



The Planning Inspectorate

Report to North Devon and Torridge District Councils

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

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the North Devon and Torridge Local Plan

The Plan was submitted for examination on 10 June 2016

The examination hearings were held between 22 November and 6 December 2016 and on 16 and 17 January 2018

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Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CEZ	Coastal and Estuarine Zone
CIL	Community Infrastructure Levy
DCLG	Department of Communities and Local Government now Ministry
now MHCLG	of Housing, Communities and Local Government
DtC	Duty to Co-operate
ENP	Exmoor National Park
HA	Hectares
HEDNA	Housing and economic needs assessment
IDP	Infrastructure Delivery Plan
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
MM	Main Modification
NADS	Non-allocated developable sites
NDTLP	North Devon and Torridge Local Plan
NP HMA	Northern Peninsula Housing Market Area
NPPF	National Planning Policy Framework
OAN	Objectively assessed need
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
RSS	Regional Spatial Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the North Devon and Torrridge Local Plan provides an appropriate basis for the planning of the District Councils, provided that a number of Main Modifications [MMs] are made to it. The North Devon and Torrridge District Councils have specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out sustainability appraisal of them where necessary. The MMs were subject to public consultation over six week periods. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- **MM1** and **MM9** ensure that Policies ST05, ST17 and DM04 comply with Government policy as set out in the March 2015 Written Ministerial Statement on the setting of technical standards for new housing.
- **MM2** facilitates small scale economic and community development within Rural Settlements in accord with Government policy to promote a strong rural economy and to enable modest residential growth to accommodate locally generated needs.
- **MM3** sets out updated employment and housing land information and ensures there is adequate housing provision to meet the assessed housing requirement. It provides for the provision of a five year housing land supply in accordance with national policy, and through **MM12** a new Policy ST21 identifies the triggers and provides the mechanism to ensure the maintenance of a five year housing land supply.
- **MM4** updates employment land supply to be consistent with other changes in the Plan.
- **MMs5-7** provide for clarity in relation to the natural and historic environment in accordance with national policy.
- **MM8** modifies Policy ST16 to comply with national policy on provision for renewable energy.
- **MM10** ensures that Policy ST18 and the supporting text accord with national policy relating to the provision of affordable housing.
- **MM11** modifies Policy ST20 to accord with Government policy on the provision of traveller accommodation.
- **MMs13 – 45** update and amend the provision for housing and employment land in the sub-regional, strategic and main centres in northern Devon, including the non-strategic housing sites, in order to secure an adequate provision for housing sites in accord with national policy. They also amend the detailed criteria for the development of individual sites where necessary to provide clarity for future developers. The modified provision for housing land is set out in detail in the housing trajectory.
- **MMs46-53** deal with changes to individual development management policies in order to ensure that they comply with national policy, and that

they are clearly and consistently defined. **MM48** inserts a new policy DM08A to deal with development which may affect the landscape, including the Heritage Coast, the setting of the National Park and the AONB.

- **MMs55-65** set out the changes required to the Rural Strategy Policies to update the provision of housing land to meet the requirements of the Plan, including the non-strategic housing sites and the deletion of sites which are no longer available. They also amend policy criteria where appropriate to provide clarity for future developers.
- **MM66** inserts an updated housing trajectory to demonstrate the provision of housing land over the plan period.
- **MM67** adds a new Appendix 5 to identify the non-strategic housing sites included in MM3xv Table 4.2.

Introduction

1. This report contains my assessment of the Local Plan for North Devon Council and Torridge District Council in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements.
2. In the course of the examination, a revised National Planning Policy Framework (NPPF) was published (July 2018). The revised NPPF states at Annex 1 paragraph 214 that the policies in the previous NPPF (March 2012) will continue to apply for the purpose of examining plans which were submitted on or before 24 January 2019. All references in this report to the NPPF therefore relate to the March 2012 version, unless stated otherwise.
3. The NPPF (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
4. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The North Devon and Torridge Local Plan (NDTLP) was published for consultation in June 2014 (SUB1). The Councils subsequently published Main Changes and Additional Main Changes (SUB2, 4 & 5). These changes have been subject to consultation in respect of Regulations 18 and 20, and form part of the Regulation 22 Consultation Statement. A subsequent draft Local Plan was prepared in May 2016 which incorporates the changes (SUB26). It is this submitted version of the Local Plan which is the subject of my examination.
5. In May 2016 further proposed Main and Minor Modifications (SUB8 & 9) were produced and at my request published (EC07) for consultation (ECO8a) in September 2016. The results of consultation together with the Councils' response were available to the examination prior to the start of the hearings in November 2016. Where necessary, the modifications were discussed at the hearings and I am therefore considering them together with the submitted Plan.
6. Following the closure of the hearings in December 2016, the Councils prepared a draft list of Main and Additional Modifications required to the Plan as a result of discussions at the hearings. I provided comments on the list, together with a note of further work which I considered to be necessary in order to make the Plan sound (HD15). In particular further work was required in relation to the Councils' assessment of housing land supply and the housing trajectory.
7. There was a break in the examination whilst the Councils completed the additional work. A schedule of the Councils' proposed Main Modifications (MMD01) was published for public consultation on the 20 July 2017 and consultation closed on 1 September 2017. A summary of all the comments received and the Councils' responses were published in October 2017 (MMD09 and MMD10).

8. A second round of hearings relating to issues raised as a result of the consultation took place on the 16/17 January 2018. Following the hearings, I issued a note relating to housing land supply which set out two further Modifications to be advertised by the Councils. These were advertised on the 1 March 2018 (2HS16) and consultation closed on the 13 April 2018. The Councils advertised a further Modification which had been overlooked in the earlier consultations between 5 July and 17 August 2018 (EC42a). I have considered the representations made on all the Modifications before reaching the conclusions in this report.

Main Modifications

9. In accordance with section 20(7C) of the 2004 Act the Councils requested that I should recommend any Main Modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
10. I have set out in the Introduction to this report the sequence of events which took place in the course of the examination, and identified the various stages at which schedules of proposed MMs have been produced. At each stage the MMs have been subject to sustainability appraisal where necessary and the MMs which now form the appendix to this report have all been the subject of public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.
11. A number of the changes to the NDTLP which have been identified by the Councils over the course of the examination as Main Modifications are not necessary to the soundness of the NDTLP and I make no recommendations on them. The final list of Main Modifications which is appended to this report renumbers and amalgamates a number of changes which had been identified in earlier documents. However, there is no amendment to the MMs which significantly alters the content of the Modifications as published for consultation or undermines the participatory processes and sustainability appraisal (SA) that has been undertaken.

Policies Map

12. The Councils must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Councils are required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted Plan. In this case, the submission policies map (SUB6) includes a set of 76 plans which identify the Sub-Regional, Strategic and Main Centres, Local Centres and Villages.
13. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, where the published MMs to the Plan's policies require further corresponding changes to be made to the policies map, the Councils will

need to update the policies map as proposed in this Plan when it is adopted, in order to comply with the legislation and give effect to the Plan's policies.

14. These further changes to the policies map were published for consultation alongside the MMs (MMD05, 2HS18).
15. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Councils will need to update the adopted policies map to include all the changes in the MMs and any further changes published alongside the MMs.

Assessment of Duty to Co-operate

16. Section 20(5)(c) of the 2004 Act requires that I consider whether the Councils complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
17. North Devon and Torridge District Councils have been working together on development plan preparation since 2006, with the initial intention of producing a joint Core Strategy from 2009. Following the 2011 Localism Act, the Councils began the preparation of the joint Local Plan.
18. The Councils' record of working with its Duty partners and its response to concerns expressed is set out in its Duty to Cooperate Statement and Appendices (SUB11) and Participation Journal (EB/PRO/12). By the time of the hearings in November 2016, there were no outstanding issues from any of the Councils' partners relating to a conflict with the Duty.
19. The Councils are signatories to a Devon wide co-operation protocol (EB/ENG/2) which includes all the local planning authorities in Devon, including the National Parks Authorities, Plymouth and Torbay Councils, and Devon County Council; and Government Agencies and other public bodies such as Heart of South West Local Enterprise Partnership and Devon Local Nature Partnership. They are also signatories to a co-operation protocol across the Northern Peninsula housing market area (EB/ENG/4), which includes Exmoor National Park Authority, West Somerset Council and Somerset County Council.
20. As a result of the process of co-operation carried out by the Councils, it has been agreed that the NDTLP should make provision for the need for housing which arises in the North Devon part of Exmoor National Park (ENP).
21. There is no signed protocol with Cornwall Council, but meetings have taken place, and the recently adopted Cornwall Core Strategy indicates that the Council will meet its own objectively assessed need (OAN) for housing. No issues have been raised by Cornwall Council in regard to the duty to cooperate.
22. Overall I am satisfied that where necessary the Councils have engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

23. The NDTLP is a single comprehensive document comprised of three parts. Part One deals with the strategic policies of the Plan. It identifies the spatial strategy which provides the overall framework for the whole of the NDTLP. It includes the extent and distribution of economic and housing development, and sets out the development strategies (Town Strategies), which include specific site allocations, for the Sub-regional, Strategic and Main Centres which are defined in Policy ST06.
24. Development management policies are set out in Part Two and Part Three is headed "Rural Strategies". It sets out detailed guidance for the individual rural communities defined by the spatial strategy as Local Centres and Villages in Policy ST07.
25. Policy ST08 identifies the overall housing and employment land requirements together with its distribution for the plan period of 2011 – 2031. Development is proposed to be focussed at the sub-regional, strategic and main centres with the majority of employment land allocations and some 87% of planned housing to be provided through the Town Strategies.

