criterion to cover the siting, design and landscaping of development that may be permitted to reflect paragraph 5.9.
- The Policy should conform to Policy C4 of the Structure Plan, and confirm that development outside the AONB does not affect the natural beauty of the landscape.

Inspector's Reasoning and Conclusions

5.10 Devon County Council would like to have a reference to AONBs being national designations and not proposals of the Local Plan. The Council has amended the paragraph accordingly. DCC also wish to see a reference to the historic landscape character map for Devon, and the Council has included this in an earlier paragraph (5.3). These alterations meet the objections in my view.

5.11 The Country Land and Business Association (CLBA) are concerned that development proposals outside the AONB may be scrutinised for the effect they will have upon the designated area, and para 5.9 provides uncertainty as to whether or not they may be subject to this process. The Council believes that the paragraph is flexible and not too prescriptive. In its view the impact of any development on the AONB will depend on the nature and scale of development proposed and will vary depending on the local topography and vegetation. Clearly one person's uncertainty is another's flexibility. Given the high status accorded to national designated areas in PPS7, it does not seem unreasonable to have regard to the effect that development proposals may have upon them even when they are sited outside the area. The equivalent policy in the Structure Plan has a reference to development adjacent to AONBs. The reference in the Local Plan is contained in the text, and does not have full policy status. In my view a reference to development outside the designated area is acceptable.

5.12 Some objectors refer to the need to duplicate the wording of the Structure Plan policy in the Local Plan, particularly by inserting into the policy a reference to development outside the AONB. In that the County have chosen to include such a reference in policy rather than text, it is surprising that the Council has chosen not to do so. The thrust of the Structure Plan restraint is also somewhat stronger than that of the Local Plan. Here we are comparing *minimise any impact* in the Local Plan with *does not damage* in the Structure Plan. The Structure Plan phrase is clearly stronger, and is given added strength by being incorporated within Policy CO3 (formerly C4). Whilst I am sympathetic to the Council's argument that it is unnecessary to duplicate the Structure Plan, as both plans form the development plan for North Devon, I nonetheless think it important that one plan does not give a significantly different message from the other in such a crucial policy area. I therefore propose that the final sentence of SP Policy CO3 be incorporated into LP Policy ENV 2.

5.13 I do not accept that it is necessary to refer to exceptions to policy in paragraph 5.9. The previous paragraph contains the relevant criteria for assessing whether a major industrial or commercial development will be justified in an AONB. Paragraph 5.9 contains useful criteria for assessing the impact of developments both inside and outside the designated area. It is not necessary in my view for this level of detail to be incorporated into the policy itself.

5.14 The CLBA objects to the policy as it makes no reference to the social and economic needs of communities within the AONB, which should also be protected. The primary purpose of the policy is to seek the protection of the natural beauty of the AONB. This reflects the thrust of policy advice contained in PPS7. The PPS refers also to the need to support suitable located and designed development necessary for the economic and social well-being of the designated areas and their communities, including the provision of adequate housing to meet identified local needs. This sentiment is reflected in para 5.8. It is not necessary, nor would it be appropriate, to elevate it to full policy status, as to do so would undermine the pre-eminence of the purpose of designation.

Recommendation 5.3

I recommend that the Local Plan is modified by incorporating the final sentence of Structure Plan Policy CO3 into Policy ENV2, as follows:

Particular care will also be taken to ensure that any development proposed adjacent to such areas does not damage their natural beauty.

Landscapes of National Importance
Policy ENV3 (The Heritage Coast)

Objection	*383/1371/F*	*Country Land and Business Association*
Objection	*181/419/FD*	*CPRE*
Objection	*249/842/FD*	*North Devon Friends of the Earth*

Issues:

- Whether the heritage coast merits a specific policy as it is not a designated area and does not conform with Policy ENV2 or ENV5, whereas it should, considering that the majority of the heritage coast falls within the AONB and CPA.

- The policy overlooks the conservation interest and environmental quality of the heritage coast and impacts on polluted riverine water and public health.

- There is no need for a policy on heritage coast particularly as it enhances a non statutory designation and follows exactly the coastal AONB.

Inspector's Reasoning and Conclusions

5.15 PPG20, paragraph 4.15, provides the national policy justification for including a policy on Heritage Coast in the Local Plan. The CPRE view is that if a policy is merited it should conform with Policies ENV2 for AONB and ENV5 for Coastal Protection Area. As worded it does not, in the CPRE view. Replacing the *ORs* with *ANDs* between criteria (B) and (C) and between (C) and (D) would achieve this however. The CPRE would also like to see the phrase *is consistent with* replaced by *does not conflict with.*

5.16 The response of the Council to this proposal is that applying ANDs would make the policy so inflexible as to virtually rule out any development proposal. I have some sympathy with this response and note that the equivalent set of criteria in Policy ENV5 is separated by ORs. Given that the Heritage Coast covers much the same area as the CPA, apart from some down land at Mullacott and Buckland, the need to have consistency between the policies is paramount.

5.17 The objection by North Devon Friends of the Earth is that the policy takes too narrow a view both of the conservation interest and the environmental quality of the Heritage Coast, and overlooks the serious impact which polluted riverine water has on the environment and public health of the coastal region. They propose adding *biodiversity and ecosystems* to Criterion A, and replacing Criterion D with *Improves the environmental quality of and protection of public health in rivers*

and streams, inshore waters and on the beaches and foreshore within the area. The proposed wording of the Friends would add little to the policy in my view. Paragraph 1.17 of PPG20 states clearly that the term *natural beauty of the coasts* includes their *terrestrial, littoral and marine flora and fauna*. Including this addition into the policy would lengthen it unnecessarily. However, as agreed at Inquiry, the term "species and ecosystems" could be added to the first diamond of paragraph 5.11. The second proposal by the Friends seems to me to be only a longer way of saying essentially the same thing as Criterion D) says now.

Recommendation 5.4
I recommend that the Local Plan is modified by adding the term *species and ecosystems* to the first diamond of paragraph 5.11.

Landscapes of National Importance
Policy ENV4 (Exmoor National Park)

Objection	*225/663/FD*	*Government Office for the South West*
Objection	*184/445/FD*	*The Molland Estate*

Issues:

- The policy is unnecessary and imprecisely worded since it could potentially be used for refusing any type of development within Molland Estate.

- The Council should satisfy itself that the circumstances reflected in Policy ENV4 will arise regularly enough for the policy to be worthwhile and that it will help in making planning decisions.

Inspector's Reasoning and Conclusions

5.18 The policy attempts to protect the national park from development outside its boundaries which could harm its special qualities of natural beauty, wildlifeand cultural heritage. The Molland Estate objection suggests that the policy is unnecessary and imprecise. With regard to necessity it is an accepted planning policy that national parks must be protected from inappropriate development, whether inside their boundaries or just outside. It is not unreasonable therefore for the Local Plan to include such a policy. GOSW reasonably seek reassurance that the policy will be well-used, but it is essentially a fall-back policy in the event that some significant threat to national park natural beauty might arise in the area of North Devon that is close to the national park boundary. If no such threat materialises, no harm is done.

5.19 With regard to precision, I find the policy reasonably precise, in that it focuses in on development that would harm the particular qualities for which the national park was designated. It has no potential for refusing any type of development within the Molland Estate, other than those proposals that would clearly harm the National Park.

Recommendation 5.5

I recommend no change to this part of the Local Plan.

Landscapes of Local Importance
Policy ENV5 (Coastal Preservation Area)
Paragraph 5.14

Objection	*168/2478/R*		*Pearce Construction (Barnstaple) Ltd*
Objection	*181/420/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/421/FD*		*CPRE*
Objection	*383/1372/F*		*Country Land and Business Association*
Objection	*330/1269/F*		*Devon Conservation Forum*
Objection	*423/1630/F*		*John Fowler Holidays Ltd*
Objection	*96/179/FD*		*West Down and Bittadon Anti Wind Turbine Group*

Issues:

- For factual correctness in paragraph 5.14, reference to AONB and Policies ENV2 and ENV3 should be included.
- Policy ENV5 is considered to be a convoluted rewording of Structure Plan Policy C7 and would only permit development that falls under criteria A, B and C which is inconsistent with Policy C7.
- Criterion C) of Policy ENV5 could encourage development for which a coastal location was simply desirable rather than essential.
- The Policy fails to recognise the social and economic needs of these areas and may conflict with Policy ENV2 as the CPA includes the Heritage Coast.
- Clarification is required as to when schemes for upgrading and improving existing caravan sites are found acceptable in terms of the requirements and criteria of Policies ECN10 and ECN11 (particularly Criterion C).
- The principle of extending the CPA is supported but it should be extended to encompass Hore Down.
- The rewording of paragraph 5.14 does not overcome the original concerns in relation to the extension of the CPA at Lobb Fields at Braunton.

Inspector's Reasoning and Conclusions

5.20 The purpose of the Coastal Preservation Area (CPA) is to protect unspoilt stretches of coastline. Changes have been made to paragraph 5.14 to meet the objection of the CPRE regarding factual correctness, and this has been conditionally withdrawn. The change improves the clarity of the paragraph. The objection from Pearce Construction to paragraph 5.14 and Lobb Fields is dealt with

under the Braunton chapter of the report (Chapter 26).

5.21 With regard to the CPRE objection to ENV5, I accept the Council's point that it is not necessary to duplicate the wording of the equivalent Structure Plan policy, as the two together make up the development plan. It is important however to reflect substantially the same criteria, and in this respect the omission from ENV5 is any reference to the needs of the community at large. Although it is true that Criterion C) of ENV3 does refer to social and economic benefit to the communities, this is in a different policy and is therefore a potential cause of confusion. To achieve clarity and consistency there should be a reference to the community at large in this policy. This would meet the objection of the CLBA that the policy fails to recognise the social and economic needs of these areas.

5.22 The CPRE also criticise the policy for being "somewhat convoluted". Use of the phrase "primary objective" twice in the policy is rather elaborate. The policy could be simplified and clarified by omitting it.

5.23 The Devon Conservation Forum object to the use of "requires" in Criterion C). They propose "essential" instead. I agree with the Council that the alternative does not really provide any significantly greater degree of protection.

5.24 The objection by John Fowler Holidays Ltd calls for clarification regarding a scheme for upgrading caravan sites. This is already adequately addressed under Policy ECN11.

5.25 The West Down and Bittadon Anti-Wind Turbine Group propose that the designated area should be extended to include Hore Down. The Council acknowledged the value of the landscape but felt that the A3123 was a logical boundary for the Coastal Preservation Area. Hore Down is considered by the Council to be too far away from the coast to be included in the CPA.

5.26 The primary purpose of the Coastal Preservation Area is to protect the unspoiled stretches of coastline. The Devon County Structure Plan gives guidance on defining precise boundaries for CPAs, emphasising that the defined area should be generally visible from clifftops, beach, sea or estuary or form part of the view from significant lengths of an access road, public footpath or bridleway leading to the coast, or from the long-distance coastal footpath.

5.27 Hore Down is an open area of land that forms one of the higher points on the downs to the south of Ilfracombe. Whilst the northern slopes of the Down have some affinity with the coastline, and are included in the CPA to the north side of the A3123, the southern half of the Down looks southwards, towards the valleys of the Rivers Caen and Bradiford. Generally speaking, land to the south of the A3123 does not meet the criteria for designation as CPA, as it does not have a strong enough affinity with the coast.

Recommendation 5.6

I recommend the Local Plan be modified by redrafting Policy ENV5 as follows:

Within the Coastal Preservation Area as defined on the Proposals Map, development will only be permitted where it does not detract from the unspoilt character and appearance of the area. Any such development should:

A) be required for the benefit of the community at large, or for the purposes of

agriculture or forestry: or

B) be in connection with public access for informal recreation: or

C) require a coastal location and cannot be reasonably located outside the protected area.

Nature Conservation
Policy ENV8 (Biodiversity)
Paragraphs 5.25, 5.26

Objection	*157/2359/R*		*The Woodland Trust*
Objection	*383/1397/F*		*Country Land and Business Association*
Objection	*181/422/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*276/974/FD*		*Devon Wildlife Trust*
Objection	*410/2134/R*		*Larkbear Consortium*
Objection	*238/764/FD*		*Mrs R J Cleevely*
Objection	*249/843/FD*		*North Devon Friends of the Earth*
Objection	*498/1877/F*	*Conditionally Withdrawn*	*The Barn Owl Trust*

Issues:

- The adoption of supplementary planning guidance (SPG) without the opportunity for public comment on various sites and networks within the document is regrettable.

- Consistent with other policies the presumption should be one of refusal rather than approval.

- With reference to the new sentence in paragraph 5.26, the Woodland Trust does not accept the principle of net gain by way of mitigation for the loss of semi-natural habitats, such as ancient woodland, which are by their very nature irreplaceable.

- The biodiversity network map for South Molton only features areas around the River Mole and other watercourses, and should include Gunswell Lane. Nature conservation and social amenity facilities are not compatible.

- The two criteria are inconsistent with each other and do not prohibit damage to the biodiversity networks, as use of the term 'important' minimises its impact and the developers are required to compensate for such damage.

- Although the Policy is strongly supported, the Council should make a commitment to review the Devon Wildlife Trust inventory as actioned in the Farmland HAP. The Plan should include the estuary habitats as defined in the Taw Torridge Estuary Strategy, either on the proposals map or through a reference made in the reasoned justification. The Policy should refer to species as well as habitats to reflect the UK and Devon BAPs.

- Policy ENV8 should require replacement habitat to be created nearby where planning permission

involves destruction of barn owl feeding habitat.

- The Policy is negative and imposes an unreasonable and imprecise level of control over new development.

Inspector's Reasoning and Conclusions

5.28 The Country Land and Business Association criticises the adoption of SPG without the opportunity for public comment. The Council's stated reason for this is that the SPG in question, "Local Nature Conservation Sites and Biodiversity Networks in North Devon", was prepared by the Devon Wildlife Trust, using both scientific and community-based criteria. The Council considers that the objective and robust methodology used to identify locally important nature conservation sites and biodiversity networks means that meaningful public consultation would be difficult. The Council claims that the document has been subject to a degree of scrutiny as a supporting document of the Local Plan during the first consultation period.

5.29 This consultation clearly falls well short of the type of scrutiny that would be expected in a formal consultation process targeted at the document itself. I do not find the argument that consultation would be "difficult" at all convincing. Much of the material in the Local Plan and supporting it is of a technical nature, and to assume that those who may be interested are incapable of responding effectively is a little condescending. The Council will be aware that the weight that can be allocated to SPG as to Local Plan policies increases significantly if they have been subject to proper public consultation. I urge the Council to do so in this case.

5.30 The CPRE objection is to the presumption of refusal rather than approval, as stated in the First Deposit Plan. The Council's change meets this objection. The Woodland Trust object to the additional sentence in 5.26 because it does not accept the principle of "net gain" by way of mitigation for the loss of semi-natural habitats, such as ancient woodland, which are by their very nature irreplaceable. They would like to see this sentence deleted or changed to make it clear that it refers to secondary habitats only and excludes irreplaceable semi-natural habitats. The sentence is merely stating that when habitat creation is being considered as mitigation for harm to the biodiversity value of a site, key interest groups will be consulted. It is process oriented and not making value judgements. Habitats of the quality of ancient woodlands cannot be re-created in the short term and are unlikely to figure as targets for mitigation activity. They should be protected in their own right under Policy ENV12.

5.31 Mrs Cleevely's objection is that the biodiversity map for South Molton does not feature Gunswell Lane as part of the network. She offers ample evidence of the wildlife value of the fields and hedges that border the lane. The Council are rather dismissive of her efforts, pointing out rightly that the document cannot be amended in an ad-hoc manner as part of the Local Plan Review. All the more reason for a proper consultation process so that information such as Mrs Cleeveley's can be systematically evaluated. Her further point about the report confusing the biodiversity of the flora and fauna in the natural environment with the social amenity facilities of the community perhaps sees more in the words of the report than may be intended. To me the mention of a social context is simply recognition in the report of the value of sites that are important to the local community, as promoted in PPG9 paragraph 15.

5.32 North Devon Friends of the Earth object that the two parts of ENV8 are inconsistent with each other. There is indeed some inconsistency in the policy. It begins by insisting that development must make a positive contribution to nature conservation if it is to be approved. There is no guidance in the preceding text on what constitutes a positive contribution and which forms of development it is to be applied to. Presumably only development located in close proximity to a

valued site. The second part of the policy more realistically focuses upon the effects of development on sites, and the need to mitigate any resultant losses. The two clauses are linked by an OR, so that if the first cannot be achieved the second comes into play. What then is the purpose of the first clause?

5.33 As it stands the policy lacks clarity and has a degree of uncertainty built into it and is repetitive in terms of the types of natural features intended to be conserved. Use of the word important is criticised by the Friends. Its use does beg the question of how important? A more objective term would be *substantive*, as used in PPG9. Given the shortcomings of the present policy, it would be better to simplify it to one that prevents development that might harm a valued site, e.g:

> *Development will not be permitted where it harms a substantive biodiversity habitat species, network or landscape feature. If development is permitted, any consequent losses to biodiversity must be minimised, fully mitigated and compensated for by the creation or enhancement of habitat.*

5.34 The Devon Wildlife Trust supports the policy, but asks the Council to make a commitment to review the Devon Wildlife Trust inventory as actioned in the Farmland HAP. The Council's response is that it is not the remit of the Local Plan to make such a commitment. I agree, and note that the Council does express a commitment to the ongoing identification of new sites of nature conservation value. A second request is to show the estuary habitats as defined in the Taw Torridge Estuary Strategy either on the proposals map or through a reference in the text. A reference to the Estuary Habitat Action Plan is in paragraph 5.22. The Taw Torridge Estuary Management Plan is referred to in paragraph 1.18.

5.35 The Barn Owl Trust support ENV8 provided replacement habitat is created nearby where planning permission involves destruction of barn owl feeding habitat. This intention is built into the policy.

5.36 The Larkbear Consortium objects that the policy is negative and imposes an unreasonable and imprecise level of control over new development. In that the policy is stating that development which harms biodiversity will in general not be allowed it is of course negative, and justly so. There must be a degree of imprecision in the policy but the basic issue is clear: development which harms biodiversity will be expected to fully mitigate those harmful effects. That is not an unreasonable stance in the light of advice in PPG9 to avoid unnecessary constraints on development.

Recommendation 5.7

I recommend that the Local Plan be modified by replacing Policy ENV8 as follows:

> ***Development will not be permitted where it harms a substantive biodiversity habitat, species, network or landscape feature. If development is permitted, any consequent losses to biodiversity must be minimised, fully mitigated and compensated for by the creation or enhancement of habitat.***

I further recommend that the Council undertakes full public consultation on "Local Nature Conservation Sites and Biodiversity Networks in North Devon".

Policy ENV9 (International Nature Conservation Sites)
Paragraph 5.26A

Objection	*181/2319/R*	*CPRE*
Objection	*181/423/FD*	*CPRE*
Objection	*276/975/FD*	*Devon Wildlife Trust*
Objection	*249/844/FD*	*North Devon Friends of the Earth*

Issues:

- There is no reference to Culm Grassland Candidate Special Area of Conservation.
- The wording of the policy does not take into account the reasoned justification within paragraph 5.30.
- Policy ENV9 fails to include reference to SPAs and the guidance given by the DETR in relation to EIA in potential SPAs and SACs. The SPA status of the Taw/Torridge will be reviewed within 3 years and this part of the estuary is part of the CSAC of Braunton Burrows.
- New paragraph 5.26A is unnecessarily repetitive with paragraph 5.27 and should be redrafted.

Inspector's Reasoning and Conclusions

5.37 The Culm Grassland Candidate Special Area of Conservation, comprising the SSSIs at Haredown, Knowstone and Rackenford Moors has been referred to in paragraph 5.27A. This meets the objection of the Devon Wildlife Trust.

5.38 The first objection by the CPRE concerns the reference in paragraph 5.30 to mitigation and compensatory measures being sought when development is permitted in an international nature conservation site. In that this is a quote from PPG9, it is not necessary to include it in the policy, which remains stronger with its omission. The second CPRE objection is to duplication between paragraphs 5.26A and 5.27. The additional paragraph 5.26A has been included in recognition of the first UNESCO Biosphere Reserve to be created in Britain at Braunton Burrows. There is some repetition with the following paragraph, which also mentions Braunton Burrows in its role as an SAC or Ramsar Site. The two paragraphs may be confusing, but they are different.

5.39 The objection by the North Devon Friends of the Earth calls for the Local Plan to take account of changes in status of protected sites as may take place during the Local Plan period. This is an unrealistic basis on which to draw up local plans. The potential special protection area status of the Taw Torridge Estuary was withdrawn in 1996, and English Nature has not indicated that the estuary should be designated as a potential SPA. The Local Plan can only deal with what is definite at the time it goes to press, but there would be merit in deleting reference to the Proposals Map so that the policy can be readily applied to any newly designated area that may arise during the period of the Local Plan.

5.40 The Friends second proposal, to add "nature conservation interest" after "nature conservation objectives" would add little to the meaning of the policy. It is clear from Annex C10 of PPG9 that a site's conservation objectives are the "reasons for which the site was classified or designated" and not some additional, possibly later piece of work that may or may not have been completed.

Recommendation 5.8
I recommend that Policy ENV9 be modified by deleting "as shown on the Proposals Map".

National Nature Conservation Sites
Policy ENV10 (Sites of Special Scientific Interest)

Objection *181/424/FD* *CPRE*

Issue:
- The policy conflicts with the reasoned justification within paragraph 5.33.

Inspector's Reasoning and Conclusions

5.41 The CPRE's objection is that the reasoned justification allows for possible developments that might harm an SSSI whereas the policy does not. It simply states that any such development will not be permitted. They point to lack of consistency with ENV12, which includes within it criteria for assessing damaging proposals. The Council claims that it is implicit within the tests set out in ENV10 that any development that harms an SSSI, whether directly or indirectly, should be refused. But this is not what paragraph 5.33 says. It allows for damaging development "in very exceptional circumstances". It bolsters its position by referring to lack of objection from the key nature conservation organisations.

5.42 In that ENV10 refers to nationally designated SSSIs, while ENV12 covers locally important wildlife and geological sites, it does not seem unreasonable to have respective policies which apply different degrees of stringency in controlling development. ENV10 would appear to allow nothing harmful. Paragraph 5.33 gainsays this position, but only "in very exceptional circumstances". All in all, I consider this distinction is reasonable.

Recommendation 5.9
I recommend that no change be made to this part of the Local Plan.

Policy ENV11 (Protected Species)
Paragraphs 5.34, 5.36

Objection *197/582/FD* *Devon County Council*
Objection *276/976/FD* *Devon Wildlife Trust*
Objection *276/977/FD* *Devon Wildlife Trust*

Objection	*181/2320/R*	*CPRE*
Objection	*249/845/FD*	*North Devon Friends of the Earth*

Issues:

- Inclusion of a protected species policy is welcomed although the protection it affords certain species could be considered absolute and, therefore, inappropriate.

- The Policy is not consistent with the obligations of the UK under Article 12 of the Habitats Directive.

- The Policy does not comply with the terms of the Habitat Regulations as the habitat of European species should be protected.

- The third bullet point of paragraph 5.36 is poorly worded and should be amended to read "the development is of overriding public benefit".

Inspector's Reasoning and Conclusions

5.43 The objection by Devon County Council is more akin to an expression of support with reservations. In my view it does not call for any changes to the Local Plan.

5.44 The Devon Wildlife Trust proposed changes to ENV11 to comply with the Habitat Regulations so the habitat of European species is protected. The Council made this change in the Revised Deposit Plan and met this objection.

5.45 The Friends of the Earth draw attention to lack of consistency with the Habitats Directive. A criticism of the changes in paragraph 5.36 is that the word "imperative" is required before "reasons". As this adjective is found in the same wording in DeFRA Circular 2/2002 it is appropriate to include it in the Local Plan. A second suggestion by the Friends is to explain that the expression "no satisfactory alternative" includes the possibility of carrying out the development on another site. This seems a reasonable addition which will improve clarity of the Local Plan. The Friends' call for the new text in the first part of the paragraph to include reference to disturbance or deterioration was countered by the Council as being unnecessary, since the word harm embraces these other terms. It was however agreed at Inquiry that ENV11 could be slightly expanded to acknowledge that a level of deterioration some way short of the complete destruction of a valued site is a relevant consideration.

5.46 The objection by the CPRE is that the third bullet point of paragraph 5.36 is poorly worded, and conflicts with Policy ENV11, which does not permit harmful development. The CPRE do not expand on what is wrong with the bullet point. I have accepted that it should quote the words of the Circular exactly. The conflict point is misconstrued however. Paragraph 5.36 describes the conditions under which a licence under the Habitats Directive may be given. Policy ENV11 is a straightforward statement that harmful development will not be permitted. To allow a harmful development that has achieved a licence would be an exception to the policy. The procedure is adequately explained in the text, and I do not consider it necessary to refer to the requirement for a licence under ENV11.

Recommendation 5.10

I recommend that the Local Plan be modified as follows:

- **the first bullet point of 5.36 should be: "there is no satisfactory alternative to the development, including use of another site;**

- **the third bullet point should be: "the development must be for imperative reasons of overriding public interest";**

- **Policy ENV11 should be: "Development will not be permitted where it would directly or indirectly harm a statutorily protected animal or plant species, or would damage, destroy or lead to the deterioration of a breeding site, foraging area or resting place of a European protected species.**

ENV12 (Locally Important Wildlife or Geological Sites)
Paragraph 5.37

Objection	*197/585/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*276/978/FD*		*Devon Wildlife Trust*
Objection	*249/846/FD*		*North Devon Friends of the Earth*
Objection	*157/327/FD*		*The Woodland Trust*
Objection	*157/2363/R*		*The Woodland Trust*

Issues:

- Paragraph 5.37 should include a reference to the County Geological Sites, a description which is interchangeable with the term 'Regionally Important Geological Site'.

- The inclusion of the words "all sites of equivalent value" leaves the policy open to interpretation. Policy ENV12 should be strengthened or a new policy created in order to protect ancient woodlands.

- The Policy fails to cover all the obligations of the Local Planning Authority and Article 10 of the Habitat's Directive.

- The Policy requires clarification to ensure that county wildlife sites notified after the Local Plan is adopted are also protected.

Inspector's Reasoning and Conclusions

5.47 The changes to the Local Plan at Revised Deposit stage include a reference to County Geological Sites as proposed by Devon County Council. This objection has been withdrawn conditionally. The objection by the Woodland Trust is to the inclusion of the phrase "all sites of equivalent value" in the policy. The Council has done this to broaden the scope of locally important wildlife or geological sites that will be afforded a level of protection. The introduction of this phrase does bring an element of uncertainty into the policy, calling for an additional site to be justified on its merits. I see nothing wrong with such a process however. I accept the Council's response that ancient woodlands with any substantive nature conservation value are likely to be designated as SSSI or County wildlife site and therefore not requiring a separate policy reference to ensure their

protection.

5.48 The objection by the Friends of the Earth, is to the need for the Local Plan to recognise the obligation on the UK (including the Council) to encourage the management of features of the landscape which are of major importance for wild life and flora. It was agreed at Inquiry that a reference to the need to recognise and protect such features as locally distinctive bio-diversity habitats could be made in paragraph 5.24. I agree with this addition, which obviates the need for a further policy.

5.49 The objection by the Devon Wildlife Trust regarding county wildlife sites has been met by changes to paragraph 5.37.

Recommendation 5.11
I recommend that the Local Plan be modified by the addition to paragraph 5.24 of the following sentence. "These landscape features are considered to be locally distinctive and important bio-diversity habitats".

Policy ENV15 (Historic Parks and Gardens)

Objection *458/1763/F* *Castle Hill Estate*

Issue:

- The policy should go further in encouraging preservation of the landscape with enabling development as one way of funding conservation and preservation work.

Inspector's Reasoning and Conclusions

5.50 The Castle Hill Estate makes a good point in trying to link preservation of the landscape with enabling development. The thrust of the policy is very much towards preventing development where it would harm the historic character or appearance of this limited number of historic landscapes. The Council is not in the position of owner of the sites, and cannot contemplate proposing enabling schemes. Any enabling development which provides funds to be reinvested into conservation of an historic park or garden would no doubt be regarded as a good thing provided it met all the other policy requirements and did not itself damage the resource. Whilst the idea is a good one, I find myself in agreement with the Council that the essential protection message in the policy ought not to be diluted by giving encouragement to development schemes.

Recommendation 5.12
I recommend no change in this part of the Local Plan.

Conservation Areas
Paragraphs 5.57, 5.61

Objection	*197/588/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*51/66/FD*	*Conditionally Withdrawn*	*English Heritage*

Issues:

- The serving of Article 4s in conservation areas is an essential tool in seeking to protect their character, and reference should be made to their existence and value and a commitment made to their adoption, following consultation.

- Paragraph 5.61 is significantly weak. National guidance (PPG15, paragraph 4.27) is for the presumption of retaining buildings rather than "maintaining where possible".

Inspector's Reasoning and Conclusions

5.51 Both of the above suggestions have been taken on board by the Council and the objections are conditionally withdrawn. The additions to the text do much to strengthen the message about the importance of conservation areas.

Recommendation 5.13
I recommend no change to this part of the Local Plan.

Policy ENV17 (Listed Buildings)
Paragraphs 5.62, 5.65, 5.72

Objection	*197/1909/F*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*511/2286/R*		*Taw - Torridge Estuary Forum*
Objection	*181/432/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*51/68/FD*	*Conditionally Withdrawn*	*English Heritage*
Objection	*51/67/FD*	*Conditionally Withdrawn*	*English Heritage*

Issues:

- Paragraph 5.62 should read 'Department for Culture'.

- Policy ENV17 is inconsistent with the reasoned justification at paragraph 5.67 which allows changes to a listed building whereas the policy as it is currently worded does not.

- Policy ENV17 does not reflect national guidance which is concerned with protecting the character

of the listed building not conservation *per se*.

- The meaning of paragraph 5.65 is unclear as it is not possible for provision to be made to protect demolished or lost features.

- Paragraph 5.72 is incorrect as many works that require listed building consent also require planning permission and if read in isolation could be misunderstood.

Inspector's Reasoning and Conclusions

5.52 The Council has made the change suggested by Devon County Council, referring to the Department for Culture in paragraph 5.62. It has also made changes to the policy and to paragraph 5.72 to meet the concerns of English Heritage, to ensure that it is the protection of the character of a listed building that is important rather than just its preservation, and to acknowledge that many works which require listed building consent also require planning permission. The changes made also meet the concerns of CPRE, with regard to lack of consistency between the policy and paragraph 5.67.

5.53 The Taw-Torridge Estuary Forum object to the revision of paragraph 5.65 on the grounds that it is not possible to protect demolished or lost features. The Council believes that it is possible to protect certain features of a listed building such as fireplaces, windows, doors, chimneypieces and staircases, though presumably this would be in the form of architectural antiques moved into another setting. The point could be made clearer and I leave it to the Council to consider how this might be done.

Recommendation 5.14

I recommend that the Council consider how paragraph 5.65 might be made clearer.

Policy ENV18 (Locally Important Buildings)

Objection	*397/1488/F*	*Conditionally Withdrawn*	*Chelverton Group*
Objection	*383/1373/F*		*Country Land and Business Association*
Objection	*225/665/FD*		*Government Office for the South West*
Objection	*310/1159/F*		*North Devon Archaeological Society*
Objection	*184/451/FD*		*The Molland Estate*

Issues:

- The onus is on the applicant to justify any development that might harm such buildings, this type of non-statutory designation is not favoured by the Government and is unnecessary, lacks justification and may constrain diversification/development opportunities.

- Policy ENV18 is of no help to readers or to decision makers without identification of the buildings

concerned. The list of locally important buildings should be an upper case schedule as it is part of the policy.

- There should be a presumption of a need to record listed buildings which have historic or architectural merit, including redundant barns which undergo major work. The existing list is inadequate and should be open to further additions.

- The introduction of non-statutory designations is not supported. Particular concern about the identification of locally important buildings, the criteria which will be used, the means by which owners may contribute to this selection process and the weight that will be given to that contribution and owner notification.

- The Shapland and Leaderflush building should be removed from the list of locally important buildings.

Inspector's Reasoning and Conclusions

5.54 With regard to the justification of the policy, there is ample justification in PPG15 for LPAs to draw up lists of locally important buildings and to formulate local plan policies for their protection. Not all such locally important buildings will be in conservation areas and where they lack such protection the importance of identifying them and ensuring that development schemes do not destroy them is paramount.

5.55 The GOSW point about the list needing to be available is a good one. The Council proposes that it be held in the Planning Department rather than be set out in the Policy itself. It would clearly be cumbersome to include it in the policy, but I do not see why it cannot be included in the Local Plan, perhaps as an appendix. The concerns of the North Devon Archaeological Society about buildings with historic or architectural merit are already accounted for by the reference in paragraph 5.73 to local historical associations.

5.56 The points raised by the Country Land and Business Association are concerned with the process of identification and designation rather than the principle. They are probably best addressed in SPG, where factors such as the weight to be given to the building owner's contribution to the selection process can be considered.

5.57 The Shapland and Leaderflush building is identified for protection in Proposal BAR1A as set out in the Barnstaple Action Local Plan. The list of locally important buildings has not been drawn up yet, so the building in question cannot be removed from it in any event.

Recommendation 5.15

I recommend that the Local Plan is modified by the inclusion of the list of locally important buildings as an appendix.

Chapter 6 - Travel, Transport and Communications

Travel, Transport and Communications: General

Objection	*200/577/FD*	*Vodafone Ltd*
Objection	*22/32/FD*	*Mr Thomas Smith*

Issues:

- Account has not been taken of the linkage between telecommunications and transport in the policy or supporting text.
- The policy should avoid social exclusion so that accessibility to telecommunications and transport is available to the less privileged.
- The policy should recognise the need to accelerate the extension of new communication modes, especially wireless communications and the internet.
- The omission of a policy on general aviation activities.

Inspector's Reasoning and Conclusions

6.1 The Council has gone some considerable way towards accommodating the points raised by Vodafone. Paragraph 6.4 now acknowledges the importance of improving telecommunications in North Devon. The Council draws the line at changing the Local Plan in relation to the social exclusion point or the need to accelerate the extension of new communication modes. These are not land use issues *per se*. The planning aspects of the development of telecommunications are dealt with adequately under Policy TRA8.

6.2 Mr Smith calls for a policy on general aviation activities and suggests such a policy in detail. The Council's response is that as planning applications relating to general aviation activities are not a regular occurrence, it is not considered appropriate to include such a policy within the Local Plan. The Council may yet be caught out on this one. Who is to say that the residents of Barnstaple will not tire of the journey to their nearest airport, be it Bristol, Newquay or Exeter via the Tarka Line and connecting bus, and demand one closer at hand. As it stands the Council could only assess such a proposal against the very generalised criteria in DVS1 to DVS3, and perhaps ENV1. Though there is clearly no reason to panic, a policy on future aerodromes might be considered in the preparation of the Local Development Document which will replace this Local Plan.

Recommendation 6.1
I recommend no change to this part of the Local Plan.

Policy TRA1A (Promoting Sustainable Transport Choices)

Replacing the following five policies:

Policy TRA1 (Sustainable Transport Choices)
Policy TRA2 (Green Travel Local Plans)
Policy TRA3 (Walking and Cycling)
Policy TRA4 (Protecting Proposed Pedestrian and Cycle Routes)
Policy TRA5 (Public Transport Provision)

Paragraphs 6.11, 6.13, 6.21 to 6.28
Table 3 - Desirable Walking Distances
Table 4: Cycle Parking Standards

Objection	*452/1714/F*		*British Telecom PLC*
Objection	*410/1517/F*		*Larkbear Consortium*
Objection	*389/1416/F*		*Highways Agency*
Objection	*197/590/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*225/666/FD*		*Government Office for the South West*
Objection	*416/1552/F*	*Partially Withdrawn*	*M G Leisure*
Objection	*249/847/FD*		*North Devon Friends of the Earth*
Objection	*416/1548/F*		*M G Leisure*
Objection	*416/1549/F*		*M G Leisure*
Objection	*416/1550/F*		*M G Leisure*
Objection	*197/591/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*225/667/FD*		*Government Office for the South West*
Objection	*225/668/FD*		*Government Office for the South West*
Objection	*416/1553/F*	*Partially Withdrawn*	*M G Leisure*
Objection	*416/1554/F*		*M G Leisure*
Objection	*469/1784/F*	*Conditionally Withdrawn*	*The House Builders Federation*
Objection	*138/253/FD*		*Devon and Cornwall Constabulary*
Objection	*197/593/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*197/596/FD*		*Devon County Council*
Objection	*416/1551/F*		*M G Leisure*
Objection	*249/849/FD*		*North Devon Friends of the Earth*
Objection	*383/1374/F*		*Country Land and Business Association*
Objection	*392/1450/F*		*Railfuture South West*
Objection	*452/1715/F*		*British Telecom PLC*
Objection	*410/1522/F*		*Larkbear Consortium*
Objection	*416/1555/F*	*Partially Withdrawn*	*M G Leisure*
Objection	*249/850/FD*	*Conditionally Withdrawn*	*North Devon Friends of the Earth*
Objection	*416/1557/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1558/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*249/851/FD*		*North Devon Friends of the Earth*

Objection	*416/1559/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*181/425/FD*		*CPRE*
Objection	*416/1560/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1561/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1562/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1563/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1564/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1565/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*452/1716/F*		*British Telecom PLC*
Objection	*416/1556/F*	*Partially Withdrawn*	*M G Leisure*
Objection	*249/852/FD*		*North Devon Friends of the Earth*
Objection	*410/2136/R*		*Larkbear Consortium*
Objection	*417/2377/R*		*M G Leisure*
Objection	*389/1422/F*		*Highways Agency*
Objection	*225/670/FD*		*Government Office for the South West*
Objection	*225/673/FD*		*Government Office for the South West*

Issues:

- Table 3 should be deleted as it repeats information in RPG10 and is overly-prescriptive.

- The term likely should be changed to will, in Policies TRA1, TRA2 and TRA3, with the latter policy also amended with the deletion of the word significant, and Criterion B) amended to read 'in the case of flats and non residential development'.

- Omission of a policy acknowledging the provision of remedial measures where the impact of a proposal on the nearby road network cannot be adequately addressed.

- Policy TRA1 appears unnecessarily complicated, Policy TRA2 appears to be a means to the end already set out in Policy TRA1 and Policies TRA3 and TRA4 appear inflexible.

- The Local Plan needs to play a key role in delivering a shift away from the car, particularly in terms of high levels of parking provision, free parking and parking in congested areas.

- Policy TRA1 to TRA5 are not necessary as all deal with the same issue, some of which are inconsistent and all of which give no consideration to the travel requirements of the tourist industry

- Policy TRA2 is not required by PPG13, and should be deleted.

- Paragraph 6.16 should include a criterion to avoid casual intrusion and loitering by non-residents in residential areas.

- Policy TRA3 should include minimum standards for secure, regular over-night cycle parking. It should not be limited only to those developments which are likely to generate a significant amount of travel, or have an impact on the local highway network and the minimum standard should vary depending on whether development is likely to attract young people or sheltered accommodation for the elderly.

- In paragraph 6.19 the use of the word 'spaces' implies there is no beneficial use, which may not necessarily be the case. The paragraph should be amended from redundant railways to closed railways to remove the implication that they were not needed then, today and in the future.

- Policy TRA4 requires amending to include potential pedestrian and cycle routes and indicate that they will or may be required for new bus, tram, light rail and/or rail links.

- The identification of cycle routes and pedestrian routes should be indicative rather than safeguarded on the Proposals Map, and greater flexibility should be allowed for the position and siting of such proposed routes.

- Paragraph 6.21 should include proposals for public transport, rather than concentrate on the Western Bypass, including a bus priority lane at Sticklepath, interchange facilities at Seven Brethren and construction of Stage 4 Barnstaple Urban Relief Road, and more ambitious and longer term possibilities for public transport including rail/light rail or tram links from Barnstaple to Bideford and various other parts of Barnstaple.

- Paragraph 6.23 should discourage the use of large buses in narrow rural roads where the number of passengers are few; the unit of measurement for rural households to walk to a bus service, which is at least hourly, does not correspond with the target distance in Table 3.

- In Policy TRA5 the reference to voluntary and community transport should be deleted as it may dilute its impact.

- Policy TRA5 should be amended to read 'the development proposal will only be permitted if it provides measures to improve its accessibility by, and the attractiveness of voluntary, community and/or public transport'.

- Objection to Policy TRA5 as other improvements to other sustainable modes could be more cost effective in dealing with impact on the local highway network.

- The importance of paragraph 6.31 (mobility impairments) merits a separate policy.

- Policy TRA1A as it relates to proposed pedestrian and cycle routes should not prescribe their precise location as it is confusing and creates uncertainty.

- At the end of Policy TRA1, reference to including walking and public transport should be deleted as there is little public transport available in the countryside.

- Table 4 appears to form part of the basis for decisions and should therefore be clearly expressed as part of 'upper case' policy (PPG12, paragraph A23).

Inspector's Reasoning and Conclusions

6.3 The Council has made some major changes at Revised Deposit stage, replacing five policies with just the one, largely in response to the concerns of GOSW and Mr Rice/MG Leisure.

Policy TRA1 (Sustainable Transport Choices)

6.4 Policy TRA1 has been incorporated into Criterion 1 of TRA1A. The Council claims that the amended wording overcomes the concerns raised by GOSW and Devon County Council. I agree. In response to the Friends of the Earth the Council believes that the redraft meets some of their

concerns, and again I agree. What it does not do is deal explicitly with the point about impact on the highway network being minimised by all available means. To some extent this is built into the new policy through the emphasis on means of transport other than the private car. The policy redraft meets the objection of MG Leisure, other than the tourism point which I deal with later.

Policy TRA2 (Green Travel Plans)

6.5 The Local Plan states that all non-residential proposals that are likely to have significant travel and transport implications will be required to submit a Travel Plan. They are intended as a commitment to introduce measures to encourage their staff and customers to use alternative means of travel in accordance with agreed targets. In response to the objection by the Housebuilders' Federation, the original TRA2 and the new TRA1A both make it clear that Travel Plans will not be required for residential accommodation. The Council claims that the amalgamation of TRA2 into Criterion 2 of TRA1A overcomes the objections raised by GOSW and the concerns of Devon County Council. I agree.

Policy TRA3 (Walking and Cycling)

6.6 The Devon and Cornwall Constabulary is rightly concerned about casual intrusion and loitering by non-residents in residential areas. It calls for an addition to the criteria in paragraph 6.16. The point is slightly divergent from the main thrust of this paragraph, which is all to do with improving opportunities for walking and cycling. Paragraph 6.16 already refers to safe and secure walking and cycling routes, and can be taken to include safety and security for local residents as well as travellers. The point is also dealt with in the Development Standards chapter under Policies DVS1a (Sustainable Development) DVS1 (Design) and DVS3 (Amenity Considerations) and Tables 2A and 2B.

6.7 The incorporation of Policy TRA3 into Criteria 3 and 4 of TRA1A overcomes in my view the objections raised by GOSW and Devon County Council. The objection by Friends of the Earth concerns the provision of secure cycle parking. They raise a number of points of detail that are beyond the scope of the Local Plan. Paragraph 6.18 covers the issues related to cycle parking and gives the authority for the Council as planning authority to demand provision of appropriate cycle parking as circumstances permit. Cycle standards as embodied in Table 4 are expressed as minima, giving scope for higher provision where justified by the type of development proposed.

6.8 The objections by the Country Land and Business Association, and by Railfuture South West are both met by changes in paragraph 6.19 of the Revised Deposit Plan.

Policy TRA4 (Protecting Proposed Pedestrian and Cycle Routes)

6.9 The amalgamation of Policy TRA4 into Criterion 3) of TRA1A overcomes the objection of GOSW in my view. The Friends of the Earth objection is partially met by including reference to potential cycle and walking routes being safeguarded. The Friends request for potential routes for bus, tram or light rail to be safeguarded is unrealistic however. It is the job of the Local Transport Plan to set these down in the first instance. The Council is not aware of any such firm proposals, and it would be wrong for the Local Plan to attempt to pioneer suggestions.

6.10 The objection by the Larkbear Consortium is that cycle and pedestrian routes should be indicative rather than safeguarded on the Proposals Map and that greater flexibility should be allowed with the position and siting of such proposed routes. In most cases the routes in question follow clearly identified features such as a minor road, track or former railway line, and there is little scope for variation from the route. The Council has proposed a change to the text however to admit of some flexibility regarding the routes, referring to the "integrity of these routes being safeguarded". This goes some way to meeting the Larkbear objection. Because of the importance of the strategic routes to cycling and walking in the district, no greater expression of flexibility is warranted in my view.

This change also goes some way to meeting the British Telecom objection regarding the need to allow developments to provide alternatives if they affect existing or proposed routes.

Policy TRA5 (Public Transport Provision)

6.11 The objection by Friends of the Earth seems to be calling for a whole raft of possible schemes for improving local public transport to be listed in the Local Plan. Such matters are the function of the Local Transport Plan. The Local Plan can not pre-empt the Transport Plan. PPG12 states that proposals should only be included in a Local Plan which are firm, have a reasonable degree of certainty of proceeding within the plan period and are identified as such in the Local Transport Plan.

6.12 The objection by CPRE calls for large buses to be discouraged on narrow rural roads when the number of passengers is few. Such a move would be entirely good for the countryside and would meet with universal acceptance bordering on joy from the rural users and residents. I would myself be delighted to see buses of an appropriate width and height travelling along the narrow lanes of the district. Unfortunately those who run the bus services have different ideas, more concerned with economics and fleet standardisation. The type of bus that is run is not a land use planning matter, so the Local Plan cannot give an opinion one way or the other. The final sentence of paragraph 6.23 is clearly a government objective rather than a district one as such.

6.13 By amalgamating and revising the wording of Policy TRA5 into Criterion 1) of TRA1A the concerns of objectors have been largely overcome. The Friends call for improvements to accessibility to be included. In my view the wording of Criterion 1), by setting the goal of good accessibility to a choice of transport modes, implicitly allows for schemes which are deficient to provide some improvement, or be rejected.

6.14 Mr Rice/MG Leisure made a large number of objections relating to Policies TRA1 to TRA5. Apart from the need to amalgamate the policies, which the Council was happy to do, the complaint is that no consideration is given to the travel requirements of the tourism industry. Although it may be difficult for relatively isolated tourism uses to meet the requirements of Policy TRA1A because of their location, this is not a justification for giving tourist uses special dispensation. They are as capable of generating large numbers of cars as any major use. They should be subject to scrutiny as to the potential for becoming more sustainable in terms of traffic generation. PPG13 states in paragraph 37 that developments involving tourism and which generate large amounts of travel should accord with the advice in the guidance.

Policy TRA1A (Promoting Sustainable Transport Choices)

6.15 The Larkbear Consortium object to the revised policy, that it should not prescribe the precise location of pedestrian/cycle routes, nor include potential routes for safeguarding where the line will not be known and the Local Plan will contain uncertainty. As all the routes that are safeguarded are shown indicatively on the Proposals/Inset Maps it is not clear where the element of uncertainty lies. MG Leisure object to Criterion 1) of Policy TRA1A, as there is little public transport available in the countryside. The objective of TRA1A is to promote sustainable travel and transport choices throughout the district including the rural areas. There may be less public transport available in rural areas, but this does not negate the need to take whatever opportunities there may be for more sustainable uses and means of travel.

6.16 GOSW called for Table 4 to be included as part of the upper-case policy (now TRA1A). Whilst sympathising with GOSW on the general point that matters which form the basis of decisions should be expressed as part of the policy, in this instance I agree with the Council that the table would be cumbersome if incorporated and a reference to it, as is found in Criterion 4 will suffice.

6.17 The Highways Agency objects to the omission of a policy acknowledging that the provision of remedial measures may not be enough to deem a development acceptable, and in such cases the appropriate infrastructure improvements must be agreed with the highway authority and provided by the developer. The Council in its response claims that the policies in this chapter will ensure that any infrastructure improvements required to the highway network to overcome a problem will be undertaken. Policy TRA6 is more relevant to this aspect of development impact as it addresses improvements to the road network consequent upon development proposals.

Table 3 - Desirable Walking Distances

6.18 The Council states that the purpose of Table 3 is to provide useful guidelines to inform developers of the desirable walking distances to various facilities. The figures are expressed as targets to give an indication of the travel improvements that may be required in new development. The fact that they repeat information in RPG10 is not significant in my view. A developer is more likely to consult the Local Plan than the regional strategy. Of more significance is the omission of the maximum distances set out in the RPG. Having decided to present the table as "desirable walking distances" however, adding the maxima would inevitably undermine the credibility of the target figure.

Transport Assessments and Statements

6.19 Whilst supporting paragraph 6.11, the Highways Agency would like to see a more explicit commitment to transport assessments via their inclusion within a policy. The policy put forward by the agency does stray into administrative matters, rightly criticised by the Council. There should be no objection however to the inclusion of a reference to transport assessments in the new policy. They are referred to in TRA7 (Non-Residential Parking) but arguably their role is a more fundamental one in relation to wider transport matters. A brief addition to Policy TRA1A would reflect the importance and emphasis given to TAs in paragraph 6.11.

Recommendation 6.2
I recommend that the Local Plan be modified by including a reference to the need for transport assessments in Policy TRA1A.

The Mobility Impaired
Paragraph 6.31

Objection *181/426/FD* *CPRE*

Issue:

- The importance of paragraph 6.31 should merit a separate policy.

Inspector's Reasoning and Conclusions

6.20 The CPRE would like to see a specific policy on the needs of the "mobility impaired". The justification given at Inquiry seemed to be related to good public relations rather than the intrinsic merit of the case. A clear policy would save one having to search pages 26 and 27 for relevant references amongst the design principles. The "Ease of Movement" design principle covers the needs of the mobility or sensory impaired very well. The subject is not just one for the Travel and Transport chapter, as much of the material in paragraphs 6.29 to 6.31 refers to access to buildings. Whilst a separate policy is probably not justified there should at least be a cross-reference to Policies DVS1 and DVS1A, similar to the existing cross-references to the housing chapter, as agreed by the Council at Inquiry.

Recommendation 6.3

I recommend that the Local Plan be modified by including a cross-reference at the end of paragraph 6.30 as follows:

(See Policy HSG6 and paragraph 7.49: see also Policies DVS1 and DVS1A and paragraph 4.4: Ease of Movement and Adaptability).

The Road Network
Policy TRA6 (General Highway Considerations)

Objection	*452/1717/F*	*British Telecom PLC*
Objection	*184/453/FD*	*The Molland Estate*

Issues:

- Policy TRA6 is generally supported but must be applied with flexibility to encourage development that provides development opportunities in rural areas and should not always follow the advice of the highway authority in respect of standard requirements for visibility splays and roads.

- The policy is unclear as the impact of the overall scheme should be taken into account, not just the effect on the highway works.

Inspector's Reasoning and Conclusions

6.21 Policy TRA6 is a standard development control policy ensuring that any development will have a safe access, will not harm the road network and will be carried out without spoiling the locality with excessive road works. It needs to be applied with a degree of flexibility, depending on the planning merits of the case, but this should not be seen as a prescription for laissez-faire in rural areas.

6.22 Worded as it is the policy poses no threat to the high quality road network, rather the reverse in fact, as Criterion B) specifically protects the road network and road users. The BT objection is curious. This is a highway policy so of course it only deals with that side of things. Other policies address the wider impact issues.

Recommendation 6.4
I recommend no change to this part of the Local Plan.

Parking Standards
Policy TRA7 (Non Residential Parking)
Paragraphs 6.37 to 6.40: Table 5 - Schedule to Policy TRA7

Objection	*249/854/FD*	*North Devon Friends of the Earth*	
Objection	*249/855/FD*		*North Devon Friends of the Earth*
Objection	*249/856/FD*		*North Devon Friends of the Earth*
Objection	*249/857/FD*		*North Devon Friends of the Earth*
Objection	*181/468/FD*		*CPRE*
Objection	*197/600/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*225/671/FD*		*Government Office for the South West*
Objection	*225/674/FD*		*Government Office for the South West*
Objection	*452/1718/F*		*British Telecom PLC*
Objection	*461/1769/F*		*NHS Estates*

Issues:

- The element of flexibility and reduction in standards referred to in paragraph 6.37 should not be allowed to mean that the authority can do exactly what it wants depending on who the applicant is. Reducing road traffic and encouraging walking, cycling and public transport are the key elements in determining the provision of car parking.

- The provision of secure parking for cycles and motorcycles, should not simply be determined by the likely demand but should be capable of meeting increased demand.

- The parking standards contained in Table 5 should be applied with a clearer commitment on minimising parking provision rather than allowing maximums as a matter of course.

- The application of the parking zone areas needs to be clarified.

- The parking restraint zones appear to be key parts of the basis for decisions and should therefore be incorporated into the policy in accordance with PPG13, paragraph 52.

- The Policy is too restrictive for developers, who should be allowed to provide the necessary off street parking required. The Policy could lead to more traffic congestion.

- Policy TRA7 should not require additional parking for cars in relation to developments within towns (especially Barnstaple).

- Policy TRA7 should allow for local circumstances and the effect of nearby and inter-related development and reflect the operational need of developments.

- Table 5 appears to form part of the basis for decisions and should therefore be included in the policy in accordance with PPG12, paragraph A23.

- Table 5 should delete maximum parking standards for Class D1 Hospitals, as this is not included in PPG13 in view of their special circumstances.

Inspector's Reasoning and Conclusions

6.23 Policy TRA7 reflects national, regional and county policy and aims to ensure that any development does not exceed the maximum parking standards set out in PPG13, and the regional transport strategy, in the interests of sustainability. Objections by the CPRE, British Telecom PLC and NHS Estates are therefore very much out of line with the general trend of policy. Specific anxieties such as operational needs and hospital parking can be catered for however on a local basis through an element of flexibility in the policy.

6.24 The Friends of the Earth appear to have misunderstood the purpose of paragraph 6.37. The element of flexibility is directed towards reducing car parking provision wherever possible and appropriate. I do not perceive the purpose of this reference being to allow the Council flexibility in terms of who the applicant is, as suggested by the Friends.

6.25 Cycles, and to a lesser extent motor cycles are more sustainable modes of transport than cars and there may be a case therefore for building into schemes some element of provision to cater for increased demand. It is difficult to put this into a policy however. The current table does not specify a standard for motor cycles. The standard for cycle parking is set out in Table 4, where it is expressed in minimum terms, thus allowing for over-provision implicitly.

6.26 Whilst the Friends objection to paragraph 6.39 may indicate a misunderstanding, there is a feeling about the paragraph that the maximum will always be obtainable, but if a case is made, an even higher level of provision will be allowed. This is not in the spirit of PPG13 in my view and the policy appears to acknowledge that higher levels of provision will be allowed provided a transport assessment has been undertaken. To meet the requirements of PPG13, paragraph 53, the policy should specify the maxima as the norm, and any increase on that level as an exception to be fully justified in a transport assessment.

6.27 The Friends propose an alternative version of the policy, with priority given to access by walking, cycling and public transport and access by car discouraged. Whilst I would not go along with the Council's criticism that this approach would impede commercial investment in North Devon to the detriment of the local economy, I do accept the Council point that the approach is rather draconian. In any event, the reduction in the maxima within the urban zones set out in TRA7 A) has the effect of reducing car use and favouring other modes in relatively congested areas.

6.28 In response to the objection of Devon County Council, the Local Plan has been amended to clarify from where the defined parking zones are to operate. The objection is withdrawn conditionally.

6.29 GOSW would like to see the defined parking areas and Table 5 incorporated into the policy. Whilst accepting the general premise that matters that appear to be key parts of the basis for decisions should be part of the policy, in this case I can see the point made by the Council that the definitions of parking policy areas are more suited to being part of the text, rather than cluttering up the policy. An explicit reference in the policy to paragraph 6.40 would help however. The same applies with even more force to Table 5, which would overwhelm the policy if incorporated.

Recommendation 6.4
I recommend the Local Plan be modified by re-drafting Policy TRA7 as follows:

> **A non-residential development will only be permitted where it provides a level of off-street car parking that does not exceed the maximum standards set out in Table 5, and accords with the appropriate reduced standards, if the proposal is sited wholly or partially in a parking zone area for Barnstaple, Braunton, Ilfracombe and South Molton, as defined in paragraph 6.40. In exceptional cases, parking provision greater than the standards in Table 5 will be allowed but only where fully justified in a transport assessment.**

Policy TRA8 (Residential Parking)
Paragraphs 6.37 to 6.43

Objection	*197/605/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*181/407/FD*		*CPRE*
Objection	*457/1753/F*		*Keith Sprason*
Objection	*249/858/FD*		*North Devon Friends of the Earth*
Objection	*410/1523/F*		*Larkbear Consortium*
Objection	*225/672/FD*		*Government Office for the South West*
Objection	*457/1754/F*		*Keith Sprason*
Objection	*249/859/FD*		*North Devon Friends of the Earth*

Issues:

- Paragraph 6.42 appears to assume that existing town centres might or should be altered in order to accommodate high levels of car ownership, which may encourage increased car ownership in these areas by making it convenient for multiple car owning families to move in.

- The intention to minimise new parking provision in residential schemes is inconsistent with the acknowledged car ownership and parking issues. There will be a clear difference in parking requirements between Barnstaple itself and the villages given socio-economic demand and quality of public transport.

- The size of parking spaces and garages contained in paragraph 6.43 is overly restrictive and should not be included in upper case policy text.

- The Local Plan should make it clear that residential parking provision should not on average exceed 1.5 spaces per dwelling in accordance with PPG3 (paras 59 to 62).

- Policy TRA8 is flawed because it assumes that new housing should only be provided if a car can be accommodated as well.

- A possible occupation level of the property has not been indicated in Policy TRA8 and applicants may understate the requirements of intended occupants and provide minimal provision resulting in roadside parking.

- Reducing on-site car parking is questioned because a number of streets in towns and villages that are busy are seriously obstructed by on-street parking. The policy will not reduce car ownership and usage and is unrealistic, anti social and contrary to road safety.

- Reference should be made that planning permission may only be granted if parking controls on the highway are included to prevent an unacceptable impact on emergency vehicles, buses and other essential traffic which is supported by paragraph 51 of PPG13.

Inspector's Reasoning and Conclusions

6.30 Policy TRA8 sets no maximum standards for car parking, but seeks to achieve a level of off-street parking appropriate to the needs of the occupants and the location. In accordance with the planning policy context at the national, regional and county level the intention is to generally minimise the amount of car parking in new residential schemes. Friends of the Earth make the assumption that existing town centres might be altered to accommodate higher levels of car ownership. The Council refutes this suggestion, but accepts that problems of on-street parking have resulted in congested streets, which can be visually damaging to the character of an area. Where such problems do exist, the text makes it clear that they should not be exacerbated by too restrictive an attitude towards parking provision. Whilst such flexibility inevitably erodes the effectiveness of the sustainability approach, it is probably acceptable provided it is seen as an exception to be justified by local circumstances.

6.31 A similar point is addressed by Mr Sprason, who points to the inconsistency between the minimal parking provision approach and car ownership and parking issues identified in paragraph 6.42. Whilst I accept his thesis of inconsistency I do not think that it undermines the basic approach. There may be a long way to go to reduce car use but it is necessary to begin somewhere. The CPRE point is similar. I acknowledge the points made, but consider that the approach should remain in the Local Plan.

6.32 The Council has altered the Local Plan to make it clear that residential parking should not on average exceed 1.5 spaces per dwelling. This meets the objection of GOSW.

6.33 The Friends claim that the policy is flawed, since it assumes that new housing for people should only be provided if a car can be accommodated as well. The Friend's suggestion is to include a requirement on developers to consider car-free developments and to support measures to make car-free living a more attractive option. The Council refutes this idea in somewhat vehement terms but possibly overlooks that the policy as expressed is sufficiently flexible to allow for car-free development. The phrase "a level of off-street car parking appropriate to its location" could mean none.

6.34 Mr Sprason makes the point that applicants may understate the requirements of intended occupants to give minimal provision but subsequent occupancy may result in increased car ownership and roadside parking. He suggests including the size and type of dwelling as one of the determining factors. The Council's response is that the application of TRA8 recognises that car parking requirements will vary depending on the location and the type and size of dwelling being proposed. Clearly the policy is sufficiently vague to allow any locational or site factors to be taken into account when the negotiations over parking levels are underway.

6.35 Devon County Council raises concerns about the effects of congestion on emergency vehicles in areas of off-street parking restraint. The Council has acknowledged these fears and made a change to paragraph 6.42. The Larkbear Consortium object to the figures in paragraph 6.43. These are nothing more than useful guidelines, reflecting the expectations of the highway authority, and are

not policy as feared by the Consortium.

Recommendation 6.5
I recommend that no change is made to this part of the Local Plan.