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified the main matters and addressed a series of questions upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to points raised in submissions by objectors.

Matter 1 Spatial Strategy

Whether the spatial strategy of the NDTLP together with its development management policies are based on a sound process of sustainability assessment and assessment of alternative strategic options.

27. The spatial strategy of the NDTLP is the result of a lengthy and iterative process, which was summarised at my request in a written statement by the Councils (EC14a). The process began in 2005 with the preparation of key documents to inform the 2007 Issues and Options Report (EB/CONS/10) prepared for what was then intended to be the joint North Devon and Torridge Core Strategy. Each of the options was subject to a sustainability appraisal (EB/SA/37). Taking into account feedback from the community and key stakeholders (EB/CONS/9), the Councils selected the balanced growth development strategy based on community needs, housing, employment and educational opportunities for the draft Core Strategy.
28. In addition, alternative strategic site options were considered for each of the main towns, with identification informed by an environmental capacity study for North Devon's main towns in 2009 (SUB21 Appendix 2).

29. The draft policies of the Core Strategy were also assessed against the joint Sustainable Community Strategy for northern Devon (EB/COM/7) prepared by the Local Strategic Partnership to ensure that they would contribute to meeting its objectives.
30. Until 2012 the Councils' options were identified in the context of the revised draft Regional Strategy for the South West (RSS). With its revocation in 2012, the Councils maintained the strategic objectives and priorities identified through the preparation of the joint Core Strategy, but agreed to review and evolve the emerging plan's format into a local plan in accordance with changes to national policy.
31. Differences include a change to a comprehensive plan to cover the period from 2011 – 2031, and the calculation of locally derived housing needs based on the strategic housing market area of the Northern Peninsula, to replace the figures for housing provision proposed in the RSS.
32. The Sustainability Appraisal Non-technical Summary (SUB13) sets out the SA process which commenced with the Councils' 2005 scoping reports and continued through the subsequent iterations of the Core Strategy and the Plan. The Sustainability Appraisal Report (SUB14) sets out the process of developing policy options, rejected options, and strategic policy refinement at each stage of the SA.
33. Following the publication of the draft Plan for consultation in June 2014 (SUB1), the Main Changes and Additional Main Changes (SUB2, 4 & 5) have also been the subject of SA as set out in the addenda reports (SUB15, 16 & 17). These changes have been the subject of consultation and are incorporated within the submitted NDTLP (SUB26).
34. The further proposed Main and Minor Modifications (SUB8 & 9) produced in May 2016 have also been the subject of a further addendum to the SA (EC08b). Whilst they are not incorporated into the submitted NDTLP, the results of consultation and the Councils' response were available to the examination prior to the start of the hearings in November. I have therefore taken the changes into account in the examination of the Plan.
35. The further proposed Main Modifications which were published for public consultation on the 20 July 2017, on the 1 March 2018 and the 5 July 2018 were also subject to SA (MMD03, 2HS16a, EC42b). The Habitats Regulations Assessment (HRA) has also been updated (MMD11). The Assessment has been carried out in accordance with interpretation of Article 6(3) of the Habitats directive given in April 2018 by the European Court of Justice in the case of *People over Wind & Sweetman v Coillte Teoranta* (Case C-323/17). Natural England has confirmed that it agrees with the conclusions of the HRA that there would be no adverse impacts as a result of the policies and proposals in the NDTLP.
36. For each stage in the process of identifying strategic options and the consideration of alternative development options, the Councils have sought to engage with key stakeholders and the wider community through workshops and public consultation (EC14a Table 1). Consultation responses have been analysed and taken into account throughout the plan

preparation process, and a key aim of the stakeholder workshops has been to build consensus on the policies to be included in the development plan.

37. Engagement with community representatives and stakeholders has informed the evolution of the Town Strategies included within Part One of the NDTLP; and engagement with rural communities informed the preparation of the rural strategies within Part Three. The Development Management Policies within Part Two of the NDTLP have also been subject to a rigorous process of consultation and engagement.
38. Having regard to the lengthy process of evidence gathering, the iterative Strategic Environmental Assessment of emerging spatial and policy options, and the engagement of stakeholders and the community throughout the plan preparation process, I am satisfied that the spatial strategy of the NDTLP is based on a sound process of sustainability assessment and assessment of alternative strategic options.

Is the hierarchy of settlements and other locations justified?

39. The initial assessment of settlements was carried out in 2009 through a survey of all town and parish councils. The questionnaire used for the survey was based on the eight key characteristics for a sustainable community in the Devon Local Strategic Partnership's Toolkit for Sustainable Rural Communities 2008. Some 178 towns, villages and small hamlets were surveyed, and these are listed within the 181 settlements identified in Appendix A to the Settlement Hierarchy Assessment 2015 (EB/SS/3).
40. Further work has been carried out in the preparation of the Plan, and this is consolidated in the Settlement Hierarchy Assessment 2015 (EB/SS/3). Table 1 sets out the relationship between the three dimensions to sustainable development identified in the NPPF (para 7), the Local Plan Sustainability Framework for Northern Devon, and the Northern Devon Settlement Hierarchy Indicators. This illustrates a clear pathway from national policy through to the appropriate choice of indicators based on local considerations in order to assess the sustainability of settlements.
41. Whilst it is inevitable that there will be fluctuations in the level of services and facilities provided in any settlement over time, the 2015 Assessment is a snapshot which I consider to form a sound evidence base for the identification of the settlement hierarchy based on sustainability indicators justified by national policy.
42. The availability of services and facilities within settlements is assessed using a weighted scoring system (Table 2 EB/SS/3) split into the themes of retail, education, community facilities, public transport and employment. The highest score which could be achieved is 72 points.
43. The 20 highest scoring settlements across northern Devon are identified in Table 3 (EB/SS/3). Barnstaple scores the full 72 points and is justifiably identified in NDTLP Policy ST06 as the sub-regional centre. Bideford on 66 points is the other strategic centre. Ilfracombe is just 2 points below Bideford on 64 points, but it does not have the level of retail provision to meet the test of a strategic centre (para 7.5 EB/SS/3), and whilst not

specifically listed as a criteria in the 2015 Assessment, it does not have the administrative functions of Barnstaple and Bideford. For these reasons, Ilfracombe is appropriately included with the 6 Main Centre settlements in Policy ST06.

44. Northam, Appledore and Westward Ho! are collectively defined as a Main Centre in Table 3 (EB/SS/3), scoring 54 points in the settlement ranking. These are separate settlements with their own identities, but in view of their geographical proximity, I consider that the approach taken by the Councils in the assessment is appropriate. In addition, development sites have been selected on the basis that the identity and integrity of each settlement should largely be preserved. Housing and employment development is supported where it will enhance viability, vitality and self-containment, whilst an appropriate transition is sought between development sites and the wider countryside taking account of the wider coastal landscape setting.
45. Settlements which meet the test for Local Centres (EB/SS/3 para 7.13) are listed under Schedule A to Policy ST07 which provides the strategy for northern Devon's Rural Area. Villages which meet the test for category four settlements, (EB/SS/3 para 7.16) are listed under Schedule B. Policy ST07 provides the strategy and definition for Rural Settlements and Countryside. **MM2** amends Policy ST07 (3) in regard to Rural Settlements, to facilitate small scale economic and community development in accord with national policy which seeks to promote a strong rural economy.
46. Through the detailed and comprehensive assessment of indicators of sustainability undertaken by the Councils, a clear evidence base is provided to support the hierarchy of settlements and other locations proposed in the NDTLP. With the proposed Modification, I consider the hierarchy of settlements and other locations set out in the NDTLP to be justified.

Does the strategy provide for an effective and sustainable distribution of growth across the urban and rural settlements?

47. Policy ST08 sets out the scale and distribution of housing and employment development throughout the plan area. The distribution of development has been informed by the settlement hierarchy, with the highest proportions of development to be accommodated in Barnstaple and Bideford. As the sub-regional centre, Barnstaple is the main location for further and higher education, for the General Hospital and for comparison shopping facilities. Bideford has a significant complementary role to Barnstaple, and the towns are linked by the A39.
48. There is little difference in the scale of new residential development proposed for Barnstaple and Bideford in the Plan, even though Barnstaple is a significantly larger settlement with a higher level of services and facilities. However, the options considered through SA indicated that although higher levels of growth at Barnstaple would potentially deliver good access to services and reduce the need to travel by car for those living in Barnstaple, it would also lead to increased pressure on local infrastructure, increased in-commuting from Bideford and the Main

Centres and associated traffic congestion, and the loss of open space around the town. In addition, a higher concentration of growth at the sub-regional centre would restrict opportunities for the regeneration of Bideford and Ilfracombe, and reduce opportunities to improve the self-sufficiency of the Main Centres across both district council areas.