Other Parking Measures
Paragraph 6.44

Objection	*383/1375/F*		*Country Land and Business Association*
Objection	*138/254/FD*	*Conditionally Withdrawn*	*Devon and Cornwall Constabulary*

Issues:

- Not all shoppers require short stay car parks, particularly those from the rural areas who travel less often but stay longer in larger urban centres such as Barnstaple. Reducing long term parking will increase overall travel within the district.

- A criterion should be included to achieve secure car park status with incorporation of crime prevention measures on all sites.

Inspector's Reasoning and Conclusions

6.36 The suggestions made by the Devon and Cornwall Constabulary concerning car park security have been incorporated by the Council and the objection is conditionally withdrawn.

6.37 The short stay versus long stay car parking issue is a tricky one. To allow the town centre car parks to be used by commuters and longer stay visitors would make life difficult for shoppers who are the life blood of a town centre. If they cannot find car parking reasonably convenient for shopping they are likely to go to an alternative centre or to an out-of-centre store. The first priority must therefore be the accommodation of shoppers in town centre car parks. The emerging parking strategy being prepared by the Council seeks to provide an appropriate level of long stay parking for commuters outside the town centre.

Recommendation 6.6
I recommend no change to this part of the Local Plan.

Policy TRA8A (Safeguarding Public Car Parks)

Objection 634/2227/R North Devon Friends of the Earth

Issue:

- The policy will prevent the reduction of congestion.

Inspector's Reasoning and Conclusions

6.38 This policy is directed to protecting the most important public car parks from redevelopment, unless alternative equally good provision is made available. It will not on its own contribute to the reduction in congestion, but nor should it actively increase it. It is part of a wider strategy where reduction in congestion is tempered by the need to retain the vitality and viability of North Devon's settlements.

Recommendation 6.7

I recommend that no change is made to this part of the Local Plan.

Commercial Freight and Transhipment
Paragraph 6.48

Objection 197/604/FD Conditionally Withdrawn Devon County Council

Issues:

- The need for a lorry park at Pathfields, South Molton.

Inspector's Reasoning and Conclusions

6.39 A suitable reference has been inserted into 6.48 to the effect that a lorry park has been provided at Seven Brethren, and others are proposed at Pathfields, South Molton and Witheridge. This meets the objection in my view.

Recommendation 6.8

I recommend no change to this part of the Local Plan.

Policy TRA9 (Telecommunications)
Paragraphs 6.50, 6.51, 6.52

Objection	*399/1490/F*	*Orange Personal Communications Services*
Objection	*399/1489/F*	*Orange Personal Communications Services*
Objection	*195/554/FD*	*Exmoor National Park Authority*
Objection	*194/538/FD*	*Mrs J Long*
Objection	*225/677/FD*	*Government Office for the South West*
Objection	*383/1376/F*	*Country Land and Business Association*
Objection	*452/1719/F*	*British Telecom PLC*
Objection	*181/2311/R*	*CPRE*

Issues:

- In paragraph 6.51, the reference to 'avoid ad hoc developments' should be deleted.
- In paragraph 6.52, there should be a cross-reference to Policy ENV4, to recognise the significant impact such development may have on the Exmoor Fringe character area.
- There is already a proliferation of telecommunication masts within the area.
- The policy should take into account the revised guidance in PPG8 with criteria E, F and G deleted from the policy and included in the reasoned justification.
- Criterion E should be deleted in view of the conflicting evidence in relation to public health.
- Criteria A, B, C, D and G are acceptable but objects to criteria E and F.
- Criterion E is unnecessary and irrelevant as the planning system does not seek to control health issues.
- AGLVs should be included in paragraph 6.50 as they have a higher degree of protection that the Heritage Coast which is included.

Inspector's Reasoning and Conclusions

6.40 The Revised Deposit Plan removes the reference to ad hoc developments. This meets the first Orange objection and improves the clarity of the Local Plan.

6.41 The Exmoor NPA requests a reference to Policy ENV4 in paragraph 6.52. The Council has responded by adding a sentence to paragraph 6.50 and referring to a range of environmental policies to minimise impact in designated areas including Exmoor National Park. Although the reference is not exactly where requested, the effect of the addition is the same, and meets the objection in my view.

6.42 The objection by Mrs Long to the policy on account of the proliferation of telecoms masts in the area is understandable but it would be irresponsible for the Council to take a firm stand against any more. Such a position would be in conflict with guidance in PPG8 and could seriously affect the socio-economic development of the area. Policy TRA9 is a well-balanced policy which ought to ensure that the district is not unduly harmed by further telecoms developments.

6.43 A number of objections referred to the criteria in Policy TRA9 and lack of conformity with PPG8. In response the Council has deleted criteria E, F and G relating to public health, interference with electrical equipment and aviation safety respectively. Taken together with minor changes to the text, I consider that these changes meet the objections of GOSW, the Country Land and Business Association, Orange, and BT.

6.44 The CPRE objection is to the omission from paragraph 6.50 of a reference to AGLVs. Whilst the Council argues at some length about the non-statutory nature of AGLVs, it cannot hide from the fact that it has sought fit to include them in the policy itself. If they are important enough for this recognition, I agree with the CPRE that they should be referred to in the text.

Recommendation 6.8
I recommend that the Local Plan be modified by adding AGLV, after AONB in paragraph 6.50.

Chapter 7 - Housing

Introduction
Paragraph 7.1

Objection	*140/262/FD*	*South Molton Town Council*
Objection	*286/1050/F*	*Barnstaple Town Council*
Objection	*461/1770/F*	*NHS Estates*
Objection	*225/678/FD*	*Government Office for the South West*
Objection	*394/1472/F*	*Lawrence J Pitt*

Issues:

- The Local Plan should include a policy on self-build homes in order to assist in the provision of affordable housing.

- No more development should be carried out until the highway infrastructure is appropriately improved to support it.

- New housing developments which generate a significant need for primary healthcare provision should ensure sufficient capacity is available or additional provision is provided as necessary, including the publication of SPG.

- There is a gap between these very general objectives in paragraph 7.1 and the very detailed upper case provision in the plan policies, particularly in the context of the plan, monitor and manage approach. Additional policies are suggested, including the total housing provision, sub district allocations, the brownfield re-use target, the district affordable housing target and a housing mix target.

- The Local Plan will not provide everyone in the area with the opportunity of a decent home, as it does not adequately address the problem of those in most housing need, and a system of sustainable rented accommodation of a decent standard and affordable rent can only be guaranteed through a registered social landlord.

Inspector's Reasoning and Conclusions

7.1 Self-build homes are likely to be cheaper to build than homes bought off the peg. To that extent they may qualify as affordable housing. It is not clear how having a policy in the Local Plan on self-build homes would of itself assist in the provision of affordable. They can be provided anyway, and if they meet the criteria for affordability, could contribute to the needs of the community under existing policies HSG6 (mixed accommodation), HSG7 (affordable housing in residential schemes) and HSG8 (rural exception schemes).

7.2 Given the state of traffic in Barnstaple at certain times it is understandable that the Town Council should call for a moratorium on new development until the highway infrastructure is appropriately improved to support it. The highway authority however has given no indication that it considers the road network inadequate to cater for more development. One answer is of course to use the car less and the bus more, particularly as bus priority schemes give it the advantage in terms of journey

time. The Western Bypass scheme will incorporate a bus priority scheme.

7.3 The proposal by the NHS Estates for a policy relating new housing provision to capacity in the primary health care field is interesting. Paragraph 9.20 makes the point that new housing should not over-stretch education, health and social services. Contributions from developments to education provision are an accepted means of supporting these services. The same could apply to primary health care. The Council states that it is preparing codes of practice on various developer contributions which could include primary health care. This is probably a better means of dealing with the issue than through a policy that tries to limit housing according to the current or foreseen capacity to handle primary care needs in a given area.

7.4 The Government Office makes a number of specific criticisms and calls for some additions. The total housing provision and sub-district allocations amendments have been made to policies STY1 and STY2 with the addition of a new policy HSG1A which sets out the total housing provision for the period 2003-2011. Policy HSG1 has been amended to better reflect the sequential approach as embodied in PPG3 and includes the previously developed land target of 60%. Policy HSG8 has been altered to ensure a greater choice and mix of housing and HSG7 has been amended to include the affordable housing target. These changes meet the GOSW objections in my view.

7.5 Mr Pitt's objection criticises the Local Plan for not providing everyone in the area with the opportunity of a decent home. That may be the case but the Local Plan contains a set of policies to facilitate the provision of affordable housing through the planning system. The issue of providing sustainable rented accommodation of a decent standard with secure tenure is not a land use planning matter capable of being addressed in a Local Plan.

Recommendation 7.1
I recommend no change to this part of the Local Plan.

Housing Requirements
Table 6 - Housing Requirements 1995-2011
Paragraphs 7.4, 7.5

Objection	*388/1410/F*	*A R Littlejohn*
Objection	*349/1312/F*	*Alan Smith*
Objection	*380/1360/F*	*B I Down*
Objection	*330/1272/F*	*Devon Conservation Forum*
Objection	*354/1325/F*	*M Holden*
Objection	*350/1314/F*	*Mrs C Smith*
Objection	*343/1304/F*	*Mrs E Fanner*
Objection	*280/1016/F*	*Tawstock Parish Council*
Objection	*225/679/F*	*Government Office for the South West*
Objection	*410/2146/R*	*Larkbear Consortium*
Objection	*454/2111/R*	*Sharman Group*

Objection	*469/1785/F*	*The House Builders Federation*
Objection	*330/1273/F*	*Devon Conservation Forum*
Objection	*330/1274/F*	*Devon Conservation Forum*

Issues:

- Objection to the requirement for 6,800 new dwellings for North Devon, as hundreds of homes are already available for sale/rent and more houses will ruin the beautiful countryside.

- Immigration from other parts of the country should be opposed. The District Council should object to the number of homes required by Government and only build affordable houses for local people.

- There is no evidence that existing commitments including those in Table 6 and Table 7 have been reviewed. A 10% non-implementation rate should be applied to commitments and it is unclear on what basis the windfall allowance has been calculated and on what policy basis provision has been justified.

- In the interests of sustainable development and protecting the environment, the housing figure for North Devon should be reduced by about 10% to reflect Policy HO1 of RPG 10, in accordance with paragraph 6.31 of PPG12, and the 15% non implementation rate relating to outstanding planning permissions reduced to no more than 5%.

- There are reservations concerning the accuracy of elements contained in Table 6 and Table 7.

- The Revised Deposit fails to take into account the latest strategic planning proposals for the area.

Inspector's Reasoning and Conclusions

7.6 Several objections challenge the number of houses proposed to be built in North Devon during the plan period. Many of these are reactions against more houses in an already busy and developed part of Devon. The number of dwellings proposed is based on the strategic housing requirements as set out in Proposal H1 of the Devon Structure Plan First Review 1995-2011. The proposal was subject to extensive consultation and an examination in public. The Structure Plan was finally adopted in February 1999, becoming part of the development plan for North Devon. Proposals within that Plan cannot be challenged by the Local Plan without very good reason. Failure to meet the housing requirements for the district set out in the Structure Plan would result in challenges from both County Council and Government. PPG3 requires a Local Plan to meet the housing requirement set out in the strategic planning process. Whilst it would not be right to reduce the total figure, so it would likewise be wrong to increase it, because the EIP panel recommended that 500 additional houses should go into North Devon. This is a matter for the Structure Plan authority, which has decided to increase the number by 200. This is however for the Structure Plan to 2016 to take account of.

7.7 With regard to the loss of green fields, the Local Plan gives priority to the re-use of previously developed sites and minimises the amount of green field land, in accordance with Government priorities in PPG3. Existing allocations have been reviewed as part of the urban capacity study. These allocations have been re-assessed and significant sites have been deleted and not carried forward from the previous Local Plan. A non-implementation rate has been applied to existing permissions in recognition that some will either not be implemented or renewed, particularly those which do not meet current sustainability criteria. However, research by the Council has revealed that the number of such unsustainable sites is very few, and the previous Local Plan's non-implementation rate of 15% cannot be justified. A rate of 10% has therefore been used. This rate

has the support of the HBF and seems appropriate.

7.8 Reducing the amount of housing in North Devon by 10% as a result of Policy HO1 of the regional planning guidance would not be right. The implications of HO1 are reflected in the recently adopted Structure Plan to 2016. An additional 650 dwellings will be required over a five year period, some 130 dwellings per annum. The Council intends to reflect the implications of the RPG and adopted Structure Plan in its local development framework to be prepared by 2007.

7.9 The assertion by the Larkbear Consortium that Tables 6 and 7 are inaccurate is not supported by reasoned argument, and is claimed by the Council to be "not duly made". Providing all of the new homes to be built in the district as affordable homes would not be economically practical or reasonable. The Local Plan contains appropriate policies for the provision of affordable homes. Much depends upon housing schemes going ahead and including an element of affordable homes within them.

Recommendation 7.2
I recommend no change to this part of the Local Plan.

Policy HSG1A (Total Housing Provision)
Table 7 - Housing Supply

Objection	*454/1741/F*	*Sharman Group*
Objection	*181/2315/R*	*CPRE*
Objection	*197/2501/R*	*Devon County Council*
Objection	*410/1524/F*	*Larkbear Consortium*
Objection	*410/1534/F*	*Larkbear Consortium*
Objection	*394/1468/F*	*Lawrence J Pitt*
Objection	*394/1468/F*	*Lawrence J Pitt*
Objection	*421/1614/F*	*M Baker (Property Services) Ltd*
Objection	*454/1737/F*	*Sharman Group*
Objection	*477/1826/F*	*South West Holdings Limited*
Objection	*181/2316/R*	*CPRE*
Objection	*197/2500/R*	*Devon County Council*
Objection	*225/648/F*	*Government Office for the South West*
Objection	*225/2434/R*	*Government Office for the South West*
Objection	*410/2138/R*	*Larkbear Consortium*
Objection	*410/2139/R*	*Larkbear Consortium*
Objection	*410/2140/R*	*Larkbear Consortium*
Objection	*421/2415/R*	*M Baker (Property Services) Ltd*
Objection	*401/2382/R*	*Southwold Investments Ltd*
Objection	*469/1797/F*	*The House Builders Federation*
Objection	*469/2279/R*	*The House Builders Federation*

Issues:

- The Local Plan makes insufficient provision to achieve Structure Plan housing requirements, with an over-reliance on windfalls and previously developed land.

- Table 7 should be amended to reflect a reduced balance of housing requirements, and the potential housing capacity as contained in the Urban Capacity Study.

- The provision of additional housing association properties should be in a separate figure.

- The windfall allowance needs to be better explained and the anticipated provision is open to challenge since some sites identified will not come forward due to a lack of involvement of the private sector in the Urban Capacity Study.

- The windfall allowance appears excessive given the thorough manner in which the Urban Capacity Study has been carried out.

- The 25% discounting rate should be increased to 60% as many major sites identified have existing commercial use and the proposed obligations identified in the Local Plan will inhibit development.

- It is not understood why Table 7 has a total provision of 2,040 houses, but Policy HSG1A has 3,100.

- Although the Policy is supported, particularly the approach of making quantified provision for Barnstaple and the area centres, and appears broadly consistent with a strategy of urban concentration in RPG10 (Policy SS2), South Molton appears to exceed the scale of development expected for a town of this size, although it is noted that the provision reflects the town's large catchment area and regeneration priorities.

- There is no justification within the supporting text for the scale of distribution set out in Policy HSG1A.

- The Local Plan period should be rolled forward to 2016. The proposed allocations to the area centres and smaller settlements provide a diluted strategy which does not reflect guidance within PPG3, RPG10 nor the Structure Plan Review.

- The figures stated in Policy HSG1A do not equate with site specific allocations elsewhere in the Local Plan which indicate a shortfall of about 300 dwellings in Barnstaple.

Inspector's Reasoning and Conclusions

7.10 The purpose of Table 7 is to illustrate the supply of land and buildings to meet the strategic housing requirements of the Structure Plan First Review. The figures in Table 7 have been amended to update the housing supply position to March 2003, to reflect the Urban Capacity Study (UCS) and take account of the deletion and addition of various site specific proposals. This meets the objection of the Devon Conservation Forum.

7.11 The original Urban Capacity Study (UCS) published in November 2001 (CD062) considered all of the potential capacity sources identified in "Tapping the Potential". Paragraphs 3.7 and 3.8 of the UCS indicate that different discounting rates have been identified for each potential capacity source. There are also different discounting rates used to reflect more accurately the likely

availability of allocated and unallocated sites, and green field and previously developed land. The objection from GOSW indicates that some of the discounting rates appear to be on the generous side. Others indicate that some of the identified sites are not likely to come forward, implying that the discounting rates are too low and particular sites should be deleted entirely. As a result of representations to the original UCS, some of the discounting rates were amended in the revised UCS. Paragraph 5.4 of the UCS indicates that the discounting rates for unallocated sites have been reduced from 70% to 60% for green field sites and from 80% to 75% for previously developed sites. These amendments reflect the increased likelihood of sites becoming available as a result of policy priorities in the Revised Deposit Plan, and to meet the views of GOSW that the original rates were too cautious.

7.12 The windfall estimate is based on the UCS and has been tested by examining past trends in accordance with PPG3. Table 1A of the UCS shows that since 1991, an average of 275 dwellings per year have been permitted on windfall sites. Between 1997 and 2003 the average number of dwellings permitted on windfall sites has not significantly declined, averaging 267 dwellings per year, despite the adoption of a district wide local plan during this period, in December 2000. Of the 267, an average of 168 dwellings a year are granted planning permission on previously developed windfall sites. Compared with these historic rates, the Council's windfall estimate of 44 dwellings appears very conservative, particularly taking into account the possibility that significant amounts of former employment land could come forward for development for housing, as encouraged in paragraph 42 of PPG3.

7.13 Not all allocated sites will come forward for development during the Local Plan period. To account for this shortfall the Plan assumes a 25% non-implementation rate to be applied to all allocations. The Council proposed a modification to this rate at the round table session. A number of allocated sites have been subject to planning applications, and the amount being proposed on the allocated sites is significantly higher than the estimated capacities in the Local Plan: 963 compared with 831 dwellings. In order to allow for a realistic level of provision, and reflect the fact that permission has yet to be granted for these sites, the Council proposes that a 15% non-implementation rate be applied. This discount gives a figure of about 706 dwellings for these sites, based on the capacity contained in the Local Plan, rather than the amount being proposed (963). If the 25% non-implementation rate is applied to the 831 local plan capacity figure, the discounted figure becomes 623 dwellings, some 340 less than the amount being proposed in planning applications.

7.14 The Council estimates that the remaining previously developed sites allocated in the Plan for which planning applications have not been submitted, have a capacity of 715 dwellings. They suggest that to reflect the findings of the Chesterton Study, and the fact that the least deliverable sites have been deleted, a 20% discounting rate be applied to these remaining sites, to give a more realistic level of provision of about 572 dwellings. Adding the 572 to the 706 gives a total figure based on the modified discounting approach of 1278, compared with anticipated provision of 1082 as set out in Table 7 of the Local Plan, based on 25%.

7.15 Participants at the round table session put forward their own estimates of how the previously developed sites were likely to perform. For the Larkbear Consortium, Turner Holden used the Chesterton's findings as a basis for seeking to refine the approach to assessing the deliverability of brown field sites. They predict that the Council has over-estimated the brown field capacity by about 450 dwellings. M Baker (Property Services) did a comparable exercise and concluded that 497 dwellings on allocated sites will not come forward in the Plan period.

7.16 Evidence from the recent planning applications on allocated sites however indicates that the application of the 25% across the board discount rate may be over-cautious. Using the rate on those few sites yields an over-provision of 340 on a target figure of 623. Repeated across the board, this

could result in significant over-provision of housing. The evidence from the RTS participants however is against that, and it is perhaps more likely, given the difficulties associated with some of the identified sites, that a shortfall on housing provision would result. Faced with the range of statistical information before me, from over-provision to shortfall, I am unable to conclude definitively one way or the other.

7.17 I have looked at many of the previously developed sites examined by Chesterton, and my conclusion is that their assumptions about deliverability are reasonable. The development process is inevitably an uncertain one however, and with all the uncertainties and assumptions, there can be no definitive answer at this stage in the process. All that can be done is to monitor the position as the various planning applications are progressed and if necessary take action to correct any tendency towards significant shortfall or over-provision in the site specific allocations part of the Local Development Framework. I am able to conclude however that if a shortfall should arise, the indications are that it is unlikely to be of such a magnitude as to justify a major urban extension to Barnstaple, of the kind proposed at Westacott, Larkbear, and Portmore.

7.18 South West Holdings propose increasing the 25% discounting rate to 60%, as many sites identified have existing commercial use and the proposed obligations identified in the Local Plan will lead to residential development on town centre brown field sites not being viable. The Council has produced supplementary planning guidance on developer contributions and codes of practice on affordable housing, education and public open space. These documents recognise the possibility that the requirement to provide or contribute towards the costs of infrastructure or services may prevent a development from proceeding by making a scheme financially unviable. In such cases the submission of audited and certified figures to substantiate the position will be required.

7.19 Generally schemes will only be unviable where there are abnormal costs associated with the development such as remedial measures to remove contamination or the relocation of an existing use on the site. All of these factors were taken into account in the Chesterton Study, which concluded that only a few of the 28 previously developed sites could be ruled out on the basis that they have recently been occupied by a new business, or the landowner is seeking to expand the current operation on site. Because there are doubts about a limited number of the sites, a discount rate of 25% seems appropriate rather than the extremely cautious level proposed of 60%.

7.20 Some objectors criticise the balance of development set out in Policy HSG1A, and the apparent lack of justification for it in the text. Taking the justification point first, the Local Plan strategy is set out in Chapter 3, where there is at least some justification for the allocation of development to Barnstaple and the three area centres. A new sentence has been added to paragraph 7.7 to refer back to this strategy. On the balance point, the main concern is for South Molton, and whether it is to receive too many dwellings for its size and role as a market town. The town is relatively unconstrained in terms of barriers to development, and has a thriving and growing industrial estate, as well as excellent communications via the link road and M5. Its role as a market town in a wide rural hinterland gives it added importance as a service centre. The allocation appears large but should be manageable and will sustain the apparently vibrant life of South Molton.

7.21 In considering whether it is appropriate to extend the life of the Local Plan to 2016, to accord with the adopted Structure Plan, it is the view of the Council that no duly made objections have been made to the Local Plan in terms of the period covered. The purpose of the Local Plan inquiry is to consider duly made objections to the Local Plan and in the absence of a relevant objection I will take this issue no further.

7.22 The CPRE query the differences between Tables 6 and 7, and Policy HSG1A. The anticipated provision in Table 7 excludes the commitments as set out in Table 6, which amount to 1,158

dwellings. Policy HSG1A includes total housing provision, which includes the commitments as at 31 March 2003. In carrying out a detailed analysis of housing land and building supply within North Devon, the Council has concluded that the total provision should be for about 3,200 dwellings rather than 3,100 dwellings shown in Policy HSG1A. It proposes to amend Policy HSG1A accordingly. Making this change would meet the objection by M Baker (Property Services) Ltd that the housing total does not equate with site specific allocations elsewhere in the Local Plan.

Recommendation 7.3
I recommend that the Local Plan is modified so that Policy HSG1A reads as follows:

"Provision will be made for about 3,200 dwellings for North Devon in the period 2003 – 2011 as follows:

- **In Barnstaple – about 1,375 dwellings;**
- **in South Molton – about 540 dwellings;**
- **in Ilfracombe – about 420 dwellings;**
- **in Braunton – about 185 dwellings;**
- **elsewhere in the district, including the local centres – about 680 dwellings".**

The Sequential Approach and Phasing
Policy HSG1 (The Sequential Approach)

Objection	*225/646/FD*	*Government Office for the South West*
Objection	*422/1627/F*	*Prowting Projects Ltd*
Objection	*469/2277/R*	*House Builders Federation*
Objection	*421/1615/F*	*M Baker (Property Services) Ltd*
Objection	*441/1682/F*	*Mr D J Long*
Objection	*469/2278/R*	*House Builders Federation*
Objection	*28/128/FD*	*D Roulstone*
Objection	*225/680/FD*	*Government Office for the South West*
Objection	*31/134/FD*	*J Roulstone*
Objection	*410/1525/F*	*Larkbear Consortium*
Objection	*441/1681/F*	*Mr D J Long*
Objection	*422/1628/F*	*Prowting Projects Ltd*
Objection	*401/2384/R*	*Southwold Investments Ltd*
Objection	*469/1786/F*	*House Builders Federation*
Objection	*49/2097/RD*	*Toller Beattie*

Issues:

- The 50% target for the re-use of previously developed land is over-optimistic as many have viability and deliverability problems.

- Paragraph 7.11 fails to recognise that previously used sites take time to assemble, decontaminate and bring forward and, therefore, it may be necessary to release green field sites ahead of such sites to maintain the supply of land as recognised in the DTLR Good Practice Guide.

- The sustainability tests contained in paragraph 7.11 are unworkable, lack clarity and only include part of the sequential test contained in PPG3.

- The site-specific proposals appear to allocate development inflexibly between phases and, therefore, require clarification.

- Every brown field site should be developed before spoiling green areas.

- Policy HSG1 restricts the allocation of green field sites, although previously developed sites may never come forward, with severe consequences for strategic housing allocation in the Local Plan period.

- Policy HSG1 has little regard to the DTLR guidance on phasing, including infrastructure requirements and lead times for development.

- It is surprising given the rural nature of the District that the Local Plan is setting a target for previously developed land higher than RPG10, Policy HO5, which is 50%. This could act as a constraint to housing supply. The approach does not accord with the requirements of 'Planning to Deliver', as there is no certainty as to when green field sites will be required and it does not take into account significant lead-in time.

- The 60% target is objected to until such time as the Urban Capacity Study has been critically evaluated. The use of the words "within urban areas" in the fourth line is misleading. The overall strategy for the district does not carry sufficient expression of urban concentration and the phasing of green field development is an inappropriate mechanism for ensuring that there is a 10 year supply of housing land available to meet the community's need for housing and meeting the strategic housing requirements.

- The Policy is considered to be too inflexible, the imposition of 60% is unrealistic and the current restrictive approach to development is concentrating development opportunities onto strategic sites only suitable for volume/mass market developers.

Inspector's Reasoning and Conclusions

7.23 Policy HSG1 and its text are included to reflect the policy for the delivery of housing through the "plan, monitor and manage" approach introduced in PPG3. As part of this approach there is a presumption that previously developed land (PDL) in urban areas should be developed before green field land. The policy and text has been amended in response to concerns raised by GOSW, and others and is now considerably clearer and more in line with the approach advocated in PPG3. The policy now includes an explicit target (at least 60%) for the use of PDL. Several objections relate to this figure.

7.24 Whilst the 60% exceeds the regional target of 50% as set out in Policy HO5 of RPG10, the latter figure is for the region as a whole and allows for variations across the various sub-regions. The 60% target is derived from the Urban Capacity Study, which was described by GOSW as a "business-like assessment of the potential of PDL in meeting housing requirements". This was subsequently backed up by the Chesterton Study, which concluded that most of the PDL sites were capable of being delivered during the Plan period.

7.25 The study did not include those previously developed sites that are allocated and have recently been subject to formal planning applications, including Anchorwood Bank, RGB, South West Water Depot and the former St Josephs Nursing Home. These schemes alone would result in 795 dwellings, which would account for 74% of the overall anticipated level of provision on PDL sites as indicated in Table 7 of the Local Plan. There is of course no guarantee that these applications will lead to houses being built, but if they are indicative of the rate at which PDL sites are likely to come forward there is the distinct possibility that the housing allocation for the Local Plan period could be well exceeded.

7.26 To provide some control over the rate of development paragraphs 7.11 and 7.12 detail the policy for the release of green field land. It is unrealistic to expect no green field development until all the brown field sites are developed, as some objectors propose, but if dwelling completions on PDL sites are significantly above expectations by the end of the first phasing period in April 2006, some green field sites could be held back until it is clear whether they would be required to meet strategic housing requirements.

7.27 The Larkbear Consortium and the House Builders' Federation refer to the need for adequate lead times for large strategic sites. Apart from Anchorwood Bank, only the two sites at South Molton (Jury Park and Parsonage Lane) could be considered to be "strategic", having numbers of dwellings in excess of 100. Both are green field sites and should not require very long lead times should they be required. Anchorwood Bank is a previously developed site and is not subject to the phasing requirement.

7.28 Larkbear also take issue with the use of the terms "urban areas of settlements" and "within urban areas". The Council states that the terms mean the same. They are however confusing. Can one have "rural areas of settlements"? I think not. It would be better if the "of settlements" was dropped. As to whether the overall strategy carries sufficient expression of urban concentration, in a predominantly rural area such as North Devon, any balanced strategy for development is bound to allocate a significant amount of development to the smaller settlements that perform a vital service function to the rural areas. Even so, most development is going into Barnstaple, Ilfracombe, South Molton and Braunton and this is where the urban concentration element of the strategy lies.

Recommendation 7.4

I recommend that the Local Plan is modified by deleting "of settlements" from line 3 of paragraph 7.10.

The Location of New Housing
Policy HSG2 (Development Boundaries)
Paragraphs 7.14, 7.17.

Objection 181/490/FD CPRE

Objection	*276/984/FD*	*Devon Wildlife Trust*
Objection	*225/681/FD*	*Government Office for the South West*
Objection	*389/1423/F*	*Highways Agency*
Objection	*410/2141/R*	*Larkbear Consortium*
Objection	*422/1623/F*	*Prowting Projects Ltd*

Issues:

- Paragraph 7.17 justifies a specific policy.
- Criterion A) should be deleted with Criterion B) clarified.
- Green field sites should be deleted within development boundaries, unless they are specifically allocated.
- The designation of development boundaries around settlements suggests a presumption towards allowing housing developments on sites not specifically allocated for such purposes, which may not be subject to the same standard of public consultation under the Local Plan process.
- Policy HSG2 goes against the principle of designating residential development under a sequential approach. Sites outside development boundaries may be more sustainable and viable.
- Objection to paragraph 7.14 in relation to the deletion of the development boundary around Bratton Fleming.
- The deletion of Criteria A) and B) is objected to, as these apply appropriate tests for development within settlements.

Inspector's Reasoning and Conclusions

7.29 The CPRE call for a separate policy for the exceptions referred to in paragraph 7.17, affordable housing schemes on land adjacent to a development boundary. They justify this by stating that Policy HSG2 has an exception which applies to all villages and rural settlements defined in paragraphs 3.22, 3.27 and 3.29, and it will come up frequently and should be in the policy. In fact, as the Council pointed out at Inquiry, the reference is more of a cross-link to policy HSG8, rather than an exception to HSG2, since any such affordable development will always be outside the development boundary, where one exists.

7.30 GOSW objected to Criteria A) and B). The Council has decided it can do without both of them, although the issues they address have been retained in the text as material considerations. This change meets the objection in my view. The deletion is objected to by the Larkbear Consortium on the grounds that they apply appropriate tests for development within settlements. This is true, but they are as useful, though perhaps not so powerful, in the text rather than the policy.

7.31 The objection by Devon Wildlife Trust concerns green field sites. They wish to see all green field sites deleted from within development boundaries unless they are specifically allocated for development. They fear the presence of green field sites within a development boundary could open the door to additional housing development over and above that allowed for on allocated sites. The Council respond that all the main green field sites within the development boundaries of a settlement have either been identified for new development through a specific allocation or protected for a particular purpose. Some relatively small unidentified sites may come forward as

development proposals, and will be assessed against the range of policies in the development and environment chapters. Given this explanation, I do not consider that a flood of green field applications is likely.

7.32 The Highways Agency objection is to there being a presumption towards allowing housing developments on sites not specifically allocated for such purposes. I accept the Council's point that it would be unreasonable and impractical to identify every single piece of land or building that may come forward during the life of the Local Plan."Windfalls" are an excepted part of the planning process, and as and when they arise, they will be subjected to public consultation like any other planning application.

7.33 The objection by Prowting Projects is that the policy goes against the principle of designating residential development through a sequential approach, and sites outside the boundaries may be more sustainable and more viable than sites within the settlement boundary. The Council defends the boundaries by reference to extensive survey work, and a careful assessment of the character, setting and capacity of each town and village. Some flexibility is provided by other policies in the Local Plan, which allow development outside boundaries in exceptional circumstances. All in all, the approach seems balanced and rational.

7.34 The objection of the CPRE to the removal of the development boundary around Bratton Fleming, is dealt with in Chapter 30 of this report.

Recommendation 7.5
I recommend no change to this part of the Local Plan.

The Location of New Housing
Policy HSG3 (Small Villages within the Priority Area for Rural Regeneration)

Objection	*311/1184/F*	*Conditionally Withdrawn*	*Environment Agency*
Objection	*225/682/FD*		*Government Office for the South West*
Objection	*410/2143/R*		*Larkbear Consortium*

Issues:

- The relationship between Criteria A) and B) appears to allow for developments supporting a facility, even if it is inappropriate in scale etc to the village.

- Some of the villages (i.e Atherington) have existing public sewerage and sewage treatment systems that are at capacity and occasionally cause environmental problems and will require upgrading or alternative means of foul drainage disposal.

- Criterion B) should be reinstated, as its removal dilutes the tests for acceptable development in small villages and is not an appropriate interpretation of national, regional or strategic policy and is therefore unduly permissive. Reference to the Priority Area for Rural Regeneration should be

deleted consistent with the recommendation of the Panel Report into the Devon Structure Plan.

Inspector's Reasoning and Conclusions

7.35 The first issue above was raised by GOSW, and the Council responded by deleting Criterion B). The reduced policy still allowed for the level of local facilities to be taken into account under Criterion A), and removed the possibility of an inappropriate scale of development being proposed.

7.36 The Larkbear Consortium has objected to the deletion of the criterion, claiming that the reduced policy is "unduly permissive". It is not clear how this deletion makes the policy more permissive however.

7.37 The Environment Agency raises the familiar problem of sewerage systems that are at capacity in some of the HSG3 villages. The Council's response is to consider such matters at the planning application stage. Given that the intention is to encourage limited housing opportunities in small villages with the intention of helping to support and sustain their communities, this ad hoc approach to dealing with the infrastructure issue seems appropriate.

Recommendation 7.6
I recommend no change to this part of the Local Plan.

Policy HSG4 (Residential Development in Identified Rural Settlements)
Paragraphs 7.22, 7.23

Objection	*383/1377/F*		*Country Land and Business Association*
Objection	*383/1378/F*		*Country Land and Business Association*
Objection	*383/2226/R*		*Country Land and Business Association*
Objection	*181/492/FD*		*CPRE*
Objection	*184/454/FD*		*The Molland Estate*
Objection	*184/2386/R*		*The Molland Estate*
Objection	*225/683/FD*		*Government Office for the South West*
Objection	*311/1185/F*	*Conditionally Withdrawn*	*Environment Agency*
Objection	*410/2142/R*		*Larkbear Consortium*
Objection	*410/2144/R*		*Larkbear Consortium*
Objection	*49/2098/RD*		*Toller Beattie*

Issues:

- Limiting development in rural settlements to local people is objected to on the basis of legal and human rights. The policy is likely to reduce the number of houses built, and it is unclear how such a policy could benefit the community, meaning that villages will stagnate and slowly die.

- Attempting to secure affordable housing has implications that are not sustainable, is impractical, unjust and will not be upheld in court. A more realistic timeframe is sought, such as 20 years,

renewable and justified by the circumstances at the time.

- The policy wording is restrictive and conflicts with objectives to support local services, vibrant and healthy communities and to provide a greater housing choice and should therefore provide greater flexibility to reflect the circumstances and preferences of individual villages.

- Criterion C) appears to limit this provision to affordable housing even where there would be no harm to the countryside which appears to be unreasonable and inflexible in relation to the general guidance in PPG1, paragraph 40. It should be replaced by a condition requiring the property to be the occupier's principle private residence, which should be imposed irrespective of the number of units involved, with Criterion D) deleted and replaced with wording that reflects the viability of a scheme.

- Some of the rural settlements (i.e Rackenford and West Anstey) have existing public sewerage and sewage treatment systems that are at capacity and occasionally cause environmental problems that will require upgrading or alternative means of foul drainage disposal.

- Whilst the thrust of the revised policy is supported as it introduces more flexibility, paragraph 7.22 still refers to infilling and is not therefore consistent with Criterion A). The requirement that all single plots should be restricted to affordable and local needs is too rigid.

- The changes to paragraph 7.22 and Policy HSG4 dilute the tests for acceptable development in small villages, particularly the deletion of infill. It is not considered an appropriate interpretation of national, regional or strategic policy and would appear to permit green field development on the periphery of villages, inconsistent with the general approach of the Local Plan which prioritizes the use of brownfield sites.

- Despite clarification and the potential for the restriction to apply on any part of a site where more than one dwelling is required, the policy has failed to identify a precise need for such dwellings and will almost certainly result in few dwellings being constructed.

Inspector's Reasoning and Conclusions

7.38 Changes to Policy HSG4 at the Revised Deposit stage have introduced more flexibility, by allowing a proportion of open market housing as a means of enabling the provision of affordable homes on sites capable of accommodating more than one dwelling. The Council states that these changes overcome some of the concerns raised by GOSW. The latter are concerned that Criterion C) appears to limit provision to affordable housing, even where there would be no harm to the countryside. In fact, Criterion C) restricts dwellings using a local person definition that is not income related, although the effect of such a condition would be to reduce the value of the property significantly.

7.39 The other element of flexibility is the half open-market, half affordable allowance in Criterion D). Taken together with Criterion C), I judge that these provisions represent the "special provision" to ensure that local people have access to housing in smaller settlements, called for under Policy HO4 of RPG10. I do however have reservations about the viability of the one-to-one approach (see para. 7.70)

7.40 The principle of limiting development in rural settlements to local people is objected to by the Country Land and Business Association on the basis of legal and human rights. The association fear a reduction in the number of houses that will be built, causing stagnation in villages. PPG3 states that local authorities should assess the needs for different types and sizes of housing for

specific groups, including key workers. They should make provision through local plans for housing for those in need, including affordable housing, and for rural exception schemes where appropriate. In my view the Council is pursuing exactly the course envisaged in the PPG, with a balanced policy which allows for a reasonable proportion of unfettered dwellings as well as those restricted to local qualification for an agricultural worker, a health care or social worker or a primary teacher. There would not appear to be any infringement of legal or human rights, rather a tendency to redress the inability of certain key sectors of the rural population to enjoy the right for housing at a price that they can afford.

7.41 A greater scale of flexibility is suggested by the Molland Estate and the Country Land and Business Association. Whilst warning of the harm to the character of rural settlements that could result from allowing too much development, the Council has moved some way towards a more generous regime by deleting the reference to infilling, conversion or the redevelopment of previously developed land, replacing it with "well-related to the main built-up area of the settlement". What it gives with one hand it appears to take away with the other however, by referring in its submission to paragraph 7.22 where "well related will usually mean that development should be limited where possible to infilling etc". To avoid this reference being interpreted in an unduly inflexible manner, to the detriment of organic change in smaller settlements, the use of "infilling" should be deleted from the text as well as from the policy.

7.42 The Larkbear Consortium object to the revised wording in that it would appear to permit green field development on the periphery of villages inconsistent with the general approach of the Local Plan which prioritises the use of brown field sites. This is something of an over-reaction in my view. If there are no suitable brown-field sites available in a village, a green field site within or well related to the village would be acceptable as a site for development under this policy.

7.43 The objection by the CPRE is to the use of "in perpetuity" in Criterion C). The Council has proposed a change to "in the long term" which I consider meets the objection, with the addition of "provided the need exists" (See para. 7.73 and Recommendation 7.11).

7.44 Toller Beattie wish to see the addition of "or adjacent to" after "in" in the first line of the policy. They also propose the replacement of Criterion C) with one requiring the property to be the occupier's principal residence. I see no particular benefit in the use of the word adjacent. The term "in an identified rural settlement" includes sites that are adjacent to existing built up areas. These villages do not have development boundaries within which all development other than exception sites would have to be located. Without development boundaries there is more scope for some development within or adjacent to the existing built form of the village, in recognition of the need for some flexibility to support essential services.

7.45 The principal residence proposal is really aimed at preventing the use of further dwellings as second homes. Whilst this would remove one of the sectors of demand for property in Devon villages, it would be difficult to enforce and would do little for the provision of housing opportunities for those with a connection to the local community.

7.46 The objection by the Environment Agency, that some of the rural settlements have sewerage systems at capacity that will require upgrading, is not to my mind a reason for not proceeding with a positive policy for rural development. As the Council states, such infrastructure issues can be addressed at the planning application stage.

Recommendation 7.7
I recommend that the Local Plan be modified by deleting the third sentence of paragraph 7.22, and

by replacing "in perpetuity" with "in the long term provided the need exists" in Criterion C) of Policy HSG4.

Maximising the Use of Land and Buildings
Policy HSG5 (Residential Density)
Paragraphs 7.24, 7.28

Objection	*446/1696/F*	*Messrs Purchase and Kingdon*
Objection	*140/260/FD*	*South Molton Town Council*
Objection	*394/1466/F*	*Lawrence J Pitt*
Objection	*408/1508/F*	*Gliddons*
Objection	*225/684/FD*	*Government Office for the South West*
Objection	*410/1526/F*	*Larkbear Consortium*
Objection	*140/261/FD*	*South Molton Town Council*
Objection	*469/1787/F*	*House Builders Federation*

Issues:

- The minimum density set out in paragraph 7.24 is not compatible with the majority of existing development in South Molton. It denies householders the opportunity to have a garden of any size, although the inclusion of community woodlands within new developments is welcomed as this will lead to areas of lower housing density.

- Converting existing buildings into small units is an important way of creating additional housing. Conversion work may not be done to an acceptable modern standard as large Victorian properties require extensive work. Childless couples are not mentioned as part of smaller households. The Council proposes to increase the amount of privately converted accommodation without the knowledge or control required. These types of conversions should not provide the owners with a means of providing sub-standard, insecure accommodation in order to achieve quick fix housing targets.

- Policy HSG5 should refer to self-build homes and the integration of community woodland within new developments to achieve lower housing density and to allow more than minimal garden provision.

- Criterion A) appears to allow positively for low density housing in non-accessible locations contrary to PPG3 paragraph 2.

- Residential schemes do not have to be progressed at the highest possible density, and sufficient weight should be given to Criterion B) of the policy.

- The statement 'highest net density' is questioned as contrary to PPG3, which seeks to ensure densities between 30 to 50 dwellings per hectare.

Inspector's Reasoning and Conclusions

7.47 Policy HSG5 has been included in response to the national and regional planning policy framework which emphasises that land should be used efficiently. PPG3 encourages higher net densities than have been achieved in the past. Whilst the policy itself refers only to "the highest net density" and might be considered imprecise, paragraph 7.24 explains that residential development with a net density of less than 30 dwellings a hectare will not normally be acceptable. Criterion A) has been deleted in response to a concern of GOSW that low density development could result in locations remote from non-car modes of travel.

7.48 The insistence on high density brings several objections. A more flexibly worded policy that would allow for lower densities is not acceptable, as it would conflict with the thrust of PPG3. Building at lower densities will increase the development pressures to build on green field sites with greater harm to the environment of North Devon.

7.49 The policy is solely directed towards increasing density and should not be diluted with considerations of amounts of garden space, reference to self-build homes or community woodlands. Several of the other matters raised are not land use planning matters so much as administrative and procedural points relating to housing legislation or building regulations. Childless couples have been added to paragraph 7.31.

Recommendation 7.8
I recommend no change to this part of the Local Plan.

Mixed Communities
Policy HSG6 (Mixed Accommodation)
Paragraphs 7.29, 7.31
Table 8 - Housing Mix

Objection	*439/1666/F*	*Larkbear Consortium*
Objection	*410/2145/R*	*Larkbear Consortium*
Objection	*394/1465/F*	*Lawrence J Pitt*
Objection	*469/1788/F*	*House Builders Federation*
Objection	*469/1790/F*	*House Builders Federation*
Objection	*140/263/FD*	*South Molton Town Council*
Objection	*445/1692/F*	*Messrs Evans, Hobbs and Tucker*
Objection	*225/685/FD*	*Government Office for the South West*
Objection	*225/2439/R*	*Government Office for the South West*
Objection	*421/2440/R*	*M Baker (Property Services) Ltd*
Objection	*428/2411/R*	*Mr H Thomas*
Objection	*477/2410/R*	*South West Holdings Limited*

Issues:

- It is not considered practical to provide a range of accommodation types, sizes and tenures on sites

as small as 0.2 hectares or where there are only 5 dwellings, especially in the case of specialist housing schemes (eg: for the elderly).

- In paragraph 7.31, recognition should be given to the needs of couples when assessing the size of properties required in the future housing market.

- The policy should demonstrate the site's suitability, economics of provision and the need to achieve a successful housing development when identifying the threshold for provision. It is inflexible to identify the types and nature of the houses that should be built within the Plan period, as it is contrary to Government guidance.

- There is concern about problems of location and integration in relation to existing affordable housing provision.

- The policy needs to be firmed up as a better choice and mix of house types appears to be needed generally rather than in particular circumstances as implied. It is not clear how developers or decision makers would know where a variety of housing was required.

- There is no provision for a complete range of house types, as it excludes high quality, low density executive housing in order to attract and retain genuine wealth creators/generators to the area.

- Table 8 should be included within the policy.

- The cross-reference to Table 8 in the policy is objected to, as it makes it unduly prescriptive and for which there is insufficient justification.

- Whilst the principle of mixed housing development is agreed, the policy should not refer to Table 8 as it should be left to individual sites based on local conditions.

- Table 8 is objected to as the Housing Needs Survey referred to is intended to be a measure of need for affordable housing only, it is out of date and requires continual assessment, and the mix of unit sizes should not be an overriding consideration

Inspector's Reasoning and Conclusions

7.50 Government policy now places increasing emphasis on the creation of mixed and inclusive communities. Policy HSG6 states that residential development will only be permitted where provision is made for a choice and mix of dwelling types and sizes to meet the housing needs of the local community based on Table 8. Table 8 expresses the mismatch between the type and size of dwellings in the existing housing stock, and the stated requirements of households who are either intending to move or are looking for a first home, based on a housing needs assessment for the whole of North Devon carried out in 2001.

7.51 Comments from GOSW led the Council to make changes to the policy at Revised Deposit stage. These changes generally met with GOSW approval, but a further comment was to the effect that Table 8 appears to have the status of policy, but it is not presented clearly as such. Whilst the Council argues that to incorporate the table into the policy would make the latter more prescriptive and less flexible, its omissioin could result in the policy being less effective, since developers would inevitably argue that a table in the text cannot be accorded the full weight of a policy. The only problem with incorporating it is that the table is not entirely clear as to the desirable mix of house types that the Council is aiming for. Is it to match the requirements of moving households or emerging households, or a combination of the two? Given this lack of precision, I think that the

table is best left in the text, with just a cross-reference from the policy.

7.52 Some objectors call for the table to be removed altogether, with the mix of house sizes being left to individual sites based on local conditions. Allied to this is the assertion that the housing needs survey is out of date and unreliable, and does not measure demand and supply across the board. Whilst it is true that the housing needs assessment is somewhat dated, more recent evidence shows that the greatest proportion of new dwellings built, 65%, have been either 3 or 4 bedroom dwellings. Thus the mismatch between the dwelling stock and the requirements of new households is being compounded rather than reduced. The table is therefore of continuing relevance and should be retained.

7.53 With regard to objections about site size, the Council put into the Inquiry evidence showing the number of residential planning permissions by number of units for the last 5 years. This showed convincingly that a high proportion of permissions (27%), ranging from 17% in Barnstaple to 45% in Braunton and Wrafton were for sites of up to 4 dwellings. Slightly less (24%) were for sites of between 5 and 14 dwellings. Raising the site size threshold significantly above the figure in the Local Plan (0.2 hectares or 5 dwellings) would materially affect the ability of the Council to meet the housing requirements of the community as a whole. In the case of housing schemes for special needs groups, such as the elderly, the scope for mixed schemes may be reduced on small developments. Policy HSG6 and Table 8 allow some flexibility where appropriate.

7.54 The needs of couples are now referred to in paragraph 7.31, thus meeting Mr Pitt's objection. The Local Plan already contains a framework of policies on affordable housing, thus meeting the concerns raised by South Molton Town Council.

7.55 The objection of Messrs Evans, Hobbs and Tucker is to there being no provision for a complete range of house types. There are no sites allocated that cater for high quality, low density development. The Council's view is that promoting such housing would clearly conflict with the Government's objective of creating mixed and balanced communities, and of achieving higher densities in urban areas than hitherto.

7.56 RPG10 refers to the need for executive housing, that a shortage may be as critical to the economy in some areas as the shortage of housing for key workers is in others (paragraph 7.23). The relevant policy, HO6, states that provision should be made for a wide mix of types of housing and tenure options which reflect local conditions. It does not elaborate as to whether the typical wide mix of house types should generally be achieved across a range of sites or within the confines of a site. The Council clearly envisages the latter model being operated, with one or two high quality, low density homes in larger mixed schemes, rather than an exclusive, low density development in its own right. In the absence of clear evidence that shortage of executive housing is threatening the local economy, the model envisaged by the Council may well be the best that can be achieved from the objector's point of view.

Recommendation 7.9
I recommend no change to this part of the Local Plan.

Affordable Housing
Paragraphs 7.32 to 7.35

Objection	*439/1667/F*	*Larkbear Consortium*
Objection	*522/2210/R*	*David Maclean Homes (South West) Limited*
Objection	*439/1668/F*	*Larkbear Consortium*
Objection	*380/1361/F*	*B I Down*
Objection	*522/2213/R*	*David Maclean Homes (South West) Limited*
Objection	*225/686/FD*	*Government Office for the South West*
Objection	*410/1527/F*	*Larkbear Consortium*
Objection	*342/1299/F*	*Mr O Jeffery*
Objection	*80/118/FD*	*North Devon Homes*
Objection	*422/1624/F*	*Prowting Projects Ltd*
Objection	*477/1823/F*	*South West Holdings Limited*
Objection	*170/384/FD*	*South West RSL Planning Consortium*
Objection	*469/1793/F*	*House Builders Federation*
Objection	*439/1669/F*	*Larkbear Consortium*
Objection	*286/1051/F*	*Barnstaple Town Council*
Objection	*441/1683/F*	*Mr D J Long*
Objection	*477/1824/F*	*South West Holdings Limited*
Objection	*439/1670/F*	*Larkbear Consortium*
Objection	*394/1464/F*	*Lawrence J Pitt*

Issues:

- The final bullet point of paragraph 7.33 is objected to, as it is not considered that the role of the planning system is to enable registered social landlords to provide affordable housing.

- The key findings quoted in paragraph 7.33 are selective and do not show the complete housing need in North Devon. The Housing Needs Assessment does not appear to be robust.

- Paragraph 7.34 needs to be updated to reflect the findings of the final report of the Housing Needs Survey.

- More affordable housing is needed, the affordable housing target should be stated in upper case policy, and the District Council should only build houses to meet the needs of local people.

- The target of at least 150 affordable dwellings per year is an onerous requirement and will render a number of development sites unviable

- The Housing Needs Assessment has grossly over-estimated the extent of housing need and the target of 150 units per annum does not appear to have been arrived at in a reasoned and logical manner. The target is unrealistic as it does not take into account land supply and availability of funding.

- The indicated provision of 1500 new affordable homes within the Plan period represents an average level of 53% of the anticipated provision of housing, which is neither viable nor sustainable in

areas such as North Devon. It will lead to increased private house prices with recent research indicating that high levels of affordable housing are not sustainable in areas such as North Devon where the land value does not generate sufficient capital to offset the planning obligations, of which this is the major one.

- The Local Plan does not acknowledge the annual loss of 35 to 50 social housing units through the reserved right to buy. How will the Local Plan bridge the gap between identified affordable housing needs and the target of 150 dwellings a year?

- The definition of affordable housing must always be inclusive of rented accommodation.

- The definition of affordable housing is unacceptable, as Housing Corporation levels are artificially set for social housing and do not take into account local prices and incomes. With regard to sale, the definition is limited and does not take into account the need for intermediate or housing for key workers.

- Paragraph 7.35 should refer to initial rent with the multiplier relating to affordable housing for sale.

- The definition of affordable housing is unduly pessimistic and based on the lowest common denominator for all factors, leading to a very basic level of provision where subsidies are not available, which is the current situation.

- The first sentence in paragraph 7.33 implies that it is the responsibility of the house building industry to resolve the pre-existing housing problems being experienced in the District. The industry is only required to make a contribution towards the supply of affordable housing as a component in meeting the identified demonstrable housing needs of the area.

- Paragraph 7.34 provides insufficient information to explain how the target of 1,200 affordable houses has been reached. Greater clarity and precision is needed, with individual targets brought in line with the overall percentage implied by paragraph 7.34 in respect of implementing Policy HSG7.

Inspector's Reasoning and Conclusions

Paragraph 7.32

7.57 The purpose of this paragraph is to highlight some of the key findings and information contained in the housing needs assessment (HNA). It has been added to with reference to the Joseph Rowntree research finding that the district is ranked 6th in the UK in having the highest proportion of households unable to purchase even the lowest priced houses. The HNA was subjected to some criticism at the round table session, mainly that it was not sufficiently up to date to justify the policy, whilst the data in the HNA did not clearly justify the assumption that there were exceptional circumstances in North Devon.

7.58 Mr Tetlow for the Council referred to the ODPM Guide to Good Practice, which stated that a fundamental review was needed every 5 to 7 years. The base survey had been carried out in 2000/2001, and an update had been done in 2004. This equates to the optimum approach set out in paragraph 3.2 of the guide: a combination of periodic survey and regular monitoring of secondary data sources.

7.59 Comparison with other housing needs assessments in Devon demonstrates that the net annual need identified in the HNA of an additional 345 affordable homes per annum is hardly likely to be an

exaggeration. On a pro rata basis compared with Mid Devon and West Devon, the North Devon HNA represents about 50% of the annual need identified in those other districts. Given that the Local Plan goes on to express the annual requirement for affordable housing (150) as only 43% of the annual need identified it is clear that the annual requirement is a very conservative figure indeed, and issues of robustness in the HNA assume less importance.

Paragraph 7.33

7.60 This paragraph lists the four ways in which the Planning system is expected to facilitate the provision of affordable homes. There have been objections to the way in which the reference appears to promote the role of registered social landlords (RSLs). The Council's response is that the reference recognises that RSLs remain the main providers of affordable housing in North Devon. Even so, the reference appears to give undue prominence to RSLs and could be rephrased without losing any of its relevance: e.g. "*Maximising opportunities for the direct provision of affordable housing, by for example, registered social landlords*". The first sentence of the paragraph is clear that it is the responsibility of the planning system to help resolve the housing problems of North Devon, not the house building industry as such. The latter clearly has its responsibilities in this area but they are not highlighted by paragraph 7.33.

Paragraph 7.34

7.61 This paragraph reflects the findings of the final report on the housing needs assessment. There is an error in it however as the annual requirement for affordable homes should be 345 not 635. The target provision figure of 1,200 affordable homes, 2003 to 2011, represents about 35% of the total strategic provision for the district. This is at the lower end of the target range as set out in RPG10 (paragraph 7.13). This is again erring on the conservative side, in recognition that affordable housing provided through the planning system should not be reliant on the availability of public subsidy, following the abolition of the local authority social housing grant and the transfer of public subsidy to the regional housing board. It is true that the paragraph does not really explain how the target of 1,200 affordable homes has been reached. It is clearly a scaled-down version of the need figure, brought within the target range set by RPG with an eye to feasibility.

7.62 Several objectors object to the target figure on the grounds of viability, claiming that high levels of affordable housing are not sustainable in areas such as North Devon, where land value does not generate sufficient capital to offset the planning obligations, of which this is a major one. The fact that house prices have increased by at least 82% over the last 4 years, well outstripping inflation, must however mean that there will be sufficient residual value in a housing development to support the requisite number of affordable homes. Should there be unusual costs associated with site conditions, there is provision in the Plan for this to be addressed (paragraph 7.41 of the Plan and paragraph 3.18 of the Code of Practice).

7.63 Mr Down would like to see the Council only build houses to meet the needs of local people. The Council does not have the resources or authority to build affordable homes, and the policy is not and could not be directed only to the needs of local people. Incomers to the area who are taking up jobs in local industry or services are as eligible for an affordable home as someone who has lived all their life in the area to date.

Paragraph 7.35

7.64 This paragraph defines what is meant by affordable housing. In accordance with Circular 6/98 and PPG3 the definition is based on local income levels and takes account of the overall housing market. Reservations were expressed at the round table session about the definition. A wider range of affordability was called for, to address the needs of people earning too much to qualify for affordable housing but not enough to afford market housing. The Council view is that the definition

is already flexible enough, and to widen it would run the risk of developers not addressing the affordability gap and providing only for the relatively better off. This latter group, seeking what was termed "intermediate housing" would have their needs considered under Policy HSG6, which requires a mix of housing types and sizes. Whilst resisting more flexibility, the Council would be prepared however to include reference to shared ownership in paragraph 7.35, and could accept "lowest quartile and average house prices" in the last sentence of the paragraph. The word "working" should also be added before household in the second bullet point. With these few changes, I consider that the definition of affordable housing is a reasonable one, that reflects the requirements of Circular 6/98 and is adapted for local conditions as RPG10 requires.

Recommendation 7.10
I recommend the Local Plan be modified as follows:

A) The last bullet point in paragraph 7.33 should read: "Maximising opportunities for the direct provision of affordable housing by for example, registered social landlords".

B) The figure in the first sentence of paragraph 7.34 should be 345 not 635.

C) The second bullet point in paragraph 7.35 should read: "In respect of housing for sale, the maximum price should not exceed three times the average annual working household income for North Devon".

D) The last sentence of paragraph 7.35 should read: "These guidelines represent the maximum affordability levels that the Council considers reasonable, taking account of *lowest quartile and average* house prices, rents and average household incomes in North Devon and the practical requirements of developers and lending institutions.

Affordable Housing in Residential Schemes
Policy HSG7
Paragraphs 7.36 to 7.40

Objection	*383/1379/F*	*Country Land and Business Association*
Objection	*225/687/FD*	*Government Office for the South West*
Objection	*454/1739/F*	*Sharman Group*
Objection	*477/1825/F*	*South West Holdings Limited*
Objection	*469/1789/F*	*The House Builders Federation*
Objection	*439/1671/F*	*The Larkbear Consortium*
Objection	*408/1511/F*	*Gliddons*
Objection	*469/1792/F*	*The House Builders Federation*
Objection	*439/1672/F*	*The Larkbear Consortium*
Objection	*181/491/FD*	*CPRE*
Objection	*408/1512/F*	*Gliddons*

Objection	*461/1768/F*		*NHS Estates*
Objection	*80/120/FD*	*Conditionally Withdrawn*	*North Devon Homes*
Objection	*280/1019/F*		*Tawstock Parish Council*
Objection	*439/1673/F*		*The Larkbear Consortium*
Objection	*408/1513/F*		*Gliddons*
Objection	*394/1463/F*		*Lawrence J Pitt*
Objection	*439/1674/F*		*The Larkbear Consortium*
Objection	*80/121/FD*	*Conditionally Withdrawn*	*North Devon Homes*
Objection	*439/1675/F*		*The Larkbear Consortium*
Objection	*439/1676/F*		*The Larkbear Consortium*
Objection	*181/493/FD*		*CPRE*
Objection	*522/2215/R*		*David Maclean Homes (South West) Limited*
Objection	*408/1510/F*		*Gliddons*
Objection	*225/688/FD*		*Government Office for the South West*
Objection	*225/2442/R*		*Government Office for the South West*
Objection	*410/2147/R*		*Larkbear Consortium*
Objection	*421/2416/R*		*M Baker (Property Services) Ltd*
Objection	*479/1832/F*		*McCarthy and Stone (Developments) Ltd*
Objection	*428/1644/F*		*Mr H Thomas*
Objection	*454/1738/F*		*Sharman Group*
Objection	*469/1791/F*		*The House Builders Federation*
Objection	*439/1677/F*		*The Larkbear Consortium*

Issues:

- The size thresholds in paragraph 7.36 appear to conflict with the guidance in Circular 6/98 (paragraph 10[i]) without sufficient justification. The thresholds should also be stated in upper case policy.

- The zero threshold for affordable houses on small rural sites, possibly on a one for one basis, is an ill-conceived attempt to achieve a substantial increase in affordable housing in rural areas, and is likely to have a negative effect by hindering provision.

- The trigger thresholds in paragraph 7.36 are too low, making many sites unviable, especially previously developed land.

- In paragraph 7.36, the 0.2 hectare trigger level for Braunton is impractical and unworkable and would unfairly penalise small schemes, both in cost and bureaucracy, to a point which will avoid them being put forward.

- Paragraphs 7.37 and 7.41 should explain that the proportion of affordable housing should be achieved through negotiation and would take account of all the criteria in paragraphs 2 and 10 of Circular 6/98, to accommodate the range and mix of house types, to take into account the proximity of local services and to have regard to the particular costs of development and to achieving other planning objectives.