49. The submitted NDTLP provides for some 48% of the housing provision with some 55% of employment supply to be split between Barnstaple and Bideford (CE8 Table 6). The six main centres are proposed to take some 36% of housing provision and some 43% of employment supply.
50. Having regard to the score for Ilfracombe in terms of services and facilities in the Settlement Hierarchy Assessment 2015 (EB/SS/3), the level of housing provision for Ilfracombe is relatively low. However, as stated in the NDTLP (SUB26 para 4.27), the distribution of development takes into account a number of additional factors which influence the scale of development allocated to each settlement, including environmental constraints and the availability of suitable development sites.
51. A high level of residential development is allocated to Northam, with the third highest level of growth after Barnstaple and Bideford, even though it scores much lower on the settlement hierarchy. However, having regard to its close relationship with Bideford and the availability of suitable sites as assessed through the SA and the Strategic Housing Land Availability Assessment (SHLAA), I am satisfied that this level of development has been fully assessed and justified in the Councils' evidence base.
52. The Councils provide a clear evidence trail to support the proposed distribution of housing and employment growth between Barnstaple, Bideford and the Main Centres. The strategy is justified as the most sustainable and beneficial to the future development of the northern Devon towns.
53. In the rural areas, provision is made for just over 13% of the planned housing supply, with just 1.5% of employment supply. Development is proposed mainly for the Local Centres and Villages with a small allowance, relating to commitments, as at 31st March 2017, for Rural Settlements and the Countryside.
54. Details of the scale and type of development to be accommodated at each of the defined Local Centres and Villages are set out in NDTLP Part Three "Rural Strategies". The approach taken is quite prescriptive, but has been informed by a high level of community involvement (CE8 part 3). Through the respective parish council, local aspirations and priorities were identified, and alternative site options considered through the SHLAA. A "Rural Planning Toolkit" was made available to assist parish councils in the process. Minimal levels of growth were recommended at 10% for Local Centres and 5% for Villages (CE8) and these were tested through the consultation process.
55. Parishes with no defined Local Centre or Village were invited to check the accuracy of the numbers and types of services and facilities attributed to settlements within their area with a view to identifying whether any

settlements had been wrongly attributed. East Anstey was designated as a Village as a result of this exercise.

56. The Councils consider that the strategies for the rural settlements have been broadly well supported, and as demonstrated through the consultation statement (SUB10), there has been a low level of objection to the rural strategies.
57. Changes in the numbers and types of services and facilities within settlements are likely to occur during the plan period, such that settlements may fall in or out of the level defined in the settlement hierarchy. For changes in rural settlements, the Neighbourhood Planning process enables communities to plan for additional development to support new, or to reflect an increase in, services or facilities.
58. Furthermore, for all the settlements within the plan area the proposed level of provision for housing and employment land is a minimum amount, so that there is flexibility to respond to increased demand or changing community aspirations.
59. The Councils have carried out extensive evidence gathering and community consultation in the development of the settlement hierarchy in the NDTLP. Having regard to the work carried out in the SHLAA and in the SA, I consider that the spatial development strategy provides for an effective and sustainable distribution of growth across the urban and rural settlements.

Are the housing and employment land strategies aligned?

60. The strategy of the NDTLP aims to provide a balance between housing, employment and infrastructure provision, to be secured in step with demographic trends in growth, having regard to environmental limits. Policy ST08 indicates a broad alignment in the distribution of housing and economic development across the plan area to reflect this approach.
61. The proposed levels of economic land supply have been assessed and verified through the Northern Devon Housing and Employment Study 2014 (CE20), the Northern Devon Employment Land Review(CE26), and most recently the Housing and Economic Needs Assessment (HEDNA) (CE21). The initial assessment took account of baseline economic projections from Experian and Cambridge Econometrics with Oxford Economics additionally being used in the HEDNA. The HEDNA takes particular account of performance at the local level in terms of the commercial market and economic baseline evidence to create a synthesis to consider future economic performance.
62. In the formulation of the economic strategy for the NDTLP, the strategic plan for the Local Enterprise Partnership (LEP) (EB/EVE/4) has been taken into account, although there are reasonable differences between the strategy for the NDTLP and the aspirational focus of the LEP strategy. The NDTLP adopts a "policy-on" position which seeks to provide for strong economic growth, building on the key economic drivers for northern Devon. It represents an improvement in the relative performance of the

economy of the plan area, whilst seeking to be realistic in respect of employment growth (CE7).

63. The HEDNA (CE21) provides the most up to date assessment of employment land needs based on econometric forecasts. The results provide a more positive economic outlook and employment growth forecast in comparison to the North Devon Housing and Employment Study 2014, and reflect the increase in economic expectations between the late 2012/early 2013 forecasts and those in 2015. On the basis of the analysis in the HEDNA, a planned provision for employment land in the range of 72-81ha is recommended. The employment land supply in the NDTLP with modifications is just under 85 ha.
64. Because of the physical characteristics of the land allocated in the submitted Plan at Atlantic Park, there are significant problems as to its deliverability for employment development. To ensure that allocated employment sites are physically capable of being delivered, the level of employment land to be allocated for that site is reduced [**MM19**]. However, that makes no significant difference to the level of allocated employment land which remains above the range recommended in the HEDNA and is unlikely to have any impact on the alignment of the housing and employment land supply.
65. Findings in respect of employment land needs, based on the more optimistic scenario in the HEDNA, inform the assessment of the requirement for housing during the plan period, resulting in an uplift over the demographic assessment of housing need to provide for economic growth. I deal with the assessment of housing need under Matter 2, and it is clear that the economic strategy for the NDTLP has informed the assessment of housing need. The level of housing proposed in the NDTLP is based on both the assessment of demographic needs and needs arising from economic growth.
66. Furthermore, in respect of both the housing and employment land provision, it is a minimum level which is planned for. Therefore the NDTLP retains flexibility to allow for additional employment and housing development in response to market changes if necessary. I consider that the Councils' evidence base supports the alignment of housing and employment land strategies proposed in the NDTLP.

Matter 2 – Housing

Is the scale of housing provision proposed for the NDTLP period of 2011 – 2031 based on a sound and positively prepared objective assessment of housing need (OAHN)?

67. The Joint Housing Topic Paper for the Northern Peninsula Housing Market Area (NP HMA) (CE11) sets out the background to the identification of the relevant SHMA for the assessment of housing requirements for the NDTLP. Research for the South West Regional Housing Board published in 2004 identified a series of sub-regional housing market areas for the south west of England. The research was based on the analysis of available data on household movements and travel to work patterns. North Devon and Torridge District Councils were identified as falling in the NP HMA together

with ENP, the former North Cornwall District Council, and West Somerset Council.

68. The NP HMA is not considered to act as a single sub-regional housing market, but comprises a series of local markets with shared characteristics and issues. Further analysis has been undertaken to define meaningful housing markets (CE11). As a result North Cornwall can reasonably be considered to fall within a single Cornwall wide HMA; North Devon and Torridge District Council areas together form a highly self-contained HMA; and West Somerset holds a relationship with settlements along the M5 corridor and in particular Taunton. ENP sits within parts of North Devon and West Somerset and is considered to hold housing market relationships to both.
69. Since North Cornwall was assimilated within the unitary Cornwall Council, Cornwall has been dealt with as a single HMA, and this has been endorsed by the Inspector examining the Cornwall Local Plan. The remaining authorities within the NP HMA have continued to work together in producing a series of housing market assessments for the NP HMA as a whole (CE11 Appendix 1; EC04b; CE4) to assist the local authorities in fulfilling a strategic housing enabling role.
70. Having regard to the work carried out in relation to the NP HMA, the evidence supports the identification of North Devon and Torridge District Council areas as a self-contained HMA. Although the assessment of housing need is generally based on the local planning authorities' areas (which excludes that part of the ENP which falls within North Devon Council), the NDTLP includes provision to meet the needs of ENP in so far as they relate to the North Devon and Torridge District Councils HMA. I consider that the HMA provides a sound geographic basis for the calculation of housing and economic needs.
71. The objectively assessed housing need (OAHN) for each local authority has been calculated within the context of the NP HMA as a whole and for each of the constituent authorities, initially using the 2008-based sub-national household projections recalibrated to align with the 2011 census (CE18), then updated to the 2012-based sub-national population projections and using a range of representative rates to calculate household numbers (CE17). With the release of the 2012-based sub-national household projections, a further assessment was commissioned (CE16). The Joint Housing Topic Paper for the NP HMA sets out unadjusted demographic projections for each local authority (CE11 Table 1). From these projections of household numbers, a number of adjustments were made to convert the figures into a housing requirement figure.
72. Using the 2012-based household projections, the unadjusted demographic requirement for housing in the local planning authorities of North Devon and Torridge is assessed at 11,959 (CE11 Table 7). Taking into account vacant dwellings and second and holiday homes, the requirement increases to 13,097, and with an allowance for a shortfall of affordable dwellings of 824, the demographic requirement would be for 13,921 dwellings.