- Paragraph 7.37 should demonstrate that site suitability, economics of provision and the need to achieve a successful housing development have been taken into account when identifying the threshold for provision.

- Attempting to secure affordable housing in perpetuity has implications that are not sustainable, are unenforceable and unjust, and a more realistic timeframe should be sought eg: 20 years renewable and justified by the circumstances at the time.

- Concern that if affordable housing is built it will only remain in the affordable category until the first sale. Therefore a mechanism should be found which enables the prices to be fixed in line with inflation, to prevent this happening.

- In paragraph 7.38, affordable housing should not be imposed on the basis of *in perpetuity* as it will be impossible for housing providers to access private finance. The reference to RSLs should be omitted as the Council should not nominate the housing provider with whom developers should work. The definition of housing needs is too tightly drawn, as it implies that only rented accommodation can meet the need, while the various forms of low cost home ownership (i.e people on intermediate income such as key workers) should be taken into consideration.

- In paragraph 7.38 the term housing need should include key workers who provide an important service and need to live closer to the local community.

- Supplementary planning guidance would be welcomed to define the terms on which the Council expects affordable housing land to be offered to RSLs, i.e. at nil or nominal cost in order to reduce the requirement for social housing grant. It should outline mechanisms to bridge the gap between identified affordable housing needs and the annual target for new affordable housing within the Plan period.

- In paragraph 7.39, a mix of affordable housing types should be promoted with concentration on social housing properties to rent as this is the only truly affordable option.

- In paragraph 7.39, any mix and integration of house types must only be undertaken where practical and taking into account the need to achieve a successful development and possible housing management problems that may arise.

- In paragraph 7.40 it is not clear what is meant by the term *financial or other contribution*. Any payments in lieu of on-site provision should be made clear through the Local Plan and not introduced through SPG that has not undergone the key consultation process.

- Although the size trigger thresholds are broadly in accordance with Circular 6/98 they need to be tested through the Local Plan process and should be supported if justified.

- Policy HSG7 is a blunt measure which will only be viable by selling off other rented housing not subject to secure arrangements. A zero trigger level is impractical and unworkable and will unfairly penalise small schemes of less than four dwellings and may encourage only large village developments, where the costs of affordable housing can be spread.

- Policy HSG7 is too onerous with trigger thresholds too low, making sites unviable, especially previously developed sites which could impact on the recycled land target. Policy HSG7 should demonstrate that site suitability, economics of provision and the need to achieve a successful

housing development have been taken into account.

- Policy HSG7 should be more flexible, with the need to provide affordable housing not overriding the provision of housing to meet other needs.

- The qualification, *where a local housing need has been identified,* in Criterion 1 of Policy HSG7 appears an unnecessary elaboration.

- The deletion of *where a local housing need has been identified,* in Criterion 1 of Policy HSG7 as set out in the Revised Deposit Plan is objected to, as it could be interpreted as requiring development anywhere in the district having to contribute to affordable housing elsewhere, far removed from the development itself.

- The reworded policy should reflect local rather than district needs based on survey and site specific proposals. The targets should be deleted.

- Policy HSG7, as drafted is too restrictive and should state *"up to 1,200 affordable home"s* with the addition of the words *"having regard to site specific circumstances"*.

Inspector's Reasoning and Conclusions

Paragraph 7.36

7.65 The issue here is whether the trigger thresholds for affordable housing in various locations are justified. Evidence from the Council to the round table session was that it would be difficult to meet the Local Plan targets for affordable housing if the thresholds in Circular 6/98 are adhered to. Paragraph 10 of the draft revisions to PPG3 lowers the general threshold to 0.5 hectares/15 dwellings and provides the opportunity for local authorities to lower the threshold even further dependent on local need. Two thirds of the units built via residential planning permissions in the past 5 years in North Devon have been on sites of less than 25 dwellings. If the threshold stays at 25, considerable opportunities to provide affordable housing will be lost.

7.66 Confirmation of the significant housing needs in North Devon is contained in the research of the Joseph Rowntree Foundation Study "Can Work, Can't Buy: Local Measures of the Ability of Working Households to Become Homeowners". This ranks North Devon sixth in the table of districts throughout the UK with the highest proportion of households unable to purchase a home in the lower quartile of house prices. The Audit Commission's report "Balancing Housing Markets: Diagnostic Assessment" also reveals the extent of the exceptional housing needs and affordability problems in North Devon. In the 3 year period to March 2003, only 80 affordable homes were completed whilst 170 dwellings were sold under the provisions of the right to buy. There was a 29% increase of households in need on the joint housing register, and a 41% increase in homelessness between 2000 and 2002. Statistics such as these clearly justify the need for a reduction in the threshold below the 6/98 norm.

7.67 In my judgement the Council has got it right with regard to Barnstaple, Ilfracombe and South Molton, the three towns that are to receive the bulk of the district's housing allocation. These places need the lower threshold if a good proportion of that development is to contribute towards affordable housing provision. I am less convinced by Braunton, where the Local Plan proposes a threshold of 0.2 hectare/5 dwellings. I acknowledge that the analysis of residential permission from 1999 to 2004, set out in LPA/HSG7/APP 3, shows a dearth of 25 plus developments, and a preponderance of schemes of less than 15. Should this pattern be continued there would clearly be a much lower level of affordable housing provision from the 200 allocated dwellings than would be the case with a lower threshold.

7.68 Braunton also has a higher ratio of affordable housing need as percentage of population: 10.8% compared with 5-6% for the other three towns. There would be potential for only 32 affordable dwellings on the two identified sites in Braunton if a 0.5 hectare trigger threshold was applied, compared with an expressed need of 813. In that both need and supply side considerations are to be taken into account (RPG10: Policy HO3) I concede that a lower threshold for Braunton is justified.

7.69 For all of the other settlements in North Devon the Local Plan proposes a threshold of "any site capable of delivering more than one dwelling". This was heavily criticised at the round table session, largely on the grounds of viability. Developers would go to alternative sites outside the district rather than bother with one to one, it was claimed. There was no statutory justification for this level, it being merely a suggestion in the rural white paper. The Council's justification referred to the relatively limited supply of land for housing in the rural settlements, coupled with the extent of housing need in rural areas as revealed in the parish surveys.

7.70 Specific needs for affordable housing in the villages can be met on exception sites under Policy HSG8. Many schemes for general housing within villages will be for just one or two dwellings, and this supply ought not to be jeopardised by an over-rigorous application of the affordable housing threshold. Some flexibility may therefore be needed in the application of this policy.

Paragraph 7.37

7.71 This paragraph sets out how the Council will determine the precise requirement for affordable housing on an allocated site, and on a windfall site. Objectors wish to see all of the factors mentioned in Circular 6/98 also referred to in this paragraph. Issues of site viability are covered in paragraph 7.41 however, but paragraph 7.37 should mention the proximity of local services and access to public transport and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site.

Paragraph 7.38

7.72 This paragraph raised several objections because of the use of the term "in perpetuity", applied to affordable housing to be secured in Barnstaple, Ilfracombe and South Molton. In all other settlements, the term does not appear to be applied, at least by this paragraph. Policy HSG7 however, sweeps up the provision of all affordable housing in the district, stating in Clause 2 that it will be subject to secure arrangements to ensure it remains available to meet the needs of the community both initially and in perpetuity. There is some vagueness therefore about whether all affordable housing will be subject to the *in perpetuity* constraint. Circular 6/98 is flexible on this matter, referring in paragraph 16 to *"ensure that some of the housing built is occupied, either initially or in perpetuity, only by people falling within particular categories of need for affordable housing"*.

7.73 The Council showed some flexibility at the round table session, stating that it would accept "in the long term" as an alternative. This phrase however is vague. The alternative canvassed by objectors was "as long as the need exists". This focuses attention on one of the main drivers of the policy, the housing needs assessment. There is merit in my view in marrying these two versions, and defining the period of application of the affordable housing constraint as "in the long term provided the need exists". As with agricultural occupancy conditions, once the specific need for the accommodation ceases to exist, so the need for the occupancy condition disappears.

7.74 The use of the term "registered social landlords" is criticised but is clearly used here as an example of how long-term availability of affordable housing will be ensured, rather than the Council trying to specify that they must be used in all cases. The lack of reference to key workers is defended by the Council, with reference to other sectors of the North Devon economy such as agriculture, manufacturing, retailing and tourism. I agree with the Council that workers in these important areas of activity could also have a claim to key worker status, and that on balance affordable housing policy should be directed across a whole range of types of employment where lower incomes

justify assistance with housing.

Paragraph 7.39

7.75 Paragraph 7.39 reiterates the Government objectives in PPG3 that new housing developments should secure a better social mix than hitherto. The Larkbear objection understandably warns against too much mixing, but does not fundamentally undermine the concept. The paragraph refers to a range of house types, sizes and tenures. Government guidance in 6/98 and PPG3 makes it clear that policies should not favour one type of tenure over another.

Paragraph 7.40

7.76 Paragraph 7.40 acknowledges the possibility of making a financial contribution as an alternative to providing affordable housing on-site. The paragraph is clear about the exceptional nature of this concession. This issue is set out in more detail in the Code of Practice on Affordable Housing (CD 083) which is SPG that has been subject to public consultation.

Paragraph 7.41

7.77 Paragraph 7.41 refers to sites where abnormal costs or other factors would make the provision of affordable housing so uneconomic as to render the site unviable. The paragraph reflects some aspects of paragraph 10 of 6/98 and is in line with Government thinking.

The Housing Needs Assessment (HNA)

7.78 Several objectors criticised the HNA, underpinning the affordable housing policies in the Local Plan. The Council commissioned the study in 2000, publishing a report of the survey in 2001. An update was carried out in 2004, though this was only a desk exercise. The HNA suffered from unfortunate timing in that the DETR Good Practice Guide was published during the course of its preparation. Had the guide been available before the survey, it is very likely that a more systematic HNA would have been produced. The guide itself is now being reviewed however to overcome fundamental weaknesses in its scope. Given the date of the original survey and the limited scope of its update there is no doubt that the HNA is becoming seriously out of date. The Council intends to carry out a new, fully integrated survey in 2005. Should this throw up any results that are fundamentally different from the existing data, they will be of value in fine-tuning affordable housing requirements on a site by site basis. In the meantime, I regard the survey and analysis work carried out to date as robust enough to support the general contention that the target for affordable homes should be around 150 dwellings a year, or only 43% of the identified need.

Policy HSG7

7.79 Many of the issues raised against Policy HSG7 have been considered already under the reasoned justification. Several however relate to the policy being too restrictive, and not including enough of the qualifications to be found in the text. The Council's line is that the policy should be kept relatively uncluttered. Exceptions for viability, or contributions for off-site provision are dealt with elsewhere. A fundamental point is whether the policy should *require* affordable housing rather than say that it will be *sought or negotiated*. PPG12 requires Local Plan policies to exude an air of certainty rather than vagueness. There is enough written description of the process in the text for the reader to be left in no doubt that affordable housing is a negotiable matter. The reference to identified needs suggests that the Council will have to be on top of the needs issue whenever it enters an affordable housing negotiation. It will need to be able to justify meeting a specific need in the immediate locality. To argue that a need in North Molton could be met in Barnstaple would be unconvincing and unlikely in any event.

7.80 The inclusion of a district-wide target for affordable homes in the policy was done in response to concerns of the Government Office South West. The inclusion is supported by PPG3 and Circular 6/98 and is not in conflict with the tests of Circular 1/97. The target may prove to be ambitious, but it is at the lower end of the indicative range set out in RPG10, and even then is well short of the assessed need. Replacing it with a target of only 25% would be to move even further away from the assessed need for affordable housing without justification. Putting in a reference to having regard to site specific circumstances would reduce clarity in the policy. The addition of the word *help* before *achieve* would improve the policy however, as it would effectively acknowledge the role of other providers of affordable housing, such as acquisitions of existing properties on the open market.

Recommendation 7.11
I recommend the Local Plan is modified as follows:

A Add a bullet point to paragraph 7.37 as follows: "The proximity of local services and access to public transport and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in development of the site".

B Delete "in perpetuity" from the second line of paragraph 7.38 and the second criterion of Policy HSG7 and insert "in the long term provided the need exists". The same change should be made in paragraph 7.48 and in Policies HSG8 and HSG13.

C Add "help" before achieve in the second sentence of PolicyHSG7.

Affordable Housing in Rural Areas
Policy HSG8
Paragraphs 7.44, 7.45, 7.48

Objection	*383/1380/F*		*Country Land and Business Association*
Objection	*181/2321/R*		*CPRE*
Objection	*417/2378/R*		*M G Leisure*
Objection	*283/1038/F*		*Councillor David Butt*
Objection	*383/1381/F*		*Country Land and Business Association*
Objection	*80/117/FD*	*Conditionally Withdrawn*	*North Devon Homes*
Objection	*184/455/FD*		*The Molland Estate*

Issues:

- Objection to the control over dwelling size, as it is unclear why the restriction only applies to single affordable dwellings and fails to take into account that there may be different needs for different groups.

- Reference should be made to the cascade approach in rural areas as set out in Circular 6/98.

- The affordable housing should be part of a mix of house types.

- The affordable housing must be adjacent to the village and limited in number and should be phased, with nomination rights given to the Parish Council.

- The size of a single affordable dwelling should not be restricted to 80 sq metres where the unit is owned by a registered social landlord and is provided for rent. The right to acquire homes built using social housing grant does not apply to property built in small rural settlements.

- Concerned at the exclusiveness of paragraph 7.45, as it is unlikely to stand up in law and does not take into account those unable to establish roots in the UK, such as legal immigrants, ex-servicemen and many others. It should refer to essential workers in the tourism industry.

Inspector's Reasoning and Conclusions

7.81 Policy HSG8 has been put in the Local Plan in recognition that in the absence of sufficient housing opportunities in the rural areas of the district, an exception policy may be needed to release sites to meet affordable housing needs.

7.82 Objections to the size restriction contained in the First Deposit Plan have been met by deleting it and referring instead to *a "single affordable dwelling of an appropriate size to meet the identified local need"*. The special position of RSLs has been recognised by the removal of the requirement for them to provide evidence that a dwelling is affordable.

7.83 The Molland Estate calls for the affordable housing to be part of a mix of house types. To do so would be to undermine the concept of exception schemes, turning them into standard housing allocations or windfall sites. Without the exception applying, land values would rise, and the provision of affordable housing would become more difficult. Policy HSG8 relies on the depression of land values to facilitate cheaper development than open market housing.

7.84 Councillor Butt wants the affordable housing positioned adjacent to the village and limited in number with nomination rights given to the parish council. As paragraph 7.47 makes clear, affordable housing schemes should be located within or adjoining the main built-up area of the village, and the design, layout and landscaping should reflect the sensitive nature of any exception site. The parish council is bound to be involved in an exception scheme, as its services are specifically mentioned in paragraph 7.43, in connection with justification for a scheme. The matter of whether the parish council should have nomination rights over occupants is not a land use matter as such, and the Local Plan should not venture into this management area.

7.85 The CPRE raise issue with paragraph 7.45 on human rights grounds. They are concerned at its exclusiveness, as it does not take into account those unable to establish roots in the UK such as legal immigrants, ex-servicemen and many others. It is true that the categories listed in paragraph 7.45 are tightly defined to people with strong existing local connections to a particular village or parish. The paragraph begins with the basic definition of a local housing need however, which is broad enough to encompass the kinds of groups referred to by CPRE, provided they can show a specific need to live in a particular parish. If they cannot show this, their needs would more appropriately be met in one of the bigger settlements.

7.86 One objector suggests that paragraph 7.45 should refer to essential workers in the tourism industry. The list of qualifying household categories in paragraph 7.45 includes a cross section of

employment categories, but does not include tourism. The original version included "those who provide an important service and need to live closer to the local community". This was deleted along with reference to "key workers". Who is to say that an agricultural worker is performing a more important service than a chef or chambermaid in a country hotel? Yet the policy as expressed at the moment gives preference to the agricultural worker who started the job last week, whereas the chef must work in the parish for 5 years before he or she qualifies. This manifest unfairness could be avoided by reinstating the important service worker to the list.

Recommendation 7.12
I recommend the Local Plan be modified by adding to the third bullet point of Paragraph 7.45:

"and those who provide an important service and need to live closer to the local community".

Housing in the Countryside
Policy HSG9 (Permanent Dwellings in the Countryside)
Paragraph 7.51

Objection	*416/1566/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1567/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*383/1382/F*		*Country Land and Business Association*
Objection	*49/2100/RD*		*Toller Beattie*

Issues:

- The policy and reasoned justification should be amended to include residential accommodation for an owner or manager of a tourism enterprise, for security and good management reasons and consistent with sustainability and reducing the need to travel to work.

- Criterion C) of Policy HSG9 should be amended to better accord with the guidance contained in PPG7, so that it reads *'there is no suitable alternative accommodation'*.

- Criterion C) should be amended with the words *'based on industry comparables'* added, whilst in Criterion D) '*committed*' should be deleted in order to follow national guidance.

Inspector's Reasoning and Conclusions

7.87 The two objections by MG Leisure call for recognition in the policy and the text of the need to permit residential accommodation for an owner or manager in connection with a tourism enterprise. The Council notes in its submission that draft PPS7 proposes to broaden the special justification for allowing an isolated new house in the countryside by making reference to certain other workers essential to the effective and safe operation of rural based industries, and that this may extend to those employed in a tourism enterprise.

7.88 PPS7 is now published and does indeed make reference to meeting legitimate needs for isolated dwellings associated with other rural based industries (Annex A, paragraph 15). Given this policy shift, it is appropriate to reflect this in both policy and text. Policy HSG9 is committed to

agriculture or forestry workers and is rather too complicated to doctor. A new policy (HSG9A) could be introduced to cover the need for essential accommodation to house staff associated with rural based industries.

7.89 As a response to the CLBA, the Council has added the word *"available"* to Criterion C). This now matches the wording used in PPS7, Annex A. Toller Beattie however, object to the word *"committed"* in Criterion C). The Council defends its inclusion by stating that committed accommodation could be construed as being an unimplemented planning permission, or a dwelling under construction, either on the holding or in the locality that could be used to meet the need. If such a dwelling came to light, it would be for the Council to establish who is going to occupy it as part of the normal investigation that must precede the issuing of planning permission for an isolated dwelling. As the Council admits, very few committed dwellings will either be available or suitable to meet the functional needs of an agriculture or forestry worker. It seems that the benefit of this constraint to the protection of the countryside is well outweighed by the confusion that use of the word committed introduces into the policy. I recommend its deletion.

Recommendation 7.13
I recommend that the Local Plan is modified by the inclusion of a Policy (HSG9A) to provide for the need for essential accommodation to house staff associated with rural based industries.

Policy HSG9A
A new dwelling in the countryside will be permitted provided it provides essential accommodation to house staff associated with a rural based industry.

I further recommend that the word "committed" is deleted from Criterion C of Policy HSG9.

Occupancy Conditions
Policy HSG11

Objection	*383/1383/F*	*Country Land and Business Association*
Objection	*383/2259/R*	*Country Land and Business Association*
Objection	*80/122/FD*	*North Devon Homes*

Issues:

- Policy HSG11 attempts social engineering and is unclear how evidence of housing need is to be assessed. It fails to satisfy the objective to provide houses for locals and is not supported by guidance or law.

- The need to market the property for at least 12 months prior to disposal to an RSL should be relaxed, and where there is demonstrated no longer to be a functional need for the dwelling and where a housing need for local people is identified, the property should not be left vacant for 12 months.

- Whilst the amendments represent a partial improvement, they fail to fully meet the concerns

expressed at the First Deposit stage.

Inspector's Reasoning and Conclusions

7.90 The CLBA object on the grounds that the policy attempts social engineering. It needs to be remembered however that the presence of an agricultural worker's dwelling in the countryside means that a concession has been obtained at some stage where a farming or forestry need can be demonstrated. In objective terms, society has paid a price for the house to be built where it would not otherwise be allowed. It does not seem unreasonable therefore for this investment by society to be protected to a degree by the modification rather than the removal of the occupancy condition. Given the well-established need for housing at an affordable price in the rural areas as much as in the towns, the use of the cascade principle of local need, as set out in paragraph 7.23 is entirely appropriate. If it can be shown however that there is no local need for the dwelling, following the marketing procedure set out in paragraph 7.59, then the requirements of Clause 2 of HSG11 would not apply, and the dwelling could be sold on the open market.

7.91 Establishing whether or not there is a need for the property would use essentially the same techniques of assessment as for identifying the need for affordable housing under Policies HSG7 and 8. The carrying out of a survey as described in paragraph 7.43 under the guidance of the Rural Housing Enabling Officer might be necessary.

7.92 In response to the concerns raised by North Devon Homes, paragraph 7.61 has been deleted. In my view this meets the concerns of the objector.

Recommendation 7.14
I recommend no change to this part of the Local Plan.

Extensions to Small Dwellings in the Countryside
Policy HSG12
Paragraph 7.62

Objection	*383/1385/F*	*Country Land and Business Association*
Objection	*383/1384/F*	*Country Land and Business Association*
Objection	*383/2258/R*	*Country Land and Business Association*
Objection	*225/689/FD*	*Government Office for the South West*
Objection	*421/2449/R*	*M Baker (Property Services) Ltd*
Objection	*184/456/FD*	*The Molland Estate*
Objection	*184/2390/R*	*The Molland Estate*

Issues:

- In paragraph 7.62, concern is raised about the restriction to the five year occupancy requirement.
- Policy HSG12 is unreasonable and inflexible and there are a number of small dwellings that need

extensions to provide acceptable living conditions and modern residential amenities.

- Policy HSG12 appears inflexible and does not appear to be justified by the reasoned justification, contrary to the advice contained in PPG1 (paragraph 40); it is unclear whether "in the countryside" includes villages and if so appears draconian and if not it seems implausible that this category of housing plays a significant part in meeting the housing needs of rural communities.

- Policy HSG12 restricts the ability of owners to extend their property to meet their own needs.

- Proposals for extensions to small dwellings in the countryside should be considered solely on their design merits.

- Whilst the proposed amendments are an improvement, concern is still raised about the five year occupancy requirement.

- The policy is not based on land use principles, as any extension is either acceptable or not and therefore suggest reverting back to the previous wording

Inspector's Reasoning and Conclusions

7.93 This policy has been amended in the Revised Deposit to provide some flexibility and make it less draconian by allowing extensions to improve standards of accommodation or to meet the needs of a growing family. The Council points out that it only applies to small dwellings in the countryside as defined in paragraph 3.32 of the Local Plan. That is to all areas outside the main built-up parts of settlements specifically identified in Chapter 3. This answers the query of the Government office with regard to settlements, although it must be accepted that the countryside as defined in the Local Plan does include a great many small settlements that do not qualify for inclusion in the "defined settlements" category.

7.94 The Council does not respond to the GOSW comment that it seems implausible that this category of housing plays a significant part in meeting the housing needs of rural communities. It points to the housing needs assessment as summarised in Table 8 of the Local Plan, where small dwellings of one and two bedrooms account for 32% of the existing stock whereas some 41% of moving households and 92% of emerging households express a requirement for such a small dwelling. This provides some statistical justification for resisting wholesale conversion of rural dwellings to large houses more suited to commuting or holiday and retirement homes. The question is whether the policy is too draconian and whether it is properly based upon land use principles.

7.95 The requirement that an extension should be intended to meet the needs of a growing family or to bring the accommodation up to an acceptable standard are straightforward and reasonable, and related to land use principles. The requirement that the dwelling must be occupied for a period of five years by the same household appears to be unnecessarily restrictive however. Given that the two clauses are in the alternative, it is not clear what circumstances the 5 year qualification is intended to meet, since legitimate needs for extra room are covered by Criterion 2. Whilst the Council claims that Criterion 1 is necessary in order to avoid abuse in terms of adding value to the property with the sole objective of making a profit on its resale, the pre-qualification period does nothing however to prevent sale after an improvement is done. It would be better removed from the policy.

Recommendation 7.15

I recommend that the Local Plan be modified by deleting the first bullet point from Policy HSG12.

The Conversion of Rural Buildings
Policy HSG13 (The Modification of a Holiday Condition in a Converted Rural Building)

Objection	*383/1386/F*	*Country Land and Business Association*
Objection	*80/123/FD*	*North Devon Homes*
Objection	*49/562/FD*	*Toller Beattie*

Issues:

- It is unclear how the suggestion that accommodation is no longer required in the locality and implication of declining visitor numbers deals with the objective of the Local Plan which states that there should be no net loss of tourist accommodation. It is an attempt at social engineering and provision of restricted housing by the back door, particularly as many types of such property may be unsuitable to meet any identified need as a result of the type of accommodation or location and could be improved by permitting the building to be modified to full residential use.

- It is questioned whether there is an over-supply of holiday accommodation. The policy needs clarifying in order to assess local need, whether permanent residential use is acceptable and how the future of new single affordable homes can be secured.

- The lack of affordable housing in rural areas and the over-supply of holiday accommodation requires the requirement to prove the accommodation is no longer needed for such purposes to be relaxed.

Inspector's Reasoning and Conclusions

7.96 The Council claims that this innovative policy is in response to the growing concern that the amount of tourist accommodation available in some parts of North Devon is becoming excessive. This policy aims to increase the affordable housing opportunities for local people in the rural areas by allowing the modification of holiday conditions on converted buildings in the countryside where it is no longer required to meet the tourism needs of the locality.

7.97 In response to objectors, the Council states that restricting occupancy and assessing need will be made on the same basis as other policies relating to affordable housing. Objections relating to cost and loss of value are countered by the Council pointing out that if the accommodation is no longer required to meet tourism needs, it follows that the financial return on the property will be low, and an alternative use to meet a local housing need could be financially viable. An unrestricted residential permission would undermine the principles of the settlement strategy, and do nothing to help to meet the acute needs for housing by some sectors of the local population in the rural areas.

7.98 The objection by North Devon Homes is that the over-supply of holiday accommodation means the requirement to prove lack of need should be relaxed. Others make the same point, which is a fair one. However the policy merely states that "There is no longer a need for the holiday

accommodation within the locality". Given that the policy restricts use of the accommodation to a specified local housing need, that would seem to be enough of a brake on excessive loss of tourist accommodation for the demonstration of lack of demand to be relaxed, to the extent that the applicant could be spared the chore of providing detailed occupancy and income figures.

Recommendation 7.16
I recommend that the Local Plan be modified by deleting *"detailed information provided by the applicant illustrating low demand throughout the year and"* from paragraph 7.66.

Gypsy Accommodation
Policy HSG14

Objection *225/690/FD* *Government Office for the South West*

Issue:

- Given the assessment in paragraph 7.69, the need for this policy should be reviewed in the interests of clarity and brevity as set out in paragraph 3.1 of PPG12.

Inspector's Reasoning and Conclusions

7.99 The Government Office thinks there is no need for this policy, given the low level of demand revealed by the six monthly counts: only 20 caravans between July 1997 and July 2000 in North Devon. Demand for gypsy sites is difficult to anticipate and it may be as well to have the criteria based policy in the Local Plan in case the situation changes. PPG12 encourages clarity and brevity, but where there may be need for a policy in the future, it also acknowledges the value of criteria-based policies in facilitating a flexible response to changing planning issues.

Recommendation 7.17
I recommend no change to this part of the Local Plan.

Chapter 8 - The Economy

Affordable Housing and Increasing the Economic Base

Objection 383/1387/F Country Land and Business Association

Issues:

- Concern with the protectionist nature of rural housing policies, which appear to be attempts to prevent people outside the area from moving into the locality, which will inhibit their ability to move or relocate and contribute to larger community or economic slow down.

- Concerned by the many assumptions which have underlined the bold attempts to create a larger supply of affordable and local housing, as house prices are unaffordable for local people due to limited supply and large demand fuelled by those outside the area. Attempts to restrict inward migration are economically naïve and difficult to enforce, are open to abuse and will not impact on the problems of affordability.

- The key to affordability is to increase the economic base of the area so local people are better able to compete on an equal basis.

Inspector's Reasoning and Conclusions

8.1 Though primarily related to the previous chapter (Housing), this objection has some relevance here, because of its reference to the economic base. Clearly rural housing policies are protectionist: they are designed to protect the vulnerable countryside whilst giving those who have a need to live there an opportunity of doing so. This is in accordance with government policy as expressed in PPS7. The forces that drive the demand for dwellings in the countryside, from in-migrants and commuters are very strong and if given free reign would overwhelm both legitimate needs and fragile rural character.

8.2 Policies that discriminate in favour of defined local need still allow for in-migrants who are taking up employment in the locality. Those moving into the area to retire or work some distance away still have the existing housing stock to purchase when choosing where to live. This is a largely unconstrained market, the buoyancy of which is unlikely to be seriously affected by marginal policies on affordable housing.

Recommendation 8.1

I recommend no change to this part of the Local Plan.

Planning Policy for Military Establishments

Objection	*471/1808/F*	*Ministry of Defence*
Objection	*471/1807/F*	*Ministry of Defence*

Issues:

- A new policy is required supporting development on existing Crown establishments where operational need is justified.

- A new policy and paragraph is required in relation to land owned or controlled by the MOD.

Inspector's Reasoning and Conclusions

8.3 The Ministry of Defence proposes two new policies for inclusion in the Local Plan. The first relates to applications for new development at existing Crown establishments, and states that such applications will be supported where operational need is justified and the development will be expected to incorporate reasonable measures to comply with relevant Local Plan policies wherever possible. The problem with this proposed policy is that it does not specify types of development and is thus completely hypothetical. The Council cannot be expected to agree to support a form of development when it does not know what it is or where it will be.

8.4 The second proposed policy is for defence sites which become surplus to requirements. The proposed policy states that the Council will give planning consent for the re-use or redevelopment of MOD sites for civilian purposes. Again the proposed use is unknown and the location is uncertain, although the number of significant Ministry of Defence sites in the district is few. The Local Plan already contains specific proposals for those MOD sites that are most likely to be surplus to requirements, such as FRE2 relating to Fremington Army Camp. This policy demonstrates the value of having a specific site set in a known hinterland when attempting to draw up planning policies. Pedestrian and cycleway links to the Tarka Trail and the B3233 and environmental enhancement along the Fremington Pill frontage of the site are two of the planning gains that feature in the proposal.

8.5 If other MOD establishments become available for redevelopment during the Plan period, I am confident that they can be dealt with using the relevant criteria based policies in the Local Plan. The MOD have not indicated that any other sites than Fremington are likely to become surplus however. Whilst specific MOD policies are present in other Local Plans, I am not convinced that they add very much to the Plans concerned, tending to steer the reader towards the application of other existing development control policies in those Local Plans.

Recommendation 8.2

I recommend that no specific policies for MOD land are included in the Local Plan.

The Economy: Introduction
Paragraph 8.2

Objection	*225/691/FD*	*Government Office for the South West*

Issues:

- The objectives do not refer to providing for business and business opportunities as implied by Aim 4 of the Local Plan, and in accordance with PPG4.

Inspector's Reasoning and Conclusions

8.6 GOSW object to the introduction because the objectives do not appear to provide for businesses. The Council's response is that these particular objectives are those identified in the North Devon Economic Partnership Strategy. That is clearly a matter of fact. The need to provide for businesses is set out in Aim 4 on page 6 of the Local Plan.

Recommendation 8.3
I recommend no change to this part of the Local Plan.

The North Devon Economy
Paragraphs 8.3, 8.4

Objection	*416/1568/F*	*M G Leisure*
Objection	*416/1569/F*	*M G Leisure*
Objection	*416/1570/F*	*M G Leisure*
Objection	*417/2379/R*	*M G Leisure*

Issues:

- No statistics are provided on which to base tourism policies including the proportion of 'service sector employment' relating to tourism.

- The last sentence should make reference to tourism, which is a very important economic activity in North Devon.

Inspector's Reasoning and Conclusions

8.7 There is no disputing the importance of tourism to the economy of North Devon, and the Council acknowledges this fact. It has tried to meet these objections to some extent by introducing some more specifically tourism oriented statistics into the section, but does not wish to go further for fear of making the Plan too elaborate. These are general introductory paragraphs dealing with the main economic indicators for North Devon, and the reliance on tourism is not always so easy to define, given that many economic sectors may have an element of turnover and employment that springs

from the multiplier effect of tourist activity.

8.8 The Council's response draws attention to the fact that whilst the distribution, hotel and catering sectors have experienced significant growth in recent years the tourism industry in general has not grown to the same extent. If there is a marked difference in economic performance between hotels and catering, and wider tourism, however defined, it would be worth mentioning the fact in this paragraph and attempting to conclude whether it carries any significance for the planning policies which follow.

Recommendation 8.4
I recommend that the Local Plan is modified by explaining the difference in economic performance between the hotel and catering sector, and tourism in general, and any significance for planning policy that might result.

Economic Funding
Paragraphs 8.6, 8.7

Objection	*416/1571/F*	*M G Leisure*
Objection	*416/1572/F*	*M G Leisure*

Issues:

- No indication is given as to how the Council's objectives will be achieved.

- An explanation is required as to what is meant by 'sectors in transition such as tourism', and what funds are available and how the North Devon economy is planned to change by 2011, because of the Council's policies.

Inspector's Reasoning and Conclusions

8.9 The Council explains its position with regard to the first objection by stating that the purpose of paragraph 8.6 is to set out the main economic partners who can influence the economy of North Devon. The role of the South West of England Regional Development Agency is clearly a critical one, and it is that agency's objectives as set out in the Regional Economic Strategy to which the paragraph refers. Thus, while it may be a little unfair to ask how the Council intends to achieve another body's objectives, it is fair enough to ask the supplementary question: "What elements of the economy has the Council identified as potentially suitable for expansion and diversification and how do its policies relate to these?"

8.10 It is correct of the Council to invoke PPG12, paragraph 4.10, which lists economic considerations that may be relevant to land use policies in development plans, but the list contained therein is a wide ranging one. It does not narrow the field as far as the role of the Local Plan goes. What is needed in my view is a short explanation of the way in which the Local Plan policies and subsequent follow up action through development control and other implementation within the Council's grasp can bring about change in the economic sphere to help achieve the objectives

referred to.

8.11 The second objection asks for an explanation of "sectors in transition". This term is taken from the EU objective 2 Programme. More detail on what funds are available is beyond the scope of the Local Plan. How the North Devon Economy will change by 2011 is however a relevant consideration which ought to be attempted by the Council.

Recommendation 8.5

I recommend that the Local Plan be modified by adding to paragraphs 8.6 and 8.7 a brief explanation of those elements of the Regional Economic Strategy towards which its Local Plan policies and proposals are directed, and the extent to which it intends to influence them by 2011.

Employment Land Provision
Table 9 - Devon Structure Plan Employment Land Requirements for North Devon
Paragraphs 8.8, 8.10

Objection	*181/427/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*416/1573/F*		*M G Leisure*
Objection	*181/428/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*197/606/FD*		*Devon County Council*
Objection	*197/2506/R*		*Devon County Council*
Objection	*410/2148/R*		*Larkbear Consortium*

Issues:

- Is the requirement of 70 hectares of employment land is for Devon as a whole or for just North Devon?
- There is no reason for 'employment development' to be defined as stated in paragraph 8.10.
- The sites comprising the commitments and remainder should be identified as it is not possible to verify that the Structure Plan requirement has been met from the Local Plan as it stands.
- The information in Table 9 should be clarified in order that the user of the Local Plan has a clear understanding of the proposals.
- The distribution of allocations between Barnstaple and the other settlements represents an imbalance between the main settlements. More provision should be made in Barnstaple.

Inspector's Reasoning and Conclusions

8.12 The Devon Structure Plan required some 70 hectares of land to be made available in North Devon for employment purposes over the period 1995 to 2011. The Local Plan has identified more than this, 75 hectares in fact, to counter the anticipated loss of employment land to other uses,

particularly housing. Significant employment sites allocated for housing include Anchorwood Bank, Mill Road and Evans Transport, all in Barnstaple.

8.13 The first issue has been clarified by stating that the requirement for 70 hectares of employment land relates to North Devon as set out in the Structure Plan First Review. This meets the concerns raised by the CPRE.

8.14 The second issue is about the definition of employment development. The objector argues that there is no reason for "employment development" to be defined as stated and what is intended by paragraph 8.10 is that the employment land allocation relates to B1, B2 and B8 employment development. The objector is right of course, but the use of the term employment development is a useful if slightly ungainly form of shorthand which the Planning world has come to adopt. It would be futile to attempt to turn back the clock on this one, I feel.

8.15 In relation to the Devon County Council concerns, the Council has given more detail in Table 9, distinguishing between land developed and commitments at the 4 main centres of Braunton, Ilfracombe, South Molton and Barnstaple. This makes the table much clearer and easier to understand.

8.16 The Larkbear objection is to the balance of the allocations between Barnstaple and the other centres. Most new employment development in the Local Plan is concentrated in Barnstaple at Roundswell to reflect its sub-regional role. A significant amount, 20 ha compared with 25 at Roundswell, is allocated to South Molton, to reflect its role as an area centre in the Priority Area for Rural Regeneration. South Molton is well placed to benefit from good access to the M5 via the North Devon Link Road, and is seen as a regeneration focus for a wide hinterland. For these reasons it is receiving a more generous allocation of employment land than its size might otherwise suggest. This is consistent with the overall spatial strategy of the Local Plan.

Recommendation 8.6
I recommend no change to this part of the Local Plan.

Employment on Non-Allocated Land in Barnstaple and the Area Centres
Policy ECN1

Objection	*225/692/FD*	*Government Office for the South West*
Objection	*389/1424/F*	*Highways Agency*

Issues:

- Criteria A) and B) appear unnecessary and should be deleted in accordance with PPG12, paragraph 3.1.

- The designation of development boundaries around settlements suggests the presumption towards allowing employment developments on sites not specifically allocated for such purposes, which may not be subject to the same standard of public consultation under the Local Plan process.

Inspector's Reasoning and Conclusions

8.17 Purpose-built employment estates are not always appropriate for all businesses, particularly small firms who may not be able to afford the rents. Providing opportunities for employment development within the urban areas will help promote a greater choice of sites and premises for firms, and could help reduce reliance on the motor car. Policy ECN1 therefore allows for employment development within Barnstaple and the area centres, provided it does not lead to loss of land that is protected or proposed for other uses.

8.18 Following the objection of GOSW to Criteria A and B these have been deleted by the Council. The resulting policy has only one criterion for assessing whether employment development is to be allowed on non-allocated land in the four places: whether the character and setting of the settlement is harmed. The preceding paragraph contains references to other factors that will be relevant, including the ones deleted from the policy.

8.19 The objection from the Highways Agency is curious. Any application for change of use to an employment activity would be subject to public consultation through the development control process, arguably a more direct and effective form of consultation than that of the Local Plan.

Recommendation 8.7
I recommend no change to this part of the Local Plan.

Safeguarding Employment Land
Policy ECN2

Objection	*409/1516/F*		*Barratt Exeter*
Objection	*225/693/FD*		*Government Office for the South West*
Objection	*479/1834/F*		*McCarthy and Stone (Developments) Ltd*
Objection	*428/1645/F*	*Conditionally Withdrawn*	*Mr H Thomas*
Objection	*477/1822/F*		*South West Holdings Limited*

Issues:

- Criterion B) is not understood and should be deleted in accordance with PPG12, paragraph 3.1.

- The policy is overly-restrictive and may prohibit suitable land being redeveloped for housing, particularly where it is located in predominantly residential areas where bad neighbour uses may be harmful to the amenity of surrounding areas.

- The concerns and safeguards in paragraphs 8.13 to 8.17 are not reflected in the policy. Criterion A) is undefined and impractical and Criterion B) is unreasonable, and fails to recognise where premises are unsuitable for modern enterprises or there are unneighbourly concerns. This policy conflicts with the objective of achieving substantial housing on vacant brownfield site.

- No distinction should be made between affordable housing and open market housing if employment land is no longer required for such purposes. The policy is inflexible and does not allow consideration as to whether land would be used better for housing purposes than continued employment use.

Inspector's Reasoning and Conclusions

8.20 Policy ECN2 provides opportunities for the redevelopment of employment land where it would not harm business and employment opportunities in the area. The policy does not define how harm to business opportunities is to be assessed. Presumably the Council would be aware of a shortage of employment land in an area and would respond accordingly. The Council's insistence on affordable housing being given greater priority over general housing or other uses could result in some sites not being brought forward for redevelopment. This situation is probably unavoidable if enough sites for affordable housing are to be found.

8.21 The fact that the several sites have been identified and allocated for change of use from employment to housing, including affordable housing in Barnstaple, South Molton, Ilfracombe and other places shows that significant change of use is possible and suggests that the policy is not likely to be too restrictive. The phrase "in perpetuity" should be changed to "in the long term provided the need exists" to be consistent with Recommendation 7.11.

Recommendation 8.8

I recommend the plan is modified by changing "in perpetuity" to "in the long term provided the need exists" in paragraph 8.15.

The Rural Economy
Paragraph 8.18

Objection *416/1574/F* *M G Leisure*

Issues:

- As tourism is the primary activity within the rural economy, it should be considered as such in the Local Plan, not as a separate incidental activity.

- The first two sentences apply to the rural economy as a whole, not specifically to Policies ECN3 and ECN5 and reference should be made to tourism and recreation as common forms of farm diversification.

Inspector's Reasoning and Conclusions

8.22 Tourism undoubtedly has a significant role to play in the rural economy, but it would be wrong to single it out as the primary activity. The purpose of paragraph 8.18 is to provide an introduction to the general economic uses in rural areas. It does not specify particular sectors which demand their own set of policies separate from ECN3 and ECN5. Tourism policies come later in the chapter.

Recommendation 8.9
I recommend no change to this part of the Local Plan.

Policy ECN3 (Employment within or Adjoining a Rural Settlement)
Policy ECN4 (Agricultural Development and Retail Industries)
Paragraphs 8.19 and 8.20

Objection	*416/1575/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1576/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*458/1760/F*		*Castle Hill Estate*
Objection	*181/429/FD*		*CPRE*
Objection	*181/430/FD*		*CPRE*
Objection	*416/1577/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*184/459/FD*		*The Molland Estate*

Issues:

- Paragraphs 8.19 and 8.20 and Policy ECN3 should come under the sub heading of employment development within or on the edge of settlements.

- The wording of the policy and related reasoned justification is inconsistent with Policy ECN3 and will allow employment development within the ASLDC whereas Policy ECN4 does not.

- It is important to support schemes in the ASLDC, even if opportunities may be fewer. Local employment opportunities can help to reduce traffic.

- Policy ECN3 is too restrictive as there are few redundant buildings within or on the edge of villages and small rural settlements and any redundant rural building should be considered for employment uses.

Inspector's Reasoning and Conclusions

8.23 The three objections of MG Leisure were met by the Council putting in the sub-heading used above. Though not exactly worded as proposed, it clarifies the focus of the paragraphs.

8.24 The objections of the CPRE are to lack of consistency between ECN3 and ECN4, in that the former would accept new employment development in the ASLDC, whereas ECN4 would not. It was pointed out at Inquiry that ECN3 is less restrictive as it deals with employment development in or adjoining a rural settlement. ECN4 is a countryside policy, dealing with agriculturally related employment development, generally away from settlements. It was agreed at Inquiry that the distinction between the two policies might be made more obvious by re-naming ECN4 "Employment Development Related to Agriculture".

8.25 The Molland Estate is generally supportive of the policy, but points out that it is important to

support schemes in the ASLDC even if opportunities may be fewer, as such schemes can reduce traffic generation by providing employment locally. These are valid points which for some reason the Council appears not to accept in its statement LPA/ECN3/212. They do not call for any change in the Local Plan however.

8.26 The concerns raised by the Castle Hill Estate are to do with the re-use of existing rural buildings, for which there is a separate policy, ECN5. Policy ECN3 is primarily directed towards new build, whilst acknowledging the possibility of re-use when feasible.

Recommendation 8.10

I recommend that Policy ECN4 be re-named "Employment Development Related to Agriculture".

Employment Development Related to Agriculture
Policy ECN4 (Agricultural Development and Related Industries)

Objection	*416/1578/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*458/1761/F*		*Castle Hill Estate*
Objection	*383/1388/F*		*Country Land and Business Association*
Objection	*225/694/FD*		*Government Office for the South West*
Objection	*416/1579/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*641/2298/R*		*National Farmers Union*
Objection	*184/460/FD*		*The Molland Estate*
Objection	*49/2102/RD*		*Toller Beattie*

Issues:

- Agricultural development should be considered on its merits within the ASLDC.
- Policy ECN4 needs to be clarified as it is not clear as to what type of development it relates and therefore it does not provide a clear basis for decisions in particular to retail industries.
- The wording is unclear and implies it relates to agricultural buildings.
- The policy heading is misleading and confusing, the first paragraph should be amended and the policy should follow paragraph 8.22 with paragraphs 8.23 and 8.24 moved to follow paragraphs 8.18.
- Policy ECN4 is too restrictive as any agricultural business should be acceptable in the countryside to enable existing agricultural businesses to survive.
- If the policy is about or includes value added or processing it should be located on the farm with Criterion B) deleted.
- Criterion B) is unnecessary, as there are adequate policies protecting sensitive landscape areas in

the Local Plan. By inserting employment in the policy it appears to exclude buildings required specifically for agriculture.

Inspector's Reasoning and Conclusions

8.27 Policy ECN4 has been framed to acknowledge the specific types of industry and business which may justify a site in the countryside due to its locational requirements. Examples given are intensive horticultural operations, cattle markets, abattoirs, or packaging and processing plants. Operations related to the forestry industry would also qualify. The policy excludes such developments from the ASLDC, a source of several objections. This seems an unnecessarily harsh restriction.

8.28 As the Council acknowledges, the ASLDC is characterised by landscapes that are both special and vulnerable and includes the coastal areas which are largely designated as AONB, and the fringes of Exmooor National Park. In these landscapes it is likely that the application of policies ENV2, ENV3 and ENV4 would preclude such development. If this is the case, then the care of these special landscapes can be left to these policies. Where there is no such special designation, there is no justification for applying an outright ban regardless of the scale or degree of impact that might come about. The ASLDC includes considerable areas of countryside that are not subject to a landscape designation, particularly to the north and north-west of Barnstaple, as well as a large tract of countryside further east, generally to the north of the link road that is designated as special landscape. Is the Council really claiming that it could not find an acceptable site for an agriculturally related employment activity in all of this vast area? It seems unnecessarily draconian to suggest this. Although the Council has fears about conformity with the Structure Plan, I would anticipate no conformity issues with either national or county policies should this provision be relaxed.

8.29 To meet objections related to the clarity of the paragraphs, the Council has made significant changes to 8.23 and 8.24, which I accept.

Recommendation 8.11

I recommend the Local Plan be modified by deleting the last sentence of paragraph 8.24 and Criterion B of Policy ECN4.

The Re-Use of Rural Buildings

Policy ECN5 (The Re-Use of Buildings in the Countryside)

Objection	*416/1580/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1581/F*	*Partially Withdrawn*	*M G Leisure*
Objection	*383/1389/F*		*Country Land and Business Association*
Objection	*383/1390/F*		*Country Land and Business Association*
Objection	*276/985/FD*		*Devon Wildlife Trust*
Objection	*498/1885/F*		*The Barn Owl Trust*
Objection	*286/1070/F*	*Conditionally Withdrawn*	*Barnstaple Town Council*

Objection	*452/1720/F*		*British Telecom PLC*
Objection	*458/1762/F*		*Castle Hill Estate*
Objection	*383/1391/F*		*Country Land and Business Association*
Objection	*240/792/FD*	*Conditionally Withdrawn*	*English Nature*
Objection	*410/2150/R*		*Larkbear Consortium*
Objection	*416/1582/F*		*M G Leisure*
Objection	*429/1651/F*		*Stowford Farm Meadows*
Objection	*184/461/FD*	*Conditionally Withdrawn*	*The Molland Estate*

Issues:

- The re-use of rural buildings should be a sub heading.
- In paragraph 8.26, it is not clear what is meant by the economic re-use of buildings in the countryside. The second sentence of the paragraph should include a reference to tourism.
- Paragraph 8.28 is contrary to PPG7, which provides unrestricted conversion in limited circumstances.
- In paragraph 8.30, the 15% threshold could preclude some very sound buildings from re-use.
- In paragraph 8.33, reference should be made to the need for developers to arrange for surveys of rural buildings for protected species, and to combined bat and barn owl surveys, with provision for barn owls incorporated into all rural barn conversions irrespective of the presence or absence of species.
- Criterion B) could lead to conversions in Molland being refused due to traffic generation and lack of transport modes, contrary to economic development objectives.
- The policy should cross-refer to Policy ENV11, or contain an additional criterion in order to ensure that any associated activity does not harm any protected species or its breeding site or resting place.
- Matching materials should be used in the conversion of barns for any use.
- The policy should be re-worded to accord more closely with PPG7 by specifying in Criterion A) commercial or industrial development, tourism, sport, recreational or alternatively simply business or employment uses.
- Criterion C) should be deleted or amended to take account of a situation where a building is unsuitable for employment use and can therefore be converted into residential accommodation (paragraph 3.15 of PPG7).
- Criterion E) should read *unacceptable in that location* or *is reasonably close*. Criterion G) should be deleted as it is uncertain and unclear as it is impossible to define harm.
- There is no justification given for the unreasonable constraints proposed for residential conversions.
- The policy is inappropriate as most buildings are more suitable for residential use, high conversion costs prohibit use as affordable housing and isolated buildings are unsuitable for affordable needs. It would result in many suitable rural buildings becoming disused and

abandoned and it should promote dwellings to relieve the burden of residential development on green field sites whilst providing rural regeneration.

- The policy is contrary to PPG7, as it unreasonably restricts residential re-use of rural buildings without adequate justification. There is no evidence that employment needs in rural areas are sufficient to justify a policy preferring business re-use. PPG7 does not require new residential conversion to be restricted to agricultural/forestry workers or adjacent business.

- The policy goes beyond the requirements of PPG7 in preventing residential conversions, and denies the rural area an important source of capital revenue from barn sales for reinvestment in the rural economy. It is unclear what will happen to buildings unsuitable for employment or tourist purposes, the conversion for local housing need will be unviable given high cost of conversion and the option for full residential use should remain open as a last resort.

- The original wording should be reinstated so that the policy conforms to PPG7 and the emerging guidance in PPS7.

Inspector's Reasoning and Conclusions

8.30 The heading to paragraph 8.25 has been changed to a sub-heading to meet objectors' concerns, and the word *tourism* has been added to the list of potential uses after conversion. The Council intends to give priority to what it calls the *economic re-use of buildings in the countryside,* as distinct from conversion proposals that meet the tourism, recreation or community needs of a particular area. There is potential for confusion here. Some tourism uses may be more economic than employment uses. It is a difficult area in which to be clear about what the priorities are and it might be better to say that all of the opportunities mentioned in paragraph 8.26 will be looked on favourably.

8.31 Paragraph 8.28 states that *"in very exceptional circumstances a residential conversion in the countryside may also be permitted where it meets an identified local housing need in the community"*. Government advice in PPS7 is that whilst re-use for economic development purposes will usually be preferable, residential conversions may be more appropriate in some locations, and for some types of building. This is a significant shift away from the clear presumption that residential re-use would hardly ever be acceptable to be found in PPG7. The Local Plan should acknowledge this stance and delete "*in very exceptional circumstances*". The PPS calls for planning authorities to set out their policy criteria for permitting conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. In that these criteria should take account of specific local economic and social needs and opportunities they lend support for the Council's stance on local occupancy and affordability.

8.32 A more flexible approach is suggested by several objectors, but cannot be accepted on any significant scale as it would open the floodgates for those who can afford to acquire properties in relatively isolated areas for residences. This unchecked tide of affluence would push out most otherwise economic proposals for employment or other activities and would certainly push out any ideas of housing for local needs.

8.33 Paragraph 8.30 considers the need for rebuilding, stating that as a guideline a building is unlikely to be suitable for re-use if 15% or more of its original external wall area requires re-building or alteration. The CLBA object to the figure of 15% as a measure of whether a building is suitable for re-use. This figure does seem very restrictive to me. 15% of an external wall area is not very much. A building with 3 walls intact and one that requires significant rebuild would not qualify as being worthy of conversion. I think that the Council should look again at this figure, and either remove it altogether or substantially increase it if it believes a figure has any use as a guideline.

8.34 In response to the concerns of the Devon Wildlife Trust, the Barn Owl Trust and English Nature, reference has been included to the requirements for a survey of protected species. The Council has not sought fit to take up the Trust's additional suggestion of provision for barn owls to be made in all conversions. This is a matter which can be addressed under Policy ENV11 when an application is being considered.

8.35 Criterion A) of the policy is criticised but the alternative proposed does not greatly improve it in my view. Criterion C) has been recognised by the Council as being a little over-zealous and it has deleted the second half that required reasonable attempts to secure other uses to be made. I agree with the Council that Criterion G) is capable of being usefully employed to sift out any proposal with undesirable external effects.

8.36 Criterion E) is taken to task for requiring conversions to be reasonably accessible to a range of transport nodes. The Council accepts that this is somewhat unrealistic with regard to barns in general, and has deleted the reference.

8.37 Barnstaple Town Council wishes to see matching materials used in the conversion of barns for any use. This objection has been met by the inclusion of a reference to matching materials in paragraph 8.32. In part 2 of the policy, the phrase "in perpetuity" should be changed to "in the long term provided the need exists" to be consistent with Recommendation 7.11.

Recommendation 8.12

I recommend that the Local Plan is modified by:

A: Giving equally favourable consideration to conversion proposals for business, tourism, recreation or community needs in paragraph 8.26:

B: Deleting "*in very exceptional circumstances*" in paragraph 8.28.

C: Deleting the sentence containing 15% in paragraph 8.30.

D: Changing "in perpetuity" to "in the long term provided the need exists"

Farm Diversification
Policy ECN6 (Farm Diversification Schemes)
Paragraphs 8.35 to 8.38

Objection	*416/1583/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1584/F*		*M G Leisure*
Objection	*181/2324/R*		*CPRE*
Objection	*276/987/FD*		*Devon Wildlife Trust*
Objection	*276/986/FD*		*Devon Wildlife Trust*

Objection	*416/1585/F*	*M G Leisure*
Objection	*184/462/FD*	*The Molland Estate*

Issues:

- The heading *Farm Diversification* should be a sub heading.

- In paragraph 8.36 there is no justification given for the statement that diversification schemes should not conflict with the normal functioning of the farm, as any scheme will have an effect on normal farming activities and is a management and not a planning issue.

- In paragraph 8.38, fish farms will only be acceptable where they do not harm semi-natural habitats either directly or indirectly. This should be mentioned and reflected in a new criterion within the policy.

- The level of car trips should be considered flexibly so as not to discourage economic development and diversification. The policy should allow for some new buildings.

- Criterion A) should be deleted as it is unreasonable and not justified.

- The last sentence in paragraph 8.38 has not got anything to do with land use and the protection of stock is in the owner's interest and responsibility not the authorities.

Inspector's Reasoning and Conclusions

8.38 This section of the Plan gives encouragement to diversification schemes to help protect farm incomes and maintain local employment, as a response to the decline in agricultural activity. Farm diversification enterprises can include the processing and packaging of local produce and specialist foods, recreation and education facilities, tourism, farm shops, fish farms, equestrian enterprises, craft workshops and the growing of a wide range of crops and plants other than foodstuffs for uses such as fibres, oils, dyes, medicine and energy.

8.39 The Council has made "Farm Diversification" a sub-heading as suggested. The objection about the normal functioning of the farm is correct to state that this is a management issue rather than a planning issue. The planning system cannot make people farm, and if as a result of a diversification scheme, the intensity of farming was reduced this would not be a planning matter as such. Clearly when considering whether a scheme is acceptable, a judgement needs to be made about the scale of the proposal and the likely implications for the farming use. To that extent a reference in the paragraph and in Criterion A) of the policy is justified.

8.40 The nature conservation objections have been largely met by the insertion of the new sentence in paragraph 8.36. The Council resists the insertion of an additional criterion to cross-refer to policies ENV8 to ENV12, arguing that these policies adequately deal with such issues. Cross reference can be tedious and the Local Plan is intended to be read as a whole, a mantra which the Council are keen to remind us about.

8.41 The issue relating to car trips is dealt with in paragraph 8.37. The tone of this paragraph suggests a flexible approach to increasing journeys, at least to the point where there is *"unacceptable impact on the local highway network"*. This is a reasonable approach. The policy does allow for some new buildings, whilst favouring the re-use of existing farm buildings. Again this is entirely reasonable.

8.42 The addition of the *"predators"* sentence was done at the behest of the Environment Agency,

which considers the issue of potential predators to be a serious threat to fish farm proposals. Clearly once again it is primarily a management issue for the owner, but there could be environmental spin-off if the wrong type of barrier is chosen for instance. To that extent its inclusion is justified.

Recommendation 8.13
I recommend no change to this part of the Local Plan.

Policy ECN7 (Agricultural Buildings)
Paragraphs 8.40, 8.41

Objection	*225/695/FD*		*Government Office for the South West*
Objection	*225/696/FD*		*Government Office for the South West*
Objection	*498/1878/F*		*The Barn Owl Trust*
Objection	*498/1886/F*	*Conditionally Withdrawn*	*The Barn Owl Trust*
Objection	*416/1586/F*	*Conditionally Withdrawn*	*M G Leisure*

Issues:

- The heading *farm buildings* should be changed to the sub-heading *agricultural buildings* consistent with Policy ECN7.

- The sixth sentence in paragraph 8.41 should be amended to read *DEFRA and Devon County Council*.

- In paragraph 8.41, all applicants should be required to provide facilities for encouraging barn owls and bats except where these are inappropriate. Provision for barn owls should be required in new agricultural buildings over 3 metres high.

- In Criterion D) the use of the word minimises would suggest that agricultural buildings need not meet the requirements of Policies ENV2, ENV3 and ENV4.

- The value of Policy ECN7 is doubted.

Inspector's Reasoning and Conclusions

8.43 Given the importance of agriculture to the economy of North Devon, and the significance of a cherished landscape to the beauty of the district, I consider it reasonable to include a policy in order to assess proposals for farm buildings requiring planning permission. Whilst acknowledging paragraph 3.1 of PPG12, I consider that the GOSW doubts about the value of the policy have been legitimately countered by the Council.

8.44 The Council has changed the heading of the section from *Farm Buildings* to *Agricultural Buildings* to be consistent with the title of the policy. This meets the objection of MG Leisure. The Council has also included the reference to DEFRA and the County Council in paragraph 8.41 as suggested by GOSW. The additions suggested by the Barn Owl Trust have been incorporated into the Local

Plan in the text at 8.41. I consider that these additions meet the objections.

Recommendation 8.14

I recommend no change to this part of the Local Plan

Tourism: Introduction
Paragraphs 8.42 and 8.43

Objection	*416/1587/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*416/1588/F*		*M G Leisure*

Issues:

- Considering the importance of tourism, there should be more statistical information in a form that differentiates between the different forms of tourist accommodation referred to in the policy, including reference to number of bed nights, occupancy rates, income produced etc.

- Paragraph 8.43 implies that tourism development is incompatible with maintaining and enhancing the character and diversity of North Devon's natural and historic environment, whereas good quality tourism is dependent upon the high quality of the countryside.

Inspector's Reasoning and Conclusions

8.45 Tourism is of great importance to the economy of North Devon, estimated to be worth some 25% of the GDP of the district. Though there has been a marked decline in long stay holidays in traditional resorts and in use of serviced accommodation, on which North Devon has and continues to rely, short break holidays and day trips are increasing in popularity. In response to the objector's concerns, additional statistical information has been added in the form of Table 9A, setting out the number of bed spaces and tourist nights. This meets the first objection which is conditionally withdrawn.

8.46 The second objection sees an implication in paragraph 8.43 that I do not perceive. The Council wishes to see the right balance between tourism and protecting the resource, the character and diversity of North Devon's natural and historic environment. The objector sees a mutual interest between the character and diversity and good quality tourism. The Council is striving to improve the quality of accommodation and facilities. It seems to me that both objector and Council have the same end in view.

Recommendation 8.15
I recommend no change to this part of the Local Plan.

Tourist Accommodation
Policy ECN8 (Serviced Accommodation)
Paragraphs 8.44 and 8.45

Objection	*181/470/FD*		*CPRE*
Objection	*416/1589/F*		*M G Leisure*
Objection	*197/608/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*181/472/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*225/697/FD*		*Government Office for the South West*
Objection	*416/1590/F*		*M G Leisure*

Issues:

- It is unclear what is meant by the term *recreational facility* in paragraph 8.44. There is no consistency of wording between Policies ECN8, ECN9 and ECN10, as all policies should read *'only be permitted where'*.

- In paragraph 8.44, the last sentence should include reference to *existing tourist facility.*

- It is not usual for serviced accommodation such as hotels or guest houses to be subject to occupancy conditions unless they are on a holiday park.

- As serviced accommodation could impact on the local highways system, consideration should be given to adding criteria similar to those in Policy ECN9.

- Criterion C) should be amended to read *'with an existing tourist or recreational development'*.