73. The demographic requirement is a starting point for the OAHN. To factor in the influence of past supply and market signals, and to consider economic development needs and the relationship with housing requirements, the Northern Devon Housing and Employment Study was prepared (CE20 April 2014). The demographically derived housing requirement assessed in this study is 14,305 dwellings which compares favourably with that assessed in the NP HMA Joint housing Topic Paper (CE11). This identifies the OAHN arising from proposed levels of economic growth through the additional housing needed to accommodate the workforce, and is based on 2012-based population projections.
74. The submission Plan (SUB26) proposes an allocation of some 85 ha of employment land. Taking this level of employment land allocation into account, with the findings of the 2014 Study (CE20), and including the housing needs arising from the ENP, a total housing requirement of 17,220 dwelling is identified. This is the figure proposed in Policy ST08 of the submitted NDTLP.
75. The HEDNA (CE21) was prepared in 2016 to support the submission of the NDTLP and to validate the proposed housing requirement figure. I consider that the findings of this study represent the most up to date and comprehensive assessment of housing and economic development need for North Devon and Torridge District Councils. The HEDNA provides evidence which supports and validates the figures in the NDTLP, using updated baseline information including the 2012-based household projections, economic growth assumptions and econometric forecasts.
76. On the basis of the 2012-based population and household projections and having regard to the 2014 mid year population estimates the demographic based need for the two local authority areas is assessed in the HEDNA to be in the range from 643 to 680 dwelling per annum (pa), a total of between 12,860 – 13,600 over the plan period. With positive policy support for the potential for economic growth as assessed in the HEDNA, the requirement increases to some 837 dwellings pa, an uplift of some 23% - 30% over the demographic based need.
77. In addition to the assessment of the uplift required to accommodate economic growth, the HEDNA carries out a comprehensive assessment of affordable housing need. This is assessed to be potentially 345 dwellings pa (CE21 Table 56; HS02 para 1.136). With a policy requirement of 30% of new housing to be provided as affordable under Policy ST18, an overall housing provision of around 23,000 dwellings would be required over the plan period to fulfil this level of need if all of the affordable housing were to come forward through market-led schemes.
78. However, the affordable housing need assessment includes existing households who require a different size or tenure of accommodation rather than new accommodation. Should they move into more suitable accommodation, their existing accommodation would become available. Therefore, for the reasons set out in the HEDNA (CE21 p133), I agree that the figure of 345 dwellings pa is a theoretical calculation. In any event, there is no evidence to suggest that there would be effective demand for

an overall housing provision of this magnitude and it would be unrealistic and unachievable to plan for it.

79. To address the particular need identified in the HEDNA as arising from concealed households, and to support improvements in household formation for younger households, the HEDNA recommends that the assessed housing need should be adjusted upwards by 6% (52 dpa). In addition, the housing uplift to deliver economic growth will in itself help to deliver more affordable homes. When taken together with this uplift, I consider that the provision of an additional 6% to address affordability is an appropriate response to the identified need for affordable housing.
80. The conclusions of the HEDNA identify a projected need for 81.1 ha of employment land together with a requirement for a range from 17,000 to 18,000 dwellings, excluding the requirement from the ENP. I consider that these conclusions represent an aspirational but realistic basis for the validation of the housing requirement proposed in the NDTLP.
81. The requirement for 17,220 dwellings (including ENP) in the submitted NDTLP is at the lower end of the range put forward in the HEDNA. However, since the preparation of the HEDNA, the 2014-based household projections have been produced. A report has been published on the "Implications of the 2014-based Population and Household Projections" (EC04a). Using the assumptions and methodology in the HEDNA combined with the 2014-based population and household projections, this finds that the requirement (with the ENP) would be for 16,492 dwellings. This figure is 4% below the 17,220 provision in the Plan.
82. Inevitably there is some uncertainty in seeking to quantify future housing need, and there are a range of influences on housing need arising from demographic trends to macro-economic conditions and local economic performance. However, the Plan provides for a level of housing significantly in excess of the demographically derived requirement based on 2012-based population and household projection figures, and that provision is itself some 4% above the level of equivalent requirement which would be derived from the 2014-based population and household projection figures. Furthermore, the Councils use this as a minimum requirement, which would allow for additional provision to be made above that figure to respond to market demands.
83. The housing requirement figure for the NDTLP has been selected following a lengthy and iterative process. The Councils have sought to respond to advice issued by Government and the forecasts have been updated and validated against the most recent population and household projection figures. The level of provision has been subject to sustainability assessment, and the availability of suitable housing sites and infrastructure to support this level of provision has been tested throughout the preparation of the Plan and through my examination. In these circumstances, I find that the scale of housing provision proposed for the NDTLP period of 2011 – 2031 is based on an appropriate and positively prepared evidence base.

Does the NDTLP identify an adequate supply of housing land to meet the requirement for housing over the Plan period?

84. In accordance with the NPPF and advice in Planning Practice Guidance, the Councils have carried out Strategic Housing Land Availability Assessments (SHLAA) in order to identify a supply of land which is suitable, available and achievable for housing and economic development uses over the period.
85. The original 2009-based SHLAA Report (August 2011) and the subsequent 2013-based SHLAA review (September 2014) (EB/HSG/5) together with its addendum of March 2015 (EB/HSG/6) are updated in the 2015-based SHLAA (May 2016) (EB/HSG/4). The housing trajectory at Appendix 2 to the submitted Plan is based on the 2013 SHLAA. This is updated in the Housing Land Supply Topic Paper (CE5 Appendix 1) using the 2015-based SHLAA.
86. All of the housing supply has been considered by the SHLAA Stakeholder Panel of local developers, national housebuilders, statutory agencies such as Highways England and Natural England, and representatives of the local community. The housing trajectory includes actual completions from the start of the plan period to 2015, sites with planning permission, Plan allocations and other sites identified in the SHLAA which are considered to be deliverable and developable during the plan period. The total number of units which could be delivered through the land identified in the trajectory at the time of submission of the NDTLP was estimated to be some 17,497. This did not include any allowance for windfall sites which were estimated to deliver about 90 dwellings pa.
87. From the evidence at the hearings, it was not clear that the supply of land for the 17,497 dwellings identified by the Councils would be deliverable within the plan period in order to meet the overall requirement for 17,220 dwellings. The submitted Plan allocates 11,832 dwellings across 112 sites. Of these allocated sites, some 6,580 dwellings are expected to be delivered on the 9 strategic sites as identified in the Town Strategies. The delivery of these sites is critical to the achievement of the Plan strategy. It became clear at the first session of the hearings that there was a great deal of uncertainty as to the availability and the timing of the delivery of the sites identified by the Councils, in particular having regard to the dependence on the strategic allocations. This raised uncertainty as to whether the Councils' strategy would deliver a five year supply at the time of adoption, and maintain a five year supply over the period of the Plan.
88. By means of a note to the Councils following the hearings, (HD15) I asked them to review their housing land trajectory, and to verify the availability of land to meet the initial five years supply from adoption of the Plan. A revised detailed housing trajectory was requested which had been validated as accurately as possible with residential developers and other stakeholders in order to provide a realistic and up to date representation of the availability and deliverability of the housing land provision in the NDTLP.

89. In identifying a five year supply of land, the Councils were asked to test their provision against the Sedgefield approach for dealing with the shortfall in supply, with a 20% buffer to provide for increased choice and competition in the availability of housing sites. This request was made in order to ensure that the Councils sought to provide for the highest level of five year housing land supply. I consider the issue of five year housing land supply and the appropriate method for its assessment separately below.
90. As a result of the further work carried out by the Councils, an increase in the housing land provision for the plan period as a whole to some 20,189 dwellings has been identified [**MM3ix**]. The figure includes the following sources of supply:
- a) An allowance for small brownfield windfall based on historic rates of delivery.
 - b) An update of planning commitments at 31 March 2017.
 - c) An increase in the capacity of allocated sites in response to assessments by developers, agents and landowners where considered by the Councils to be reasonable and achievable.
 - d) Extensions and amendments to sites previously allocated for mixed use development to incorporate higher levels of housing provision.
91. In their revised calculation of the availability and deliverability of the proposed allocations and of the large site housing commitments, the Councils undertook on going engagement with those developers, agents and landowners who are directly involved with the promotion of each of the residential site allocations. Evidence has been gathered of likely lead in times for the commencement of development on each site, together with the potential development rates up to the completion of the development of the site. This evidence has been used to inform the housing trajectory in relation to the allocated sites and large site commitments.
92. Having considered the process through which the allocated sites have been assessed and brought forward, and having regard to the work carried out through the SA and updates as changes have been put forward, I am satisfied that a realistic assessment of deliverability and availability of the sites allocated through the policies of the Plan is now provided.
93. In addition to the Modification to the overall level of housing land supply, the reference to "non-allocated developable sites" (NADS) has been changed. It is not clear in the submitted NDTLP how the NADS differ from the allocated sites which are subject to an individual policy in the Plan. To clarify the status of the NADS and their contribution to the strategy of the Plan, they have been renamed as non-strategic housing sites and it is made clear that these sites can be brought forward at any time during the plan period [**MM3**]. The sites are individually identified within the housing trajectory.
94. The Modifications to the allocated sites include a change to the vision for the land at Yelland Quay [**MM27**]. This former power station site is now proposed for a redevelopment which includes some 250 dwellings [**MM28**] in order to enable costly remedial action to be undertaken in its

regeneration. Natural England is satisfied that such development can take place without harm to the nature conservation interests of the Taw-Torridge estuary SSSI and bird species of international importance.