Inspector's Reasoning and Conclusions

8.47 There have been some changes at Revised Deposit stage. A more negative form of wording has been introduced, with the inclusion of *"only"* to line one of the policy. This meets part of the concern raised by the CPRE. An additional criterion has been added in recognition that serviced accommodation could impact on the local road system. This meets the concern of GOSW.

8.48 The CPRE and MG Leisure both query the use of the term *"recreational facility*". They propose alternatives using "tourist" rather than recreation. The Council's response is that by using recreation, as in recreational facility or recreational development the term recognises that such facilities are also used by residents of the area as well as visitors. A definition has now been added to the glossary of the Local Plan, and this seems to provide adequate clarification.

8.49 Devon County Council queried why serviced accommodation such as hotels or guest houses should be subject to occupancy conditions. The Council has not resisted this query, and has duly deleted the reference from paragraph 8.45. This meets the objection.

Recommendation 8.16
I recommend no change to this part of the Local Plan

Tourist Accommodation
Policy ECN9 (Self Catering Accommodation)
Paragraphs 8.46 and 8.47

Objection	*416/1593/F*		*M G Leisure*
Objection	*181/471/FD*		*CPRE*
Objection	*416/1591/F*		*M G Leisure*
Objection	*383/1392/F*		*Country Land and Business Association*
Objection	*181/473/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*389/1418/F*		*Highways Agency*
Objection	*416/1592/F*		*M G Leisure*

Issues:

- In paragraph 8.46, the definition '*self catering accommodation'* should exclude '*caravan*' as defined by statute, and the term '*purpose built'*, as it excludes buildings to be converted for self catering holiday use.

- It is unclear as to what is meant by a recreational facility as opposed to a tourist accommodation facility.

- Criterion C) is too weak and does not convey enough authority.

- The penultimate sentence in paragraph 8.47 should make reference to existing tourist recreational facility.

- The policy fails to include any reference to farm diversification holiday accommodation, as mentioned in the supporting text.

- The policy does not mention the ability of the adjoining high quality or trunk route to accommodate increased traffic flows. Proposals would be expected to be subject to a full transport assessment.

- Criterion B) should be amended to read: *"it is directly associated and compatible in scale with an existing tourist and recreational facility"*.

Inspector's Reasoning and Conclusions

8.50 Paragraph 8.46 is very clear that the definition of self-catering accommodation excludes both static and touring caravans, which are specifically covered by Policy ECN10. This meets the first part of the MG Leisure objection. The Council does not address the second part however. This is that by using "purpose built" as a prefix for self-catering accommodation, this appears to exclude buildings to be converted for self-catering holiday use. If they are in the countryside, such developments will be considered under Policy ECN5: The Re-use of Buildings in the Countryside. If they are in a town or village however, other than the three mentioned in this policy, Ilfracombe, Combe Martin or Woolacombe, they would not appear to be covered. On the other hand they are not ruled out by this policy, or limited to just the three favoured locations. The deletion of "purpose built" would have that effect, so it is best to retain the term in the policy.

8.51 The Council has made a reference to farm diversification schemes consistent with the text and this now meets the CLBA objection. The lack of clarity over what is meant by recreational facility was dealt with above under ECN8. The CPRE find that Criterion C) is too weak and does not convey enough authority. Criterion C) has been changed to D) in the Revised Deposit Plan. It states: *The development does not harm the character of a settlement or the surrounding area.* The CPRE propose to give it more bite by referring to the various designated areas that might be damaged by a scheme. In my view this results in a more cluttered criterion. The existing one is clear and gives the development control officer a peg on which to hang an assessment of the impact of any scheme.

8.52 The Highways Agency is worried about the impact of generated traffic on the road system. The existing Criterion E) already mentions the need for roads linking the development with the coast or high quality road network, needing to be adequate for the volume and type of traffic likely to be generated. This should be enough of a test, backed up where necessary with a transport assessment.

Recommendation 8.17
I recommend no change to this part of the Local Plan

Tourist Accommodation
Policy ECN10 (Caravanning and Camping)
Paragraphs 8.49, 8.51, 8.52

Objection	*416/1597/F*		*M G Leisure*
Objection	*416/1595/F*		*M G Leisure*
Objection	*416/1594/F*	*Conditionally Withdrawn*	*M G Leisure*
Objection	*181/474/FD*		*CPRE*
Objection	*389/1419/F*		*Highways Agency*
Objection	*423/1631/F*		*John Fowler Holidays Ltd*
Objection	*197/609/FD*	*Conditionally Withdrawn*	*Devon County Council*

Issues:

- In paragraph 8.49 it would be more useful to say that demand for camping and touring caravan pitches is more prone to fluctuate with weather conditions particularly on sites with few or no recreational facilities. Static caravans and good quality holiday parks are popular throughout the year providing they can remain open by less draconian planning conditions.

- In paragraph 8.51 it should be noted that Devon County Council no longer co-ordinates caravan and camping counts although it is important that it is undertaken by the District so that policies can be properly assessed.

- In paragraph 8.51 the person best placed to know if there is a need for expansion or alteration of an existing site will be the owner not the North Devon Marketing Bureau, Devon County Council, NCC, BH or HPA.

- Whether or not static caravans would have a greater visual impact than touring caravans depends on the site, views, topography and landscaping.

- The words 'not be permitted unless it is in accordance with Policy ECN11' in Criterion 1) are ambiguous and could be interpreted in a number of different ways.

- Concern that the policy does not mention the ability of the adjoining HQ or trunk route to accommodate increased traffic flows and would expect such proposals to be subject to a full transport assessment.

- Objects to Policy ECN10 as it is interlinked with the requirements of Policy ECN11.

Inspector's Reasoning and Conclusions

8.53 In response to the concerns of MG Leisure paragraph 8.49 has been amended to recognise that tented camping and touring caravans are more prone to seasonal fluctuations than other forms of holiday accommodation. It also recognises that static caravans tend to be popular throughout the year. I consider that these changes meet the objection.

8.54 Reference has been made in paragraph 8.51 to the need to carry out caravan and camping counts by the district council. This meets the objection of Devon CC. Whilst it is likely that the person best placed to understand the need for additional provision is the operator, it is not unreasonable for a planning authority to wish to seek a second opinion, when faced with an application for expansion or new provision.

8.55 The impact of a permanent caravan site on the landscape is of course dependent upon local topography, screening and views. Being static there is more scope for lessening the impact by painting in subdued colours and by planting around vans. Nevertheless, in general a permanent site will be more obvious year round than a seasonal site.

8.56 The objection by the CPRE is to ambiguity in the policy, making it possible to interpret it in a number of ways. There does seem to be some overlap between the two policies. ECN10 is for new sites, but also for the expansion or alteration of existing sites. ECN11 is not for new sites, but for improvements to existing sites to improve the range and quality of accommodation. The crucial overlap is the use of alteration in ECN10 and the cross references to ECN11 in Part 1 and Part 2 Criterion A). Deleting these references will leave a clearer policy: ECN10 dealing with new and expanded sites; ECN11 with site improvements.

8.57 The objection of the Highways Agency is to lack of mention in the policy of the ability of the trunk route to accommodate increased traffic flows. Criterion C) however already refers to the need for roads linking the development with the coast or road network to be adequate for the volume and type of traffic likely to be generated. This seems to me to cover the point.

Recommendation 8.18

I recommend the Local Plan be modified by deleting "or alteration to" from Parts 1 and 2 of Policy ECN10, and by deleting "or where improvements are achieved in accordance with Policy ECN11" from Criterion A).

Tourist Accommodation

Policy ECN11 (Improvements to Self Catering, Caravan and Camping Sites)

Paragraphs 8.53, 8.54, 8.55

Objection	*181/475/FD*	*CPRE*
Objection	*108/201/FD*	*Big Meadow Caravan and Camping Park*
Objection	*423/1632/F*	*John Fowler Holidays Ltd*
Objection	*416/1596/F*	*M G Leisure*
Objection	*416/1598/F*	*M G Leisure*
Objection	*416/1599/F*	*M G Leisure*
Objection	*416/1600/F*	*M G Leisure*
Objection	*416/1601F*	*M G Leisure*
Objection	*218/629/FD*	*Mr J Richards*

Issues:

- In the sub-heading it is not clear what is meant by *self-catering*.

- The final sentence in paragraph 8.54 is unclear and ambiguous, as to whether it refers to landscape policy areas or all areas where caravan and camp sites exists.

- Paragraph 8.54 should be amended to read *proposals that extend to sites beyond current boundaries will only be acceptable where this is necessary to achieve improvements to layout and landscaping in order to reduce the visual impact of the original scheme on the surrounding landscape,* with the remainder of the paragraph deleted as the proposed restrictions are self defeating.

- In paragraph 8.55, there is an inherent conflict as it restricts the scale of facilities to that suitable for the accommodation on site, but then expects those facilities to be available for use by the local community when they will be inadequate.

- A site operator should be able to vary the proportion of caravans and tents within the overall numbers of a site and should be able to increase its provision when another site closes or reduces its quota.

- Criterion A) confines the development within the existing site boundaries, but extending the site may be necessary to fund improvements and increasing the number and size of the accommodation units may be necessary, which will be contrary to Criteria C) and D).

- Criterion D) does not permit the replacement of tents with caravans in inland locations, as a means of increasing capacity to meet a proven need or to reduce the visual impact on the landscape.

- Criteria C, D and E and reference to self catering should be deleted.

- Criteria A, B, C and D are objected to as it is unacceptable to expect any scheme aimed at improving and/or upgrading an existing caravan site to demonstrate a reduction in visual impact all year round. It also conflicts with PPG21, particularly as it emphasises the need for improvements on its individual merits, sets a presumption against additional numbers which may be required to economically justify the development and prohibits the replacement of tents with caravans which will minimise the choice of available land in which to bring about improvements/upgrading, including environmental benefits.

Inspector's Reasoning and Conclusions

8.58 The background to this part of the Plan is that established holiday caravan and camping sites are often out of character with the resorts or the countryside within which they are sited. As most of the sites are located in fairly vulnerable open sites near the coast, the Plan supports appropriate schemes for improving the visual quality of these sites and upgrading the standards of accommodation and facilities. Such proposals should normally be contained within the current boundaries of the site. Proposals that extend the site area will only be acceptable where this is the only practicable method of achieving improvements to the layout and landscaping to reduce the visual impact of the site on its surroundings.

8.59 Whilst it is clear from reference to paragraph 8.46 what is meant by self catering accommodation, the use of the term in the heading is a little unclear, and would be assisted by the addition of the word "accommodation" after "self catering".

8.60 The MG Leisure objections to paragraph 8.54 are directed to deleting the last two sentences. The Council's stance on extensions to sites in the designated areas is not unreasonable, given the high priority accorded to their protection by Government. The reason for the last sentence is less easy to understand however. As the Council states, proposals to increase the number or size of units should be assessed against Policy ECN10. Yet this reference to resisting proposals that increase the number and size of accommodation units is in the text relating to improvements to sites. It is confusing and would best be deleted. This would also meet the objection of the CPRE.

8.61 The MG Leisure objection to paragraph 8.55 perceives an inherent conflict, by restricting the scale of facilities to what is related to the amount of accommodation on site they will be inadequate to serve the local community. The Council's purpose in restricting the scale of improvements is related to sustainability, avoiding travel over longer distances by attracting visitors from a wide catchment. This is an admirable reason for imposing restrictions. I am less persuaded by the reference to the needs of the local community however. A private site is unlikely to wish to open its facilities to all and sundry, and the Council has no way of making it do so. I am unable to see the point of the last sentence in the paragraph.

8.62 Turning to Policy ECN11, it does not seem unreasonable for a site operator to be able to vary the proportion of caravans and tents within the overall numbers on a site, particularly at an inland location. PPG21 at Annex B gives favourable consideration to this idea where circumstances are appropriate. Seen in this light Criterion D) appears rather harsh, particularly given the pre-requisite that under either A) or B) the visual impact of the site on its surroundings is improved. Criterion D) should therefore be deleted.

8.63 Criterion A) covers improvements within the existing site, Criterion B) extensions beyond the boundaries. If it is argued that it is necessary to increase numbers in order to fund improvements, this would bring the proposal into Policy ECN10.

8.64 John Fowler Holidays object to the inclusion within Criteria A) and B) of the requirement to improve the visual impact of a site "throughout the year". This is certainly a very high hurdle for a scheme to get over. It is not clear to me how a re-organisation scheme which reduces visual impact during the summer months, when vegetation is at its most effective as a screen, would not also have at least some mitigating effect on the prominence of the scheme in the winter. The Council does not address the point in its written response. The issue is not trailed in the paragraphs that precede this policy. In my view the reference could be deleted without weakening the policy.

Recommendation 8.19

I recommend that the Local Plan is modified by making the title of the section and the title of Policy ECN11 "Improvements to Self Catering Accommodation, Caravan and Camping Sites".

I also recommend the deletion of Criterion D), the last sentence of paragraph 8.54, the last sentence of paragraph 8.55, and the phrase "*throughout the year*" from Criteria A) and B).

Tourist Accommodation
Paragraph 8.56

Objection 498/1887/F Conditionally Withdrawn The Barn Owl Trust

Issue:

- Particular attention should be drawn to protected species when considering applications for camping barns.

Inspector's Reasoning and Conclusions

8.65 The Council's response to this suggestion by the Barn Owl Trust is to put in a reference to Policy ENV11 as well as ECN5. This brings into play the policy protecting protected species and their breeding sites, foraging areas or resting places. It may be that when a barn is converted into a camping barn, albeit that the amount of change is minimal, the likelihood is that the suitability of the barn as a resting place for owls would be severely compromised. The mere presence of humans, and/or dogs and cats in the building overnight is likely to drive owls away. Nevertheless, the policy is mentioned.

Recommendation 8.20
I recommend no change to this part of the Local Plan.

Occupancy Conditions
Policy ECN12 (Holiday Occupancy Conditions)
Paragraphs 8.56 to 8.58

Objection 383/1393/F Country Land and Business Association

Issue:

- Policy ECN12 appears perversely restrictive and contrary to Government incentives to provide employment in the countryside, especially with the emphasis on extending the holiday season.

Inspector's Reasoning and Conclusions

8.66 Where tourist accommodation is considered unsuitable for permanent residential use due to its location in the countryside, a condition will be imposed restricting occupation to holiday use only. A holiday occupation condition will also be imposed where the accommodation is unsuitable for permanent residential use, due to the design or construction of the building.

8.67 The Country Land and Business Association object to the use of conditions to prevent year round occupation, contrary to Government incentives to provide employment in the countryside, especially with the emphasis on extending the holiday season. The Council relies for its stance on advice issued in PPG21. The two types of circumstance when year round occupation of holiday accommodation would not be acceptable (The construction or design of the accommodation is unsuitable for continuous occupation or there is a need to protect nature conservation or landscape interests within an area for a period of the year) are taken from Annex C of the PPG. Even though they come from a PPG, these criteria have a rather heavy handed feel to them.

8.68 Given the general improvement in standards of construction and insulation since 1992, the matter of whether accommodation is suitable for continuous occupation can surely be left to the potential occupiers to decide. As to the need to protect a habitat or breeding ground at a critical time, this is likely to be an unusual occurrence, but when it is relevant a condition might be justified. The protection of landscape is another matter however. Whether or not a building is occupied cannot surely be a relevant consideration in relation to landscape protection.

Recommendation 8.21

I recommend that the Local Plan is modified by:

A: deleting Clause B I) from Policy ECN12.

B: Deleting "*or landscape interests*" from Clause B II), and making the appropriate consequential changes to paragraph 8.58.

Visitor Attractions
Policy ECN13 (Visitor Attractions)
Paragraph 8.59

Objection	*197/611/FD*	*Devon County Council*
Objection	*389/1420/F*	*Highways Agency*
Objection	*416/1603/F*	*M G Leisure*
Objection	*197/610/FD*	*Devon County Council*
Objection	*416/1604/F*	*M G Leisure*

Issues:

- In paragraph 8.59, visitor attractions can be defined differently from formal recreation facilities, which should also be acceptable in sub-regional and area centres including Ilfracombe.

- The fourth sentence of paragraph 8.59 should be amended with the addition of *'or existing tourism enterprise or recreational attraction'*.

- There should be a separate policy for proposals for visitor attractions outside rural settlements or in the countryside as required by Policy E9 of the Structure Plan.

- Policy ECN13 should ensure that significant proposals require a visitors' travel plan. The policy does not reflect the reasoned justification as it only covers visitor attractions in rural areas.

- The policy does not mention the ability of the adjoining roads to accommodate increased traffic flows. Such proposals would be expected to be subject to a full transport assessment.

- Criterion A) should be amended to include reference to existing tourism enterprise or recreational attraction.

Inspector's Reasoning and Conclusions

8.69 Policy ECN13 is directed at proposals for visitor attractions in a rural settlement or in the countryside. Paragraph 8.59 however begins by describing intensive indoor recreational facilities which should be directed towards the main centres in the interests of sustainability. In response to a Devon County Council objection, the Council has added "and visitor attractions" to this group. This meets the objection in my view.

8.70 The paragraph defines acceptable attractions as those which have *"a direct relationship with the area in terms of its rural environment or heritage"*. MG Leisure would like to see *"or existing tourism enterprise or recreational attraction*" added to the list. Given that the purpose of the policy is to encourage visitor attractions that are appropriate to rural areas, the qualifying criterion must be a direct relationship with the locality's heritage or environment, rather than just the presence of an existing tourism enterprise.

8.71 Some would like a separate policy for proposals for visitor attractions in the main centres. This is unnecessary however, since such proposals would be considered under Policy REC1 (Indoor Sport and Leisure Facilities). The link to Policy REC1 is mentioned in paragraph 8.59, but there is potential confusion due to the mentioning of Combe Martin and Woolacombe. Are these visitor attractions referred to of the same scale as those being directed to the larger centres? If so there should be some mention of these two places under Policy REC1.

8.72 Devon County Council and the Highways Agency raise traffic matters. The Council has put in an appropriate reference to travel and transport policies in paragraph 8.60, but stops short of accepting a requirement for visitor travel plans within Policy ECN13. The latter are only likely to be required for the larger developments which will be few and far between in the rural areas and settlements. A reference in the policy is therefore unjustified. The Agency is concerned that the policy does not mention the ability of the adjoining high quality road network or trunk routes to accommodate increased traffic flows. Yet that is just what Criterion E) does, in relation to roads to the coast and the other roads.

Recommendation 8.22

I recommend no change to this part of the Local Plan

Large Scale and Innovative Projects
Policy ECN14
Paragraph 8.62

Objection	*278/1005/F*		*Bishops Nympton Parish Council*
Objection	*181/477/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*197/613/FD*	*Conditionally Withdrawn*	*Devon County Council*
Objection	*276/988/FD*		*Devon Wildlife Trust*
Objection	*240/795/FD*	*Conditionally Withdrawn*	*English Nature*
Objection	*416/1605/F*		*M G Leisure*
Objection	*225/698/FD*		*Government Office for the South West*
Objection	*389/1421/F*		*Highways Agency*
Objection	*416/1606/F*		*M G Leisure*
Objection	*641/2305/R*		*National Farmers Union*

Issues:

- In paragraph 8.62, *exceptional circumstances* should be deleted from the first sentence as each application should be considered on its merits. The second and third sentences should be deleted as the location of such development should not be excluded from the ASLDC, as it may not harm. Policy E8 of the Structure Plan does not require such exclusion, and the last sentence should be amended with the additional words '*where these exist or can be provided.'*

- Criterion C) conflicts with Criterion B) of Policy REC3 in so much as the word *minimise* is used in ECN14 where *does not harm* is used in REC3. The latter is considered to be more appropriate. The area of search, which has been identified in the Devon Structure Plan under Policy E8, should have reference to it made within Criterion B) of Policy ECN14.

- Large scale and innovative projects should be located within the PARR and directed towards an existing urban area to reflect Structure Plan Policies E5 and E5A. They should interpret Policy E8, which relates to a tourist village, by showing the area of search on the proposals map and within the area of search, a more detailed analysis should be carried out to either identify potential sites or explain that no suitable locations are considered to be available.

- The Council should decide whether there is a need for this development and, if so, a site specific proposal should be inserted.

- Reference should be made to nature conservation.

- The policy will encourage development that will be unacceptable on environmental grounds and instead should advocate networking between existing tourism provision based on the development of themes for key areas, and if not deleted. It should make reference to environmental benefits in accordance with Structure Plan Policy E8.

- The Policy should be the same as Policy E8 contained in the Devon Structure Plan.

- The policy does not mention the ability of the adjoining high quality or trunk route to accommodate increased traffic flows. Such proposals would be expected to be subject to a full transport assessment.

- Criterion B) shouldn't contain reference to the identification of the Priority Area for Rural Regeneration as it is being deleted from the Structure Plan.

Inspector's Reasoning and Conclusions

8.73 Whilst the emphasis within the Local Plan is to encourage sustainable forms of new tourist developments that are relatively small in scale, and to upgrade existing attractions and facilities, there may also be a place in the tourism strategy for a large scale and innovative project, such as a tourist village of 1500 bed spaces and related recreation activities. Apart from bringing benefits to the regional economy such a project could take pressure from popular but sensitive traditional tourist centres. It would not be appropriate to locate such a development in the ASLDC, but rather in the PARR and directed towards an existing urban area.

8.74 The use of the phrase *"in exceptional circumstances"* in paragraph 8.62 is an unnecessary and potentially confusing form of words. The purpose of the policy is to set out the criteria that a tourism project will have to satisfy if it is to be acceptable. Provided these criteria are satisfied, there should be a presumption in favour of a proposal, rather than setting an additional hurdle for it to jump. The fact that *"normal"* countryside policies would not countenance such a development, and therefore any proposal must be seen as an exception is misleading. The policy is itself a part of the countryside policy framework, enabling a major scheme to be located in a suitable position where potential economic benefits justify any disadvantages.

8.75 The suggestion that projects should not be limited to the PARR, and should also be directed towards the Area of Strategic Landscape and Development Constraint is contrary to regional guidance and the Structure Plan. Policy TCS1 of RPG10 states that sustainable tourism should be supported and encouraged by, amongst other things, providing for major new flagship attractions which will substantially expand the tourism market away from areas already under the greatest pressure. Structure Plan Policy E8 made provision for a large scale tourist village complex, not quite the same as is proposed under ECN14 but with a similar local impact, within an area of search that more or less corresponds with the PARR, south of the A361. Policy E9 made provision for visitor attractions "especially where they would assist in relieving recreational and tourist pressures upon the coast, national parks and other sensitive landscape areas.

8.76 The now adopted Structure Plan has Policy TO5, for the development of major recreational facilities outside the NPs, AONBs, CPA and AGLVs. Directing ECN14 projects to the PARR is entirely consistent with the thrust of these various policy documents. However the requirement in paragraph 8.62 of the Local Plan, that they should be directed towards an existing urban area is not consistent. The PARR does not contain urban areas in the usual meaning of the term. The area of search should be the whole PARR, not just that part of it close to Barnstaple.

8.77 The Council has responded to the criticism of Criterion C) by reverting to the *"does not harm"* wording recommended by the CPRE. The Objection by GOSW calls for the Council to decide whether there is a need for this development, and if so, a site specific proposal should be inserted. PPG21 requires local plans to adequately address the need for larger scale projects, and what they can contribute to the development of the local and regional tourist industry. The Local Plan does not contain an exhaustive analysis of need, other than the assumption that the PARR would benefit from its regenerative possibilities. Policy TCS1 of RPG10 however, gives enough encouragement

for the Council to include this criteria-based policy without being specific about a particular site.

8.78 In relation to the objections concerning nature conservation, whilst it would be nice to include a criterion relating to this topic, one would also have to consider other impacts that are more properly dealt with by other policies in the Local Plan. Any large scale proposal would need an environmental impact assessment and would be required to address such matters in a comprehensive manner.

8.79 The idea of networking between existing tourism locations based on the development of themes for key areas is an interesting one. The Council's view is that it would be difficult to formulate a policy advocating this. Perhaps so, but should the Council be taking this major project idea further, by trying to assess the potential for such schemes and considering locations, the networking idea may be worth considering as a way of achieving a regenerative element without a major local impact.

8.80 Turning to highway matters, the Highways Agency makes its familiar request for mention of high quality roads and trunk roads and a full transport assessment. Criterion D) already refers to being well-located in relation to the high quality road network and accessible to a range of transport modes. With the de-trunking of the A361, the issue of trunk roads no longer applies in North Devon. I address the matter of transport assessments under Policy TRA1A, where I recommend that they should be included within the policy as well as the text of paragraphs 6.11 and 6.12.

8.81 The suggestion that Criterion D) should be extended to include reference to other travel modes where these exist or can be provided is an interesting one. It is not, as is claimed to be found in Policy E8 of the previous Structure Plan. It is not found in Policy TO5 of the adopted Structure Plan either. The concept of providing additional public transport services for a particular development is an accepted way of making locations more accessible and should not be ruled out. The suggestion by the Council that the additional wording would put the policy in conflict with Policy TCS1 of RPG10 is not clear. Whilst acknowledging that an otherwise relatively inaccessible location might be rendered acceptable with the provision of additional services, I do not consider it necessary to include the wording in the policy as the term *"accessible to a range of transport modes"* can be taken to include potential ones as well as actual ones.

Recommendation 8.23

I recommend the Local Plan is modified by the deletion of "*and directed towards an existing urban area*" from paragraph 8.62.

Energy and the Environment
Paragraphs 8.63, 8.64, 8.65

Objection	*181/489/FD*		*CPRE*
Objection	*249/860/FD*	*Conditionally Withdrawn*	*North Devon Friends of the Earth*
Objection	*249/861/FD*	*Conditionally Withdrawn*	*North Devon Friends of the Earth*
Objection	*249/862/FD*		*North Devon Friends of the Earth*

Issues:

- In paragraph 8.63, although some greenhouse gases, principally the halocarbons, do affect the ozone layer, carbon dioxide does not. The paragraph should not refer to *'the destruction of the ozone layer'*

- Paragraph 8.64 fails to provide a policy framework for energy and the environment, cascading down through global (i.e Kyoto protocol), European (i.e European White Papers), Government policy (i.e the Renewal Obligation/Statutory Consultation) and the Regional Planning Guidance for the South West (i.e Policy RE6).

- Paragraph 8.65 talks about promoting energy efficiency, although is unlikely to achieve anything as it requires an effective policy that sets out standards of energy efficiency, as this is the simplest, cheapest and most effective way of moving towards sustainability.

Inspector's Reasoning and Conclusions

8.82 The Council has deleted the reference to carbon dioxide and the ozone layer in paragraph 8.63. This meets the objection of the CPRE.

8.83 In response to the objections of the NDFOE, paragraph 8.64 has been substantially redrafted to set out the policy framework for energy and the environment. Given the constraint to avoid excessive detail in development plans, the redraft goes about as far as it should in my view though it may not entirely satisfy the objectors. New Policy DVS1A specifically promotes energy efficiency. This allows all development proposals to be assessed against the sustainability principles set out in Table 2A.

Recommendation 8.24

I recommend no change to this part of the Local Plan.

Policy ECN15 (Renewable Energy)
Paragraphs 8.66 to 8.71

Objection	*249/870/FD*		*North Devon Friends of the Earth*
Objection	*249/863/FD*	*Conditionally Withdrawn*	*North Devon Friends of the Earth*
Objection	*181/489/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*181/2325/R*		*CPRE*
Objection	*636/2260/R*		*Regen SW*
Objection	*631/2211/R*		*Renewable Power Association*
Objection	*249/864/FD*		*North Devon Friends of the Earth*
Objection	*309/1151/F*		*Farm Energy Limited*
Objection	*249/865/FD*		*North Devon Friends of the Earth*
Objection	*309/1152/F*		*Farm Energy Limited*
Objection	*249/866/FD*		*North Devon Friends of the Earth*
Objection	*309/1153/F*		*Farm Energy Limited*

Objection	*249/867/FD*		*North Devon Friends of the Earth*
Objection	*631/2212/R*		*Renewable Power Association*
Objection	*636/2265/R*	*Conditionally Withdrawn*	*Regen SW*
Objection	*277/2350/R*		*Combe Martin Parish Council*
Objection	*383/1394/F*		*Country Land and Business Association*
Objection	*383/2269/R*		*Country Land and Business Association*
Objection	*181/2280/R*		*CPRE*
Objection	*276/989/FD*		*Devon Wildlife Trust*
Objection	*240/796/FD*	*Conditionally Withdrawn*	*English Nature*
Objection	*195/553/FD*		*Exmoor National Park Authority*
Objection	*309/1155/F*		*Farm Energy Limited*
Objection	*410/2151/R*		*Larkbear Consortium*
Objection	*249/868/FD*		*North Devon Friends of the Earth*
Objection	*636/2257/R*	*Conditionally Withdrawn*	*Regen SW*
Objection	*469/2276/R*		*The House Builders Federation*

Issues:

- The first two sentences of paragraph 8.66 provide an inadequate description of renewable energy.

- The likelihood of any renewable energy scheme connecting to the national grid is remote, as the closest access is at Alverdiscott. Solar panels and photo-voltaic cells are not synonymous as indicated in paragraph 8.67.

- Paragraph 8.68 should be amended to indicate that renewable energy always provides environmental, economic and community benefits and to emphasise that the commercial exploitable onshore wind energy resource in North Devon is several orders of magnitude larger than all the other sources put together.

- Paragraph 8.69 is poorly worded, fails to state the potential of wind turbines with much of the paragraph pointless as it draws no inference or conclusion.

- In paragraph 8.70, the term *general disturbance*, and *the impact of rotating wind turbine blades on nature conservation* require clarification.

- In paragraph 8.71, it is questioned how the renewable energy action plan will determine the appropriateness of different technologies and identify specific policies. It appears that the District Council are intending to interfere with the local market for renewables which is inept and counter productive.

- It is important to assess and take account of any harmful impact on the National Park.

- Reference should be made to nature conservation in the policy.

- In the policy the term *advantages* should be substituted with *benefits.* The term 'does not harm the surrounding area' in Criterion A) requires clarification in terms of how it is measured. 'Unacceptably' should be inserted before the words 'adversely' and 'adverse' in Criteria B) and C) respectively in order to apply a measure of acceptability.

- Criterion D) requires clarification as a small scale renewable energy scheme would not be connected to the national grid and Clause 2 of the policy needs re-drafting to clarify the issue of cumulative impact and the term *significant*.

- The impact of wind turbine blades on birdlife is generally not significant unless they are sited on main migration routes. An underwater turbine is proposed off the North Devon coast. For energy crops, it should be ensured that no loss of valuable habitat would result from the proposal.