95. With regard to the proposed Modification for the deletion of the site listed under Northam as "Land between Watertown and Staddon Road", following its advertisement, further evidence was submitted relating to the impact of development on the landscape. In addition, there is significant support from the local community for housing on this site to meet local requirements. In these circumstances I make no recommendation to delete this site.
96. I am satisfied that the sites identified for residential development in the modified NDTLP have all been the subject of detailed SA and comply with the tests for sustainable development set out in the NPPF, in particular at paragraph 7. There is no basis on which I should seek the removal of any of the residential allocations on the grounds that its inclusion in the NDTLP would make the Plan unsound.
97. With regard to the large site commitments which are included within the trajectory, at the time of the first round of hearings in November to December 2016, some 29 sites required the completion of a s106 agreement. The negotiation of a number of these agreements had been outstanding for lengthy periods of up to 4 years. In the period between the first and second round of hearings in January 2018, some twenty s106 agreements were signed. This indicates a very positive approach by the Councils to securing the deliverability of a number of significant housing sites.
98. By reviewing the trajectory in consultation with the relevant residential developers, agents and landowners the Councils have provided evidence which demonstrates that the NDTLP does provide a supply of land which is capable of delivering the requirement for 17,220 dwellings during the plan period. The results of the additional work demonstrate that there is a level of flexibility in the supply to provide choice and competition in the availability of land to the housing market. In the event of unexpected delay to the delivery of a significant allocation, there is alternative provision which could come forward to meet the need for housing land.
99. As a result of the validation and modification of the provision of land identified in the NDTLP for residential development which the Councils have carried out, I am satisfied that the housing sites allocated through the Town Strategies in Part One of the Plan, and the Rural Strategies in Part Three of the Plan are capable of being delivered in accordance with the housing trajectory as modified [**MM66**]. The modified NDTLP provides for an adequate supply of housing land to meet the requirement for housing over the plan period.

Meeting the requirement for a five year housing land supply

100. An annualised rate of 861 dwellings is necessary to deliver the housing requirement of 17,220 dwellings over the plan period. Completion rates for the first 6 years of the period (April 2011 to March 2017) averaged some

576 dwellings pa (2HS12). This leaves a shortfall of some 1708 dwellings at March 2017 against the I Plan figure. Whether or not this shortfall is a result of economic conditions rather than any shortfall in available land, it indicates that housing need is not being met, and therefore I consider that a buffer of 20% should be applied to the calculation of the supply in accordance with the provisions of the NPPF.

101. The issue as to whether the five year housing land provision should be made in accordance with the Sedgefield or Liverpool approach was discussed at the first round of hearings. The development industry favoured the Sedgefield approach, and I asked the Councils to test their provision against this approach in the additional work which they undertook following the first round of hearings.
102. If the shortfall is to be met within the first five years from the base year of April 2017 (Sedgefield approach) with a 20% buffer, a supply of some 7,200 dwellings would be required, with an annualised delivery rate of about 1440 dwellings. If the Liverpool approach is adopted with a 20% buffer, a supply of some 5,900 dwellings is required, with an annualised delivery rate of about 1180 dwellings.
103. The calculation of the five year housing land supply is comprised of the following components:
- Allocations proposed in the NDTLP
 - Non-strategic housing sites
 - Large site housing commitments
 - Small site housing commitments
 - Windfall development (starting in year 4)
104. In their revised calculation of the availability and deliverability of the proposed allocations and of the large site housing commitments, the Councils have sought to establish on going engagement with those developers, agents and landowners who are directly involved with the promotion of each of the residential site allocations. Evidence has been gathered of likely lead in times for the commencement of development on each site, together with the potential development rates up to the completion of the development of the site.
105. In my assessment of the deliverability of the components which make up the Councils' five year housing land supply, I have had regard to the judgement of the Court of Appeal in the case of *St Modwen Developments Ltd v SSCLG, East Riding of Yorkshire Council and Anor* [2017] EWCA Civ 1643. In particular that judgement draws attention to the policies in paragraphs 47 and 49 of the NPPF which refer to a supply of sites which can be regarded as "deliverable". The judgement states that "The fact that a particular site is capable of being delivered within five years does not mean that it necessarily will be."
106. Furthermore, in relation to the policy relating to the housing trajectory in paragraph 47, that is expected to illustrate "the expected rate of housing delivery". There can be no certainty that the sites in the trajectory will be delivered, in view of the influence of the housing market on the way in

which new housing is brought forward. My attention is therefore directed to the test of whether the sites put forward by the Councils are capable of being delivered within the timescales put forward in the trajectory.

Allocated sites

107. As a result of the detailed scrutiny which the Councils have carried out of the allocated sites, and discussions between developers and the Councils before and during the second round of hearings, there were just 12 allocated sites for which delivery rates towards the five year housing supply were in dispute. Having heard and considered the evidence in relation to these sites, and at the Councils' request, I provided guidance as to the level of provision which in my judgement would have a realistic prospect of being delivered on those 12 sites within the five years from April 2017 (2HS14).

108. The Councils have consulted fully with the development interests on all of the allocated sites, and I endorse the figures for those sites on which there is no disagreement. With regard to the 12 disputed sites, in some cases I consider that the level of the contribution expected from the sites is over optimistic. In my guidance note I reduced the level of housing which is likely to be deliverable in respect of 9 of the disputed sites and endorsed the contributions assessed by the Councils for BID03, HOL03 and ILF01 for the following reasons:

BAR01: The site is allocated for 950 dwellings of which the Councils expect 99 dwellings to be delivered in the 5 year period. The Councils' figure is endorsed by the main developer. However, it is not clear if the main developer is entitled to speak on behalf of the second development interest. The main developer is expecting to submit a planning application in spring 2018.

An outline planning application for 149 dwellings by the second development interest is awaiting the completion of a s106 agreement. Once this is agreed, a reserved matters application is required together with the discharge of any pre-commencement conditions before construction could commence. I understand that the site would also need to be marketed to a housebuilder.

Since the main developer of the site had not yet commenced the planning process at the time of the second hearings, and having regard to the position in relation to the second development interest, I consider it unlikely that the delivery of 49 dwellings in 2020/21 as put forward by the main developer would be achieved. A delivery of some 30 dwellings in 2020/21 followed by an uplift to 50 dwellings in 2021/22 would be a reasonable expectation.

BAR06: The site is allocated for 105 dwellings which the Councils expect to be delivered within the 5 year period. The site had been under option to Taylor Wimpey but has now been acquired by the Homes and Communities Agency (HCA) (now Homes England). The site is subject to complicated ground conditions but the HCA intends to use the accelerated delivery mechanisms outlined in the Housing White Paper to facilitate the development of the land by a housebuilder. The site will therefore require to be marketed.

There is a full planning application with a resolution to approve subject to a s106 agreement which has not yet been signed. The layout and design is for

a Taylor Wimpey scheme, and a different housebuilder may wish to change the scheme through the submission of a second planning application. Thus although a publically funded body is now supporting the delivery of the site, I consider it optimistic to assume that the site would deliver the whole 105 dwellings by March 2022. Having regard to the involvement of the HCA, I consider that a contribution to the trajectory in 2020/21 of 20 dwellings followed by 30 for 2021/22 is reasonable.

BID01: This site is allocated for 999 dwellings and the Councils expect it to contribute 170 dwellings to the 5 year supply. The site is in the control of two developers. The developer of Atlantic Park has confirmed delivery of 100 dwellings within the 5 year period. Although detailed planning permission is not yet in place, the completions are within the developer's 2018 company budget and with a determination by the developer to achieve the completions, they are more likely to take place.

There are issues relating to the costs to be ascribed to a school which are preventing the completion of the s106 agreement relating to the most significant area of the allocation. The developer of this larger part of the site has indicated that it is unable to guarantee delivery of the site within the early years following adoption of the Plan. However, the developer is progressing the reserved matters application and the Councils confirm that the school funding issue is near to resolution. In these circumstances I consider it is reasonable to expect a further 50 dwellings to be delivered from the larger part of the site within the five year period. This would secure some 150 dwellings in the 5 year supply.

BID03: The site is allocated for 306 dwellings of which the Councils expect 85 to be delivered within five years. Construction has started on the first part of the site and the development interests have confirmed that the 85 dwellings are expected to be achieved. I consider that there is a reasonable prospect of this level of delivery being achieved.

BID09: The site is allocated for 700 dwellings of which the Councils expect 200 to be delivered in the five year period. The developer in control of the site has indicated that the Councils' trajectory provides a reasonable representation of the anticipated delivery programme for the site. The site has a resolution to grant outline permission for the first 550 dwellings but with no detailed permission in place I consider the completion of 40 dwellings in 2019/20 to be optimistic. A reduction in the contribution to the 5 year supply to 160 dwellings is more likely, with 20 in 2019/20 rising to 60 then 80 in the subsequent years.

GTT01: The site is allocated for 186 dwellings of which the Councils expect 130 to be delivered in the 5 year period. The site has planning permission for 149 dwellings of which 99 are flats and is being marketed. I note the concerns that there is no market for flats, but it would be open to a developer to alter the scheme. To allow for such changes, it would be reasonable to reduce the expected delivery in the 5 year period to 80 dwellings, with 10 in 2019/20, 30 in 2020/21 and 40 in 2021/22.

HOL03: The site is allocated for 139 dwellings of which the Councils expect 57 to be delivered in the 5 year period. The controlling interest in the site has endorsed the Councils figure, and I consider that there is a reasonable prospect of it being achieved on a site of this more modest scale.

ILF01: The site is allocated in two parts for a total of 875 dwellings and the Councils expect delivery of 100 in the 5 year period. It has been recently

acquired by a development interest. Progress is being made on reserved matters and the discharge of pre-commencement conditions and the Councils' figures have the support of the site owner. I consider the Councils' figure to be reasonable.

NOR01: The site is allocated for 500 dwellings and the Councils expect the delivery of 225 units in the five year period. Support for the Councils' position has been provided by the controlling interest in the site. However, there is a resolution to grant outline permission but no reserved matters application. In these circumstances I consider that it is optimistic to expect delivery of 50 dwellings within the next 2 years on a scheme of this size. Delivery of 175 units on this site would be more realistic, with 25 in 2019/20 followed by 75 for the remaining two years of the five year period.

NOR04: The site is allocated for 125 dwellings of which the Councils expect 65 to be delivered in the five year period. The agent for the landowners expects the first delivery of dwellings to be achieved in 2019/20. However I consider this optimistic in the absence of a planning permission on this site. Delivery should be set back one year to allow for the planning process to take place. The site would then be likely to contribute 35 dwellings to the 5 year supply.

NOR07: The site is allocated for 129 dwellings of which the Councils expect 75 to be delivered in the 5 year period. The agent for the land owners expects the site to deliver at a rate of 25 dwellings each year with first delivery in 2019/20. However, there have been disputes between landowners on this site and the original developer interest has withdrawn. The Councils indicate that there is a new developer in place but in the absence of any planning application, I consider that delivery in 2019/20 is optimistic. To allow for the planning process to be completed it would be reasonable to expect first completions to take place a year later, with a contribution of 50 dwellings to the 5 year supply.

WIN02: The site is allocated for 55 dwellings which the Councils expect to be delivered within the 5 year period. There has been no planning application for the site, therefore I consider delivery of 30 dwellings in 2019/20 to be optimistic. Delivery should be set back until 2020/21 to allow for the planning process. Having regard to the village location of the site, the delivery of 20 dwellings each year would be more likely with a contribution of 40 dwellings to the 5 year supply.

109. On the basis of the figures for those allocated sites which were agreed (2HS13), and those set out above and in my guidance note, I consider that the sites allocated for development within the NDTLP are capable of delivering some 4235 dwellings in the five year period from April 2017.

Non-strategic housing sites

110. Having regard to the evidence as submitted, a contribution of some 322 dwellings is capable of being delivered from this source.

Large site housing commitments

111. The Councils have carried out a detailed audit of the large site housing commitments (MMD10a). The planning status has been taken into account together with information from the development interest for each site in

order to calculate the likely rate of delivery and hence the contribution to be made to the 5 year supply by each of the sites. Having regard to the detailed scrutiny to which the sites have been subjected, I consider that the Councils' assessment of the potential contribution to housing supply from these sites of some 2,207 dwellings is sound.

Small site housing commitments

112. A lapse rate of 15% has been applied to the small site commitments. Lapse rates from 10 – 20% have been applied elsewhere, and 17% has been suggested for the NDTLP. However, a change of 2% would make little difference (10 units) to the contribution from this source. I consider the Councils' figure for the contribution of 420 dwellings from small sites to be reasonable.

Windfall development

113. To avoid the potential for double counting no contribution from windfall development is included until the last 2 years of the 5 year supply calculation. The assumed rate is derived from an analysis of historic delivery rates achieved across the plan area on small previously developed sites of less than five dwellings. The rate of 90 dwellings per year was exceeded in 2016/17 and does not include garden land. The Councils have included a contribution of 180 dwellings to the five year supply, and I find the approach to be justified.

Conclusions on 5 year supply

114. Taking the figures for each component of five year supply identified above, the final position is as follows [**MM3**]:

Allocations	4,235
Non strategic housing sites	322
Large commitments	2,207
Small commitments	420
Windfall	180
Total supply	7,364

115. On the basis of the Sedgefield approach with a 20% buffer, this position could deliver 5.1 years of housing land supply. If the Liverpool approach with a 20% buffer is adopted, there would be some 6.24 years of housing land supply.

116. I am satisfied that the sites which make up this supply are capable of being delivered within the five year period. However, as noted by the Court of Appeal in the *St Modwen* judgement, the fact that a site is capable of being delivered does not mean that it necessarily will be. That will depend to a large extent on the level of activity within the housing market, and a site may be held back for a number of financial or commercial reasons which are beyond the control of the local authority.

117. On the basis of past housing delivery, the highest rate of delivery which has been achieved was 1032 dwellings at the end of a period of rapid economic growth in 2006/7. In the plan period since 2011, delivery has not exceeded the 812 dwellings completed in 2016/17.
118. Through the examination I have read and heard much discussion and evidence concerning the likely performance of the housebuilding industry in northern Devon. As a result I consider that a recovery in delivery from completions of 812 dwellings in a year to an annualised rate of 1443 dwellings within the five years from April 2017, even with the adoption of the Plan, is not a realistic prospect. I make this finding in spite of the availability of land which may be capable of delivering sufficient dwellings within 5 years to meet the requirement under Sedgefield + 20%.
119. I consider that a requirement for the Councils to maintain a supply of housing to meet the level of development required by the Sedgefield approach with a 20% buffer would be unreasonable. It would put the Councils at immediate risk of being unable to meet their housebuilding targets because of market conditions outside of their control. In the event of this occurring, alternative sites would need to be considered the release of which could undermine the spatial strategy of the NDTLP.
120. Planning Practice Guidance (PPG) states that local planning authorities should aim to deal with any past under-supply within the first 5 years of the plan period *where possible* (my emphasis). In the circumstances in northern Devon, where such an approach would require an unreasonable increase in the rate of housing completions, I consider that the most appropriate approach on adoption of the NDTLP would be for the backlog to be distributed through the remaining plan period in accordance with the Liverpool method [MM3x]. With a buffer of 20% this approach would require an annualised delivery rate of some 1180 dwellings. Even at that reduced level, a significant uplift in delivery is needed to meet the annualised requirement, and close cooperation will be necessary between the Councils and the housebuilding industry to achieve those levels.
121. The Councils have put forward a Plan which seeks to enable economic growth within northern Devon. In the event that this growth takes place and there is a significant uplift in the rates of housebuilding, I am confident that there is land which is capable of being delivered to accommodate such an upsurge in growth. There is no policy reason in the NDTLP which would prevent housing completions from exceeding the annualised requirement and meeting the shortfall at an earlier date if the Liverpool approach is applied.
122. In all these circumstances and in order to provide clarity as to how the five year supply should be assessed in the future, I consider it appropriate to make reference in the NDTLP to the application of the Liverpool method for the lifetime of the Plan. At the time of adoption of the NDTLP it is appropriate to apply a 20% buffer with the Liverpool approach, but this may change over time [MM3x].

Does the Plan make adequate provision for maintaining the five year housing land supply?

123. The NDTLP is a joint local plan with the housing land supply to be provided across both local planning authority areas. There is no disaggregation of the overall housing requirements to each local planning authority. It is the Councils' intention to work in collaboration to monitor and maintain the five year supply, and the need to identify and maintain a five year supply that will apply across the plan area rather than being applicable to either of the individual local planning authorities. The approach is made clear in para 4.19A as modified [**MM3iii**], and accords with the provision made in national planning practice guidance. I am satisfied that the intention to maintain a joint housing land supply does not affect the soundness of the Plan.
124. The submitted Plan states (SUB26 para 7.54) that where monitoring indicates that housing delivery performance is falling below that required to deliver housing to meet the five year supply, the local planning authorities will intervene and facilitate the delivery of appropriate housing development. The scale and nature of the shortfall which would prompt intervention is not defined, nor are the "*appropriate interventions or approaches to facilitate development*". The Plan goes on to refer to the possibility of "*further remedial action*", but there is no clarification of the action which could be taken.
125. In the absence of an indication of the level of shortfall which might trigger action by the Councils, or the nature of the actions which the Councils might take, I requested a Modification to the Plan to set out the detailed mechanism whereby the Councils would respond to any shortfall in housing land supply.
126. The maintenance of the five year housing land supply is the most effective means by which the Council can ensure that decisions on housing development can continue to be made on the basis of the strategy set out in the NDTLP. To help secure this position, the Councils have put forward new Policy ST21 with supporting text [**MM12**]. The policy identifies the triggers which would prompt action to be taken by the Councils to facilitate the maintenance or recovery of a five year housing land supply. It also sets out the mechanisms and intervention measures which are available to the Councils in response to an identified risk to or deficit against the five year supply. New Policy ST21 provides a clear and effective mechanism to ensure that a five year supply of housing land is maintained through the period of the Plan in accordance with paragraph 47 of the NPPF.
127. With the publication of the new NPPF in July 2018, a "Housing Delivery Test" is now in force which will require local planning authorities to take particular steps where delivery has fallen below 95% of the housing requirement over the previous three years. The provisions of Policy ST21 will help to ensure that the requirements of the new NPPF are met.
128. For the five years from 1 April 2017, I am satisfied that the Councils can demonstrate a healthy supply of housing land in accordance with the Liverpool method and a 20% buffer. In terms of the supply at Plan adoption, with 6.24 years of supply at 1 April 2017 I am satisfied that

there would be an adequate five year supply when rolled forward to 1 April 2018.

129. The NPPF requires broad locations for housing development to be identified for years 6-10 and where possible, years 11-15 after adoption. As a result of the work carried out by the Councils in relation to the preparation of the detailed housing trajectory, I am satisfied that this requirement is more than adequately met. Sufficient housing sites are identified which are capable of being delivered in these later periods of the Plan. In addition, the headroom in the number of dwellings which could be accommodated over the requirement for 17,220 dwellings provides for added flexibility and choice in the availability of housing sites.

Is appropriate provision made for affordable housing?

130. I have dealt with the calculation of affordable housing need, and find the approach proposed in the NDTLP, as validated within the HEDNA, to be sound. The provision of affordable housing is secured through Policy ST18 Affordable housing on Development Sites, and Policy ST19 Affordable housing on Exception Sites.

131. The Court of Appeal judgement of 11 May 2016 upheld the WMS of 28 November 2014. This requires that affordable housing contributions should not be sought on sites of 10 units or less, and which have a maximum combined floorspace of no more than 1000 sq ms. In order to secure compliance with the WMS, Policy ST18 and its supporting text is the subject of **MM10**. As a result Policy ST18 accords with the thresholds set out in the WMS.

132. The WMS gives discretion to local planning authorities to adopt a lower threshold of five units or less within rural areas which are designated under section 157 of the Housing Act 1985 which includes National Parks and AONBs. Policy ST18(1)(b) as modified adopts this threshold for areas so designated including the North Devon Coast AONB.

133. Subject to the above thresholds, Policy ST18 seeks the provision of 30% of all dwellings on site to be affordable, with on-site provision required and off-site delivery or financial contributions of broadly equivalent value only considered if on site provision is demonstrably undeliverable. This proportion is based on the assessment of affordable need in the HEDNA (CE21), and has been tested for viability through the studies undertaken of economic viability of housing development (CE23 and 24).

134. The requirement for 30% provision of affordable housing is generally higher than the levels which were achieved in the years from 2011 – 2015 which range between 15% - 34%, giving an average delivery of 26% (CE6 para 3.1). The question therefore arises as to whether it is reasonable to set the level at 30% when this has not yet been achieved in the early part of the plan period.

135. There will inevitably be locations in which housing values are lower, or where there are significant levels of development cost in terms of the provision of infrastructure or site remediation, in which residential

development would not be viable with a provision of 30% affordable housing. However, any reduction in the overall requirement in the Policy is likely to further reduce the overall average that can be achieved across the plan area as a whole. Furthermore, any attempt to address such variations on a site by site basis in the Plan policies would require a disproportionate level of detail.

136. To address variation in housing values or site development costs, there is provision within the Policy for the proportion of affordable housing to be negotiated on the basis of a site specific development viability appraisal. With this provision in place, I consider it appropriate to adopt a Plan wide figure of 30% affordable housing as an aspirational figure for residential development above the relevant Policy thresholds.
137. The tenure mix required in Policy ST18 is 75% social rented and 25% intermediate accommodation. Although a change in the proportions with a higher level of intermediate accommodation might improve viability, the HEDNA (CE21 Table 72) calculates a gross need in the affordable/social rented category of 80%. This split has been tested in the most recent viability assessment (CE24). The Councils consider that social rented housing has been successful and give priority to seeking a high proportion of affordable housing in this category. Nevertheless, the split as proposed is more favourable to intermediate accommodation than that tested in the viability modelling. This positively enhances the viability of development proposals.
138. I am satisfied that Policy ST18 as modified accords with the requirements of Government Policy including the WMS.
139. With the introduction of the threshold required by the WMS, it is the rural settlements, where development is mainly small in scale, that are likely to be affected by a reduction in the proportion of affordable housing delivered by new housing schemes. There is potential for some compensation through Policy ST19 which enables the delivery of affordable housing on exception sites (ie sites which would otherwise not be developed for housing), at the defined Local Centres, Villages and Rural Settlements. An element of market housing may be acceptable to support viability.
140. Subject to the modification to Policy ST18 and supporting text [**MM10**], I find the NDTLP policies which deal with affordable housing are in accordance with Government policy.

Does the Plan make provision for traveller communities?

141. Two policies in the NDTLP relate to the provision of traveller accommodation. Policy ST20 sets out the strategy for the delivery of traveller accommodation, including the level of provision required to meet identified need. Policy DM30 sets out detailed criteria for assessing individual development proposals and allocations for traveller accommodation.
142. The level of provision in Policy ST20 accords with the need identified in the Devon Partnership Gypsy and Traveller Accommodation Assessment 2015

– Final Report (CE36). The strategic policy does not identify the location of suitable sites, but provides at (3) for sites to be allocated through the Plan. The NDTLP does not deal with allocations, but the Councils are preparing a Traveller Site Allocations DPD (HD06) in accordance with the timetable set out in the LDS 2016 (CE31).

143. Policy ST20(4) supports proposals for traveller accommodation in broad terms, whilst Policy DM30 would enable planning permission to be granted for proposed sites in the absence of a site allocations plan. I have had regard to the equality impacts of these policies in accordance with the Public Sector Equality Duty, contained in Section 149 of the Equality Act 2010. This, amongst other matters, sets out the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Policy ST20 has been the subject of a number of iterations by the Councils to ensure that it complies with national policy. As modified, [MM11], I consider that Policy ST20 accords with National policy in "Planning policy for traveller sites", and pays due regard to the aims expressed in S149 of the Equality Act.

Matter 3: Economic development

Does the NDTLP make adequate provision for employment growth?

144. A number of studies have been commissioned by the Councils to consider the potential for economic growth in North Devon and Torridge in order to inform the provision of employment land in the NDTLP. A review of the work which has been carried out is set out in the Economic Strategy and Delivery Topic Paper (CE7). The initial advice focussed on employment land required for B1, B2 and B8 uses, but account was subsequently taken of a full range of economic uses to accord with the NPPF definition of economic development.

145. The NDTLP seeks to find a balance to ensure that the supply of employment land does not constrain future economic performance and regeneration, whilst avoiding an oversupply which could spread investment too thinly. The most up to date review of economic growth in the HEDNA (CE21) recommends an employment land supply of 71-81 hectares over the plan period. The Employment Land Review (CE26) makes recommendations as to the distribution of the allocations between the main settlements based on market analysis, site assessment and demand analysis. It is this review which informs the distribution of employment land in Policy ST08. I consider that the supply and distribution of employment land is based on sound evidence and provides a positive strategy consistent with national policy.

146. Policy ST11 is concerned with the delivery of employment and economic development. The final figure for provision through ST11 is set out in MM4 as a minimum provision of 84.9 hectares. This figure is higher than the range recommended in the HEDNA, and accords with the Plan's strategy to support increased economic growth.

147. In addition to the land allocated for employment uses, ST11(2) allows for a flexible approach to respond to relocation or expansion proposals. The

explanatory text at 5.10 makes it clear that further sites may be released on an exceptional basis to accommodate such proposals. In addition the Policy sets out provisions for the support and encouragement of economic development within the plan area.

148. Whilst the strategy focusses employment land allocations in the main centres, provision is made for the economic development and diversification of the rural economy through Policy ST11(7), and Policies DM12 Employment Development at Towns, Local Centres and Villages, and DM14 Rural Economy. These policies allow for economic development which would accord with the scale and character of the location in which it is proposed.

149. I find that the NDTLP sets out a fully justified, coherent and positive approach to employment growth to support the economic development of the whole of the plan area.

Are the needs of Tourism met in the Plan?

150. As stated in the NDTLP, tourism is an integral part of the economy of northern Devon. An issue for the Plan is the balance between maximising the economic benefits of tourism whilst safeguarding the environmental assets of northern Devon. Policy ST13 seeks to address this by promoting high quality tourism and sustainable tourist development which does not damage the natural or historic assets of the area.

151. Policy DM18 provides the criteria by which the development of tourism accommodation will be assessed. Development within Barnstaple, Bideford, the Main Centres and the Local Centres as identified in Policies ST06 and ST07 is supported. Outside those centres, a more restricted range of new tourism accommodation is supported subject to more detailed criteria designed to protect and enhance environmental and historic assets.

152. Policies ST13 and DM18 establish a positive approach to the provision of tourist facilities whilst securing protection for the attractive characteristics which draw tourists to northern Devon. Whilst it may limit new tourist development such as caravanning and camping on greenfield sites, Policy ST09(3) as modified [MM5ii] provides for such developments in sustainable locations where there would be no harm to the unspoilt character and appearance of the area.

153. I consider that the NDTLP provides an appropriate balance between the development needs of the tourism industry and the need to protect and enhance the environmental and historic assets of northern Devon.

Is there an appropriate Strategy for Town and other Centres?

154. The framework for the development and maintenance of town and community facilities within the town and other centres is provided through Policies ST12, ST22, DM19, DM20 and DM21.

155. Policy ST22 promotes the retention and development of local services and community facilities subject to appropriate criteria, in accordance with national policy.
156. The retail strategy is informed by the 2012 Retail and Leisure Study (CE27a and b). This study projects forward population and potential retail expenditure to cover the plan period and advises on the retail hierarchy. It identifies Barnstaple as the largest population and retail centre in the area, and recommends the concentration of retail provision within the town as the sub-regional centre. Bideford is next in the hierarchy as the strategic centre. The retail strategy which reflects this advice is set out in Policy ST12, with the hierarchy of retail service centres identified in paragraph 5.19A.
157. In addition to assessing the potential capacity of the retail centres for future growth, the 2012 Retail and Leisure Study (CE27a and b) considered town centre boundaries and the availability of potential retail sites. Whilst the NDTLP does not seek to allocate retail land to fulfil the potential identified in the Study, it seeks to address capacity needs through regeneration and redevelopment within the towns. For example, a major mixed retail scheme is identified through Policy BAR11 on the Queen Street/Bear Street site in Barnstaple. Furthermore, the Plan seeks to ensure that the retail function of Bideford is not adversely affected by the concentration of retail growth at Barnstaple.
158. The NDTLP provides the strategic and criteria based policies (Policies ST12, DM19, DM20, DM21) through which retail proposals will be assessed and the strategy delivered. The extent of town centre boundaries and primary shopping areas are defined on the Policies Map. To maintain a concentration of A1 retail uses within the primary shopping areas, Policy DM19 clarifies that the proportion of units in A1 use should be maintained at 60%, in accordance with the findings of the Retail and Leisure Study.
159. A sequential approach to retail site release is applied through Policy DM20. Within the main town centres the average retail unit size is assessed to be less than 250 sq ms. As a result, the threshold for requiring a retail impact assessment to support proposals for additional retail floorspace on the edge of or outside Town and District Centres is set in Policy DM20 at 250sq ms, in accordance with the recommendations of the 2012 Retail and Leisure Study (CE27a and b). I agree that in view of the relatively small scale of existing town centre units, it is appropriate for the NDTLP to set its own threshold at this level instead of the national default standard of 2,500 sq ms identified in the NPPF.
160. Policy DM21 Local and Rural Shops is subject to **MM51** which deletes the restriction of the development of individual shops or small groups of shops above 250 sq ms gross retail floorspace. The policy states at (1)(a) that new retail development must be of a scale and location appropriate to serve the shopping needs of the local community. This provides adequate criteria against which retail development proposals in Local Centres, Villages and Rural Settlements can be assessed on their merits without the imposition of an inflexible size limit.

161. With Policy DM19 and the MM to Policy DM21 I consider that the policies of the NDTLP in respect of town and other centres accord with national policy.

Matter 4: Environment

Do the Plan policies seek to mitigate the impact of climate change in the siting, design and construction of development and achieve inclusive and sustainable design in accordance with national policies?

162. North Devon's Biosphere Reserve is the first UNESCO-designated biosphere reserve in the UK. Its core area is centred on Braunton Burrows and part of the Taw-Torridge estuary. The buffer area includes the remainder of the Taw-Torridge estuary, a large section of the AONB and the transition zone includes the settlements of Barnstaple, Bideford, Northam, Ilfracombe and Okehampton, the latter being outside the plan area.
163. The Biosphere Reserve is managed by the Biosphere Reserve Partnership and the spatial implications for the NDTLP are set out in a technical paper (EB/ENV/17). This identifies 10 key sustainable development principles which would help deliver the spatial implications of the Biosphere Reserve and its strategic aims. An assessment of the delivery of these key principles by the policies of the NDTLP is set out in "Biosphere Reserve Key Principles" (EB/ENV/18), which indicates that the policies of the Plan generally strike the necessary balance between the needs of the communities and conservation of the environment they live in through sustainable residential and economic development.
164. In particular, Policies ST02, ST03, ST04 and ST05 seek to provide for sustainable development in accordance with the principles set out in Policy ST01. Policy ST02 is aspirational, setting out ways in which development is expected to minimise its environmental footprint. Adapting development to climate change and strengthening its resilience is covered in Policy ST03, and Policy ST04 deals with the quality of development. Development management Policy DM04 sets out the principles of design. Policy ST05 deals with sustainable construction and buildings.
165. Policy ST05 relates to major development proposals and requires the incorporation of sustainable construction standards and techniques. The WMS of 25 March 2015 seeks to streamline the setting of technical standards for new housing. Residential development should comply with national standards and Local Plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. The Policy is subject to modification [**MM1**] in order to ensure that it complies with the WMS.
166. In addition, through **MM1** the reference to "Building for Life 12" is moved from Policy ST05(3) into Policy DM04 since this is a criteria for the assessment of design which should be considered at the beginning of the process. With the proposed MM, Policies ST02, 03, 04 and 05 accord with national policy and objectives and provide for the mitigation of climate change in the siting, design and construction of development.

Does the Plan provide for a balance between the conflicting pressures on the Coastal and Estuarine Zone (CEZ) through Policy ST09?

167. Some 65% of the population of the plan area live within the zone around the Taw-Torridge estuary and in coastal settlements. The unspoilt coastline is a popular tourist attraction and nationally important landscape. It includes the North Devon Coast AONB, and two separate Heritage Coasts covering northern Devon and Lundy Island. Much of the coastline, including Lundy Island and surrounding coastal waters is also designated as Special Areas of Conservation and Sites of Special Scientific Interest (SSSI).
168. Within the Coastal and Estuarine Zone (CEZ), the extent of the developed coast is defined by development boundaries, the edge of rural settlements, Defence Estates land and large previously developed sites such as Ashford and Cornborough Sewage treatment works.
169. Competing land uses which place pressure on the CEZ include tourism and recreation, military uses, fishing and economic development as well as activities associated with operational quays and wharfs. Policy ST09 sets out the strategy which seeks to balance the conflicting pressures on an environmentally sensitive zone by directing development to appropriate sustainable locations.
170. Development sites within the CEZ have been subject to an assessment of their potential impact on the CEZ within both the SHLAA and the SA. Where necessary the development boundary of a settlement has been amended on the Policies Map to include any development site which was considered to be suitable for release without causing harm to the unspoilt characteristics of the CEZ. I am satisfied that the evidence submitted throughout the examination supports the allocation of those sites.
171. Modifications provide for changes to Policy ST09 together with para 4.36 [MM5], and to Policy DM17 [MM50] to provide for consistency and clarity to the forms of development that will be enabled inside and outside of the CEZ. In addition, reference to Seascape Character Assessment is included in DM08A [MM48] in recognition that the character of the seascape is an important element in the CEZ and the Assessment can be used in the consideration of development proposals.
172. With the modifications the NDTLP provides for an appropriate and justified balance between the conflicting pressures on the CEZ within its strategic and development management policies in accordance with national policy.

Does the Plan provide adequate and appropriate protection for the natural and historic environment?

173. Policies ST14 and ST15 are the strategic policies which protect and enhance the natural environment and conserve the historic environment respectively. They are supported in the submitted Plan by development management policies DM07 for the historic environment and DM08 for biodiversity and geodiversity.

174. In response to representations from Natural England set out in the Statement of Common Ground (HS46), the Councils have agreed **MM47** which rewrites Policy DM08 as submitted. In addition new policy DM08A [**MM48**] is added to deal with landscape and seascape character. DM08 as modified identifies the different levels of designation of wildlife/geodiversity sites and sets out the mitigation hierarchy to be applied in development proposals, in accordance with national policy. Policy DM08A is a separate policy to ensure that valued landscapes are protected and enhanced and in particular to address development in or harming the setting of North Devon AONB.
175. With the modification of DM08 and the introduction of DM08A I am satisfied that adequate and appropriate protection is provided for the natural environment in accordance with the NPPF.
176. Through **MM7** the text of Policy ST15 is modified to reflect the weight to be given the desirability of preserving and enhancing the historic environment whilst requiring the conservation of historic assets in accordance with national policy. The relevant development management policy, DM07 is also subject to modification [**MM46**] to make it clear that developers are responsible for the assessment in (1), and that the local planning authorities makes a judgement based on that assessment in (2).
177. With the modifications to the relevant policies I am satisfied that adequate and appropriate protection is provided to the historic environment.

Matter 5 Infrastructure and viability

Does the Plan meet requirements for infrastructure in a positive and sustainable manner?

178. The pattern of development proposed in the NDTLP has been determined alongside the consideration of the availability of and need for infrastructure to support the development. Infrastructure relating to overall population increase is intended to be financed through Community Infrastructure Levy (CIL), whilst s106 obligations will be sought to fund infrastructure to support particular development schemes.
179. An Infrastructure Delivery Plan (IDP) (CE12) identifies what is required to enable the delivery of the NDTLP; and funding will be provided through s106 undertakings, CIL receipts and external funding for strategic items. The impact on the viability of those developments required to fund infrastructure has been assessed, together with the financial implications of the other requirements of the Plan such as design standards, affordable housing provision and highway improvements (CE24).
180. I am satisfied that the Plan provides for infrastructure requirements in a positive and sustainable manner.

Other Matters

Whether the Development Management policies are consistent with national policy

181. I have covered modifications to a number of DM policies under relevant Matters above. In addition to these, some modifications are made to DM24 [MM52]; and DM30 [MM53] to secure clear policy wording consistent with national policy.

Public Sector Equality Duty (PSED)

182. The Councils have carried out an Equality Impact Assessment of the NDTLP, having due regard to the aims of the Equality Act 2010 section 149(1), and the nine relevant protected characteristics for the purposes of section 149(1)(b) and (c). Summary findings of the assessment are set out in the Sustainability Appraisal Report from page 64 (SUB14).

183. Throughout the examination, I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the course of the examination including the provision of specialist housing accommodation for the elderly and the provision of traveller sites to meet need.

Assessment of Legal Compliance

184. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Local Plan has been prepared in accordance with the Councils' LDS [CE31 May 2016].
Statement of Community