- The policy should be significantly more positive towards renewable energy, recognising that short term landscape impacts may be necessary in order to secure the long term future of the region and our environments.

- Paragraph 8.66A and Policy ECN15 does not make sense nor is it practical as North Devon has no electricity production or any consequence so 11% of nothing is nothing.

- Paragraph 8.66A should refer to on-shore wind, as this is the largest resource potential after that of offshore wind as set out in the Renewable Energy Action Local Plan.

- The whole of paragraph 8.70 should be re-phrased, as it aims to discourage rather than facilitate wind energy, including the removal of the words *aircraft safety.*

- Any renewable energy targets set for North Devon must relate directly to the resource capacity of the area and the contribution North Devon would be expected to make towards the overall Devon target. The target of 11% of electricity production from renewable sources in North Devon by 2010 means nothing when North Devon does not produce significant volumes of electricity. It is therefore recommended that the North Devon Local Plan expresses a strong commitment to support the Devon Renewable Energy target based on the available resources of the District including its wind energy resource, particularly outside designated areas.

- Every home or every other home should incorporate solar panels to ensure that the target of 15% of energy regeneration for major developments is met.

- It is unreasonable to expect major development to incorporate any energy generation facilities within the development. Energy conservation is more properly a topic for consideration under building regulations and is not rooted in any planning legislation.

Inspector's Reasoning and Conclusions

Paragraph 8.66

8.84 This paragraph has been substantially altered to take account of the objections of FOE and Farm Energy Ltd. It is a much better paragraph as a result.

Paragraphs 8.66A and 8.67

8.85 The deletion of the final sentence of paragraph 8.67 helps to meet the other objections of FOE and Farm Energy. The remaining reference to the national grid is fair enough, since it refers to large scale renewable sources.

8.86 Paragraph 8.66A and the first part of Clause 1) of Policy ECN15 have been added to the Local Plan to reflect the regional renewable energy target as set out in RPG10. Several objectors refer to the lack of means of electricity production in North Devon, and the Council has responded to this by seeking to change the direct reference to the target of 11%. This would now read *"the aim is to*

contribute towards the sub regional target of 151MW of electricity from renewable resources by 2010". This is much more in line with how RPG10 sees the role of local authorities with regard to renewable energy production.

Paragraph 8.68

8.87 Paragraph 8.68 has been amended to reflect the concerns raised by Farm Energy Ltd and North Devon Friends of the Earth. These changes have improved the paragraph considerably.

Paragraphs 8.69 and 8.70

8.88 The same objectors and others criticise the next two paragraphs for taking too negative a stance towards wind power. PPS22 states that regional spatial strategies and local development documents should contain policies designed to promote and encourage, rather than restrict the development of renewable energy resources. It goes on to state that planning policies that rule out or place constraints on the development of all, or specific types of renewable energy technologies should not be included in Regional Spatial Strategies or Local Development Documents without sufficient reasoned justification.

8.89 The PPS considers the position of national designations, including national parks, areas of outstanding natural beauty and heritage coasts. In such areas, planning permission for renewable energy projects should only be granted where it can be demonstrated that the objectives of designation of the area will not be compromised by the development, and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by the environmental, social and economic benefits. Policies should set out the circumstances in which particular types and sizes of renewable energy developments will be acceptable in nationally designated areas, with care being taken to identify the scale of renewable energy developments that may be acceptable in particular areas.

8.90 The PPS is directed towards the preparation of local development documents rather than Local Plans. It would not be appropriate at this stage of the Local Plan process to try to redraft the policy to reflect exactly the advice in PPS22, with regard to the scale of developments for instance, since such changes would need to be subject to public consultation. The Council is however, seeking to make a change to the policy which gives it a more positive stance. It should in my view also try to make the preceding paragraphs appear to be less hostile to wind power schemes in general. In particular, paragraph 8.66A should treat onshore wind power more objectively, reflecting the energy potential identified in the North Devon and Torridge Renewable Energy Action Plan and the key principle 1 (iii) of PPS22. Paragraph 8.70 should be re-drafted, to dwell less on the unacceptable aspects of wind turbine activity, and to be more reflective of the sense of paragraphs 11, 12 and 19 to 21 of PPS22.

8.91 Exmoor NPA calls for the protection of the Exmoor Fringe to have a specific criterion in the policy. PPS22 is against the creation of "buffer zones" within which projects could be prevented. The Council is right to resist this request therefore, relying instead on a mention of other policies in the development standards and environment chapters. The same applies to assessing impacts on nature conservation interests, which are more than adequately covered by policies ENV8 to ENV11. A number of changes have been made to the policy to meet the concerns of the Friends of the Earth and Farm Energy Ltd. The Council resists giving clarification to the term "*harm to the surrounding area*", believing it to be clearly and unambiguously expressed. I do however find myself wondering exactly what it refers to. Is it visual harm only, or noise as well? This should be clarified.

8.92 The Friends ask for the word "*significantly*" to be inserted before *adversely and adverse* in Criteria B) and C) respectively. Although the Council resists, there is justification for making the threshold of unacceptability at least a significant impact rather than just an impact. PPS22 uses the term in

paragraph 11. The Friends also refer to Clause 2. This clause appears to be dealing with the cumulative impact issue also referred to in paragraph 21 of the PPS. The Friends assert that the clause is opaque. The Council believes it to be unambiguous. Having read it half a dozen times I think I understand it, and I note that it does include "significantly" which gives it some measure by which to assess a scheme.

8.93 The Devon Wildlife Trust asks that for energy crops, it should be ensured that no loss of valuable habitat would result from the proposal. Paragraph 8.68 refers to impacts on the environment from various types of renewable energy sources. Policies ENV8 to ENV11 however are the specific guardians of habitats and species.

8.94 The CLBA and M Baker (Property Services) call for the policy and its supporting text to be significantly more positive towards renewable energy projects. The Council resists, quoting PPS22 and claiming that the policy establishes an appropriate balance to support renewable energy whilst protecting the environment. The reasoned justification certainly needs to be re-drafted into a more supportive form. The policy will be marginally more supportive with the change proposed by the Council and the inclusion of "significantly" in criteria B) and C). More could be done, but to re-draft the policy completely would necessitate consultation. In my judgement it is now reasonably balanced.

8.95 The CPRE, the Larkbear Consortium and the House Builders' Federation object to Clause 3 of the policy, which requires major employment, retail and residential development to incorporate renewable energy generation to provide at least 15% of predicted energy requirements. Specific objections are that the target appears to be arbitrary, whilst the requirement is not rooted in planning legislation. PPG12 states that development plans should not contain policies which duplicate the the provisions of other legislation. Detailed requirements for energy conservation are more properly a topic for consideration under the Building Regulations. Other objectors point out that the threshold is too great, and that smaller developments even down to single houses, should also be required to incorporate renewable generation.

8.96 The Council justifies its position, which it acknowledges to be a pioneering one, by reference to RPG and emerging planning policy in London. In RPG10, Policy RE6 broadly supports an approach which instructs local authorities to "encourage and promote the greater use of renewable energy sources". The London Boroughs are increasingly adopting policies requiring renewable energy to be incorporated into development schemes.

8.97 PPS22 states in paragraph 8 that local planning authorities may include policies in local development documents (LDDs) that require a percentage of the energy to be used in new residential, commercial or industrial developments to come from on-site renewable energy developments. Whilst the North Devon Local Plan is not an LDD, I see no reason why the policy advice should not apply to it as well. I therefore support Clause 3 as it stands, but believe also that consideration needs to be given to housing schemes below the 50 dwelling threshold, which will probably constitute the bulk of house building in the district for the next few years. I therefore propose an addition to Clause 3 to the effect that housing schemes of a significant size will be expected to incorporate renewable energy generation where feasible and viable. What constitutes "*significant*" will depend upon circumstances, such as whether the development is in a conservation area, or is for affordable housing, or is on a previously developed site with high site preparation costs, but a figure of 20 dwellings might be taken as a working basis.

Recommendation 8.25
I recommend that the Local Plan be modified as follows:

A) Paragraph 8.66A should be redrafted to treat onshore wind power more objectively, reflecting the energy potential identified in the North Devon and Torridge Renewable Energy Action Plan and the key principle 1 (iii) of PPS22. The second part of the second sentence of this paragraph should read "*the aim is to contribute towards Devon's sub-regional target of 151 MW of electricity production from renewable sources by 2010*"

B) Paragraph 8.70 should be redrafted, to dwell less on the unacceptable aspects of wind turbine activity, and to be more reflective of the sense of paragraphs 11, 12 and 19 to 21 of PPS22.

C) Policy ECN15 to read as follows:

1. PROVISION SHOULD BE MADE FOR RENEWABLE ENERGY DEVELOPMENTS TO CONTRIBUTE TOWARDS DEVON'S SUB-REGIONAL TARGET OF 151 MW OF ELECTRICITY PRODUCTION FROM RENEWABLE SOURCES BY 2010. IN CONSIDERING PROPOSALS FOR RENEWABLE ENERGY, THE BENEFITS OF THE DEVELOPMENT IN MEETING THIS TARGET WILL BE BALANCED AGAINST THE IMPACT ON THE LOCAL ENVIRONMENT. A PROPOSAL FOR THE GENERATION OF ENERGY FROM A RENEWABLE SOURCE WILL BE PERMITTED WHERE:-

A) THE PROPOSAL, INCLUDING ANY ASSOCIATED TRANSMISSION LINES, ACCESS ROADS AND OTHER RELATED WORKS DOES NOT ADVERSELY AFFECT THE VISUAL CHARACTER OF ITS SURROUNDINGS;

B) IT DOES NOT SIGNIFICANTLY AFFECT THE LIVING CONDITIONS OF THE OCCUPANTS OF RESIDENTIAL PROPERTIES OR THE AMENITIES OF OTHER USES IN THE LOCALITY;

C) IT DOES NOT HAVE A SIGNIFICANT ADVERSE EFFECT ON AVIATION, OR MARITIME SAFETY OR TELECOMMUNICATIONS; AND

D) IN THE CASE OF SMALL SCALE PROPOSALS FOR A LOCAL COMMUNITY, IT IS PRIMARILY FOR THAT COMMUNITY'S USE.

2. A PROPOSAL FOR RENEWABLE ENERGY WILL NOT BE PERMITTED WHERE, EITHER ON ITS OWN OR IN COMBINATION WITH OTHER SCHEMES, IT WOULD SIGNIFICANTLY HARM THE CHARACTER OF THE LANDSCAPE.

3. MAJOR EMPLOYMENT AND RETAIL DEVELOPMENTS OF 1000 SQUARE METRES (GROSS) OR MORE FLOORSPACE, AND RESIDENTIAL DEVELOPMENTS OF 50 DWELLINGS OR MORE WILL BE REQUIRED TO INCORPORATE RENEWABLE ENERGY GENERATION TO PROVIDE AT LEAST 15% OF PREDICTED ENERGY REQUIREMENTS. HOUSING SCHEMES BELOW THE THRESHOLD BUT OF A SIGNIFICANT SIZE WILL BE EXPECTED TO INCORPORATE RENEWABLE ENERGY GENERATION WHERE FEASIBLE AND VIABLE.

Non Renewable Energy
Paragraph 8.72

Objection 249/869/FD North Devon Friends of the Earth

Issue:

- The omission of a policy for non-renewable energy to include a sequential test

Inspector's Reasoning and Conclusions

8.98 The Council's reason for not having a specific policy on non-renewable energy is that proposals for non-renewable energy generation are unlikely to be frequent enough to justify one.

8.99 Perhaps a more telling reason however is that large scale energy proposals producing over 50 megawatt will be determined by the Department of Trade and Industry under Section 38 of the Electricity Act and not by the local planning authority. Given the advice in paragraph 3.5 of PPG12 that policies should not duplicate provisions in other legislative regimes, the decision not to have a policy seems right.

Recommendation 8.26

I recommend no change to this part of the Local Plan.

Transmission Lines

Paragraph 8.73

Objection *286/1077/F* *Barnstaple Town Council*

Issue:

- Transmission lines should be laid underground wherever possible.

Inspector's Reasoning and Conclusions

8.100 The paragraph in question makes it clear that the planning authority has limited influence in whether overhead electricity lines are grounded. Despite this the paragraph states that the Council will request their replacement underground or seek the least visually intrusive alternative overhead route. This is probably as far as the Council can be expected to go.

Recommendation 8.27

I recommend no change in this part of the Local Plan.

Chapter 9 – Town and Village Centres, Retail and Community Facilities

Town Centres
Policy COM1 (Retailing Proposals)

Objection	*486/1846/F*		*Mr Terry Padget*
Objection	*125/232/FD*	*Conditionally Withdrawn*	*Somerfield Stores Limited*

Issues:

- The cumulative effects of development on the vitality and viability of town centres should be considered in accordance with PPG6.

- The policy should not create planning uncertainty, which blights land both in its current use and as regards any other future potential developments.

Inspector's Reasoning and Conclusions

9.1 In response to the objection raised by Somerfield Stores the Council has amended Criterion E), to make reference to the cumulative impact of both recent and outstanding developments on the vitality and viability of a town or village centre. This change meets the objection in my view.

9.2 The second objection is concerned with planning blight. It is not immediately clear in which way Policy COM1 would cause uncertainty leading to blight. By allocating sites for retail development in Barnstaple and South Molton there is likely to be less uncertainty rather than more.

Recommendation 9.1
I recommend no change to this part of the Local Plan.

Local Shops, Public Houses and Post Offices
Policy COM3
Paragraph 9.19

Objection	*225/700/FD*		*Government Office for the South West*
Objection	*181/478/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*225/699/FD*		*Government Office for the South West*

Issues:

- The last sentence of paragraph 9.19 of the reasoned justification appears to be a policy statement and should be deleted in accordance with PPG12, paragraph A24.

- Policy COM3 is too inflexible and should be reformulated, based on identifying the interest of acknowledged importance to be protected and the harm likely to arise and remove the burden of proof from the applicant in accordance with the advice in PPG1 at paragraph 40.

- The legality of this policy is questioned as it would require an owner to continue to maintain a non viable business if an alternative viable one does not exist in the locality.

Inspector's Reasoning and Conclusions

9.3 In response to the first GOSW objection, the final sentence of paragraph 9.19 has been altered so that it no longer reads as a policy. The policy has also been altered, with the substituting of OR by AND between the two criteria. GOSW also asked for paragraph 9.17 to be changed, and it is necessary to do this in order to be consistent with the revised policy. Again, OR can be changed to AND in the third sentence.

9.4 The point about viability is met by the first criterion. A change of use will not be resisted where a business is not viable.

Recommendation 9.2

I recommend the Local Plan is modified by substituting AND for OR in the third sentence of paragraph 9.17.

Policy COM4 (Community Facilities)

Objection	*181/479/FD*	*Conditionally Withdrawn*	*CPRE*
Objection	*430/1652/F*	*Conditionally Withdrawn*	*Diocese of Exeter*
Objection	*225/701/FD*		*Government Office for the South West*

Issues:

- Policy COM4 requires re-wording particularly at Criterion A) of Clause 1, and Criterion A) of Clause 2 in order to improve its clarity.

- Criterion A) of Clause 1, and Criteria A) and B) of Clause 2 are too inflexible and should be reformulated in order to identify the interests of acknowledged importance and reduce the burden of proof in accordance with PPG1 paragraph 40.

- There is a policy vacuum in respect of church/community sites and their potential for expansion and/or redevelopment which should be more flexible, to encourage the reappraisal of existing

facilities, particularly in allowing the rationalisation of sites and disposal of land supply in order to raise capital to improve and modernise existing buildings and facilities.

Inspector's Reasoning and Conclusions

9.5 In response to CPRE and GOSW, Criterion A) of Clause 1 has had the reference to duplicating existing facilities removed, while Criteria A) and B) of Clause 2 have both been redrafted. In my view these changes meet the objections.

9.6 The concerns of the Diocese of Exeter were with the need for flexibility in the reappraisal of existing facilities and their potential for redevelopment. The Council has met this concern by adding a Criterion to Clause 2) which mentions replacement and rationalisation and the benefits to the local community. It does not refer specifically to churches however, since the policy is directed towards all community facilities. However the Diocese has withdrawn its objection conditionally.

Recommendation 9.3

I recommend no change to this part of the Local Plan.

Chapter 10 - Recreation

Policy REC1 (Indoor Sport and Leisure Facilities)
Paragraphs 10.7, 10.10

Objection	*452/1721/F*		*British Telecom PLC*
Objection	*416/1607/F*	*Conditionally Withdrawn*	*MG Leisure*
Objection	*416/1608/F*	*Conditionally Withdrawn*	*MG Leisure*

Issues:

- Local community need.
- Potential for sport and recreation development in connection with tourism enterprises.

Inspector's Reasoning and Conclusions

10.1 British Telecom objected to Policy REC1 on the grounds that PPG6 does not require a local community need for sports facilities to be demonstrated. The Council has accepted this point and changed the policy, to include the sequential approach to site selection. This meets the objection in my view.

10.2 The two objections by MG Leisure call for paragraphs 10.7 and 10.10 to refer to the potential for sport and recreation development in connection with existing tourism enterprises located in the countryside. The Council accepts the point in relation to 10.7 and has made the change. It has not accepted the need for a reference in 10.10. This paragraph is mainly about ancillary facilities such as club houses and floodlighting. The last sentence emphasises that derelict land, previously developed land or urban fringe sites should be first choice for recreation activities. It is not appropriate to refer to existing tourism enterprises in this context. The two objections have been conditionally withdrawn.

Recommendation 10.1
I recommend no change to this part of the Local Plan

Community Woodland
Paragraph 10.10A

Objection	*140/267/FD*	*South Molton Town Council*
Objection	*632/2240/R*	*South Molton Town Council*
Objection	*157/2360/R*	*The Woodland Trust*

Objection	*319/1224/F*	*South West Forest*
Objection	*437/1663/F*	*Mrs J A H Luard*
Objection	*140/266/FD*	*South Molton Town Council*
Objection	*482/1839/FD*	*Forest Enterprise England*

Issues:

- The inclusion of a policy statement for community woodlands.
- The range of environmental, social and economic benefits arising from sustainable woodland management.
- Health and social issues.
- Integrated community development and housing schemes.

Inspector's Reasoning and Conclusions

10.3 Community Woodlands are areas of new tree planting incorporating informal open spaces that are close to settlements with good public access. Sites identified for potential community woodlands are set out in the settlement chapters and shown on the relevant inset maps. Paragraph 10,10A has been included in the Local Plan to set out the role of community woodland. Given the existence of specific policies proposing community woodland in the action plans for settlements (such as BAR9), I agree with the Council that a general policy is not necessary.

10.4 The Woodland Trust would like to see more prominence given to the benefit of woodland to improving health, and helping people re-connect to nature. This is an admirable objective, but it is perhaps more relevant for inclusion in the supplementary planning guidance on community woodland, a draft of which was released in March 2004 (CD91). I suggest that the Trust be invited to compose a suitable addition to this SPG.

10.5 Any additional justification for community woodland in paragraph 10.10A could introduce an unnecessary level of detail to this paragraph. Additional information on the social, economic and environmental benefits arising from increased woodland cover should be added to the draft SPG on community woodland.

10.6 The idea of integrating community woodlands with housing schemes is an interesting one. Whilst it is not difficult to envisage housing development on the edge of a woodland, benefiting from its bio-diversity and screening effect in the landscape, it is not easy to see how the concept of woodland being accessed and used by the wider community could co-exist with the living spaces of individual property owners. New woodlands are not an appropriate setting for low density residential development outside a settlement boundary, and it would not be appropriate to include in the Local Plan any policy which appeared to give such a scheme the go ahead.

Recommendation 10.2
I recommend no change to this part of the Local Plan.

Sport and Recreation in the Countryside
Policy REC3

Objection	*383/1395/F*		*Country Land and Business Association*
Objection	*225/702/FD*		*Government Office for the South West*
Objection	*416/1609/F*	*Partially Withdrawn*	*MG Leisure*
Objection	*194/540/FD*		*Mrs J Long*

Issues:

- Interests of acknowledged importance.
- High impact activities.
- Farm diversification and tourism enterprises.

Inspector's Reasoning and Conclusions

10.7 With regard to interests of acknowledged importance, the Council accepts that Policy REC3 was too inflexible in requiring a need to be established, contrary to PPG1. Sports and recreation facilities in the countryside should be permitted unless there is harm to an interest of acknowledged importance. Criterion A) has been deleted.

10.8 GOSW also criticised Criterion C) for inflexibility. The Council has responded by adding an AND, making it an AND/OR situation. GOSW are evidently happy with this change.

10.9 The MG Leisure objection seeks to add the presence of an existing tourism enterprise as a qualifying location under Criteria A) and D). Criterion A) has now been removed so the issue no longer arises. In Criterion D) the Council is adopting a sequential approach in looking at alternative sites to the countryside. It lists derelict or previously developed land or sites located on the edge of a town or village. These are sustainability criteria as derived from government policy in PPG1 and PPG3. An addition to an existing tourism enterprise would be inherently less sustainable, unless it qualified as derelict or previously developed land.

10.10 Mrs Long wants there to be no extensions on high level impact activities. It would be unnecessarily draconian to adopt this stance however, as the degree of impact and its effect on the wider countryside must vary considerably according to the location. Criterion B) provides the means of assessing this impact and deciding accordingly.

10.11 The CLBA discern a potential to disadvantage provision in rural areas, and thus to conflict with farm diversification. In that the policy aims to protect the countryside from unacceptable impacts arising from recreational activities, it could be said to encourage provision in towns and villages rather than the wider countryside. A type of recreation that can only be carried out in a particular terrain however, such as orienteering or mountain biking must necessarily use the terrain where it is found. A proposal that is part of a farm diversification scheme would by and large have to be located somewhere on the particular farm. There might be options in terms of the siting of facilities, and derelict land or previously developed land might be a possibility, but it would not be reasonable to insist that a farm diversification activity should rather take place in the nearest town. Policy ECN6 covers farm diversification, and proposals would be considered under its provisions first, and if its criteria were met, there would be no need to subject it to further tests under Policy REC3.

Recommendation 10.3
I recommend no change to this part of the Local Plan

Sport and Recreation in the Countryside
Paragraph 10.12

Objection	*194/542/FD*	*Mrs J Long*

Issue:
- Waymarking of footpaths and clearing is needed but not surfacing for cycles

Inspector's Reasoning and Conclusions
10.12 Although the Council states correctly that the management and way-marking of footpaths is the responsibility of Devon County Council, it is understandable for Mrs Long to make these points, as the justification in paragraphs 10.12 to 10.14 contains much information about the paths and the Council's intention to improve and extend the network. However, no changes to the Local Plan are necessary in my view.

Recommendation 10.4
I recommend no change to this part of the Local Plan.

Sport and Recreation in the Countryside
Policy REC4 (Safeguarding former Transport Routes)

Objection	*194/541/FD*	*Mrs J Long*
Objection	*634/2225/R*	*North Devon Friends of the Earth*
Objection	*392/1452/F*	*Railfuture South West*

Issues:
- Upgrading former transport routes.
- Existing recreational trails and provision of new recreational trails.
- The protection of all former transport routes.

Inspector's Reasoning and Conclusions
10.13 Policy REC4 is concerned with the safeguarding of routes not with upgrading them to combined

footpath/cycleway, which would require an order under the 1984 Cycle Track Act. This would be the responsibility of the highway authority, and cannot be a part of the Local Plan as such. Proposals for additional or ancillary facilities including new recreational routes would be considered against Policies REC2 and REC3.

10.14 Railfuture South West argue that a higher degree of protection is needed for future railways than would otherwise be necessary for use as a recreational path, including horizontal and vertical alignments to ensure trains run at normal line speeds. The Council has added paragraph 10.14 to clarify this higher degree of protection, and to list the Barnstaple to Instow and Barnstaple to Braunton routes, recreational trails with potential to be reinstated as future railway lines, and protected under Policy REC4.

10.15 The Council accepts that some routes may never be viable for reinstatement because of land ownership issues, the terrain or topography or the existence of a building blocking the route. To acknowledge this possibility the viability constraint has been included in Policy REC4. North Devon Friends of the Earth object to this inclusion, wishing to see all former transport routes protected, not just those that are viable. The Council accepts the principle of safeguarding all former transport routes for future use as a recreational trail and/or reinstated railway line. The Council is however worried about planning blight, should it attempt to resist development on routes that clearly will never be reinstated.

10.16 It is a difficult problem to overcome, since viability may not be proven one way or the other when a development project is put forward. Also, as the Friends point out, viability may change with time and it is inconsistent with the principles of sustainable development to allow the possibility of reinstatement to be removed. On balance it seems that the Council is being over cautious on the blight issue, since the policy only applies to very limited sections of former railway lines in North Devon. Viability can be considered when a particular development proposal comes up, but to prejudge on viability grounds is to be unnecessarily negative in my view.

Recommendation 10.5
I recommend the Local Plan is modified by deleting "that is viable" from Policy REC4.

Policy REC5 (Public Open Space)
Paragraphs 10.17, 10.24A
Table 10 - Open Space Standards for North Devon

Objection	*469/1794/F*		*The House Builders Federation*
Objection	*469/1795/F*		*The House Builders Federation*
Objection	*157/2361/R*		*The Woodland Trust*
Objection	*383/1396/F*		*Country Land and Business Association*
Objection	*410/1528/F*		*Larkbear Consortium*
Objection	*479/1835/F*	*Conditionally Withdrawn*	*McCarthy and Stone (Developments) Ltd*
Objection	*428/1646/F*		*Mr H Thomas*
Objection	*477/1821/F*		*South West Holdings Limited*

Objection	*491/1858/F*	*Conditionally Withdrawn*	*Sport England*
Objection	*469/1796/F*		*The House Builders Federation*

Issues:

- Identified local needs.
- Viability and flexibility.
- The rationale for employment uses.
- Ecological considerations.

Inspector's Reasoning and Conclusions

10.17 This section of the Local Plan is based upon the Open Space Strategy for North Devon, a document which identified new minimum open space standards for North Devon as a whole, which are summarised as Table 10. The standards were based on a detailed and localised audit of existing provision and an assessment of future needs, and represent the minimum amount of the different types of public open space, including sport and recreation facilities that should be available to meet the needs of people in North Devon as a whole.

10.18 Based upon this district strategy, the Council has produced a code of practice for the provision of public open space, sport and recreation, adopted as SPG in March 2004. The Council accepts that it is not fair or reasonable to require contributions towards public open space provision when there is already adequate open space available in the locality. It amended Clause 3 of Policy REC5, so that contributions towards off-site provision of open space are not required when there is sufficient provision in the locality. This requirement is clarified in paragraphs 3.4 and 3.5 of the code of practice and overcomes the relevant parts of objections by the House Builders Federation, South West Holdings Ltd and CLBA.

10.19 The Council also accepts that occupants of different types of development will have different requirements for use of open space, sport and recreation facilities, and has amended paragraph 10.23 to recognise examples of when provision will not be required. The full list of requirements for different types of development is clarified in the code of practice. These amendments meet the objection of McCarthy and Stone. Paragraph 10.19 was amended to clarify that the open space standards are based on potential occupants to reflect the level of demand from dwellings of different sizes. This meets the objection of Sport England.

10.20 On the matter of viability and flexibility, the code has identified a threshold of 3 additional dwellings below which provision of open space or financial contributions will not be required. If provision above that threshold is found to affect viability, the code makes it clear in paragraph 5.19 that full financial details and valuations should be submitted for assessment and the level of provision or contributions sought may be reviewed as a result. This concession allows for flexibility to consider exceptional circumstances which threaten the viability of developments.

10.21 Paragraph 10.19A was added to the Local Plan to indicate the need for open space requirements from employment and tourism uses, and to clarify the proposed thresholds above which the contributions will be required. These are only above a threshold of 1000 sqm or employing at least 20 people on site. The requirements in Policy REC5 and the code are fairly and reasonably related to the relevant proposals in scale and kind, in accordance with Circular 1/97.

10.22 The Council accepts that land with ecological value may not be suitable for provision for public open space, and has added a new paragraph to cover this point and make reference to the potential of local nature reserves to act as informal open space. The Woodland Trust would like to see a

reference to new native broadleaved woodland in the paragraph and to its potential as a means of creating new areas of green space in towns and villages. The code of practice includes a reference to woodland as one of a number of habitats that can have environmental, biodiversity and visual value. A similar reference to the potential of woodland as a valuable type of open space would be appropriate in paragraph 10.24A as well.

Recommendation 10.6
I recommend the Local Plan is modified by including a reference to native broadleaved woodland in paragraph 10.24A

Policy REC7 (Water Based Recreation)

Objection	*181/480/FD*	*CPRE*
Objection	*225/703/FD*	*Government Office for the South West*

Issues:
- Clarification of wording.
- Noise and public safety implications.

Inspector's Reasoning and Conclusions

10.23 GOSW was unhappy with the wording of the policy, particularly Criterion 2) which was not understood and suggested an alternative form of words which the Council has accepted. The new criterion reads much more clearly.

10.24 CPRE wished to see reference within the policy or text to the noise and safety aspects of water-based recreation. The Council has put a reference to public safety in Paragraph 10.28 and Criterion C). It has not mentioned noise as such, but relies instead on a reference to safeguarding public amenities in Paragraph 10.28. It points to paragraph 1.27, and Policy DVS3 in Chapter 4: Development Standards. The Council is fond of reminding us that the Local Plan should be read as a whole, perhaps without giving too much thought to what a daunting task that would be. However, Policy DVS3 certainly does cover the noise and amenity point and as Policy REC7 is already on the wordy side I will leave it at that.

Recommendation 10.7
I recommend no change to this part of the Local Plan.

Policy REC8 (Public Art)

Objection 286/1082/F *Barnstaple Town Council*

Issue:

- Whether there should be wide public consultation in choosing public art.

Inspector's Reasoning and Conclusions

10.25 Barnstaple Town Council would like to see Policy REC8 amended to ensure wide public consultation in identifying public art. The Council's response is that it is inappropriate to specify requirements for public consultation in upper case policy since it would be imprecise, while paragraph 10.33 already indicates a requirement for consultation with the local community in designs of proposed public art.

10.26 The reference referred to by the Council in paragraph 10.33 is to art being integrated into the design of a scheme in collaboration with the local community. The words collaboration and consultation have distinctly different meanings. The one implying an equal relationship, the other an element of one party asking the other what it thinks before proceeding. Given that the Council clearly believes that paragraph 10.33 already includes a requirement for consultation, the precision of the sentence would be improved by substituting one word for the other.

Recommendation 10.8

I recommend that the word "consultation" be substituted for "collaboration" in Paragraph 10.33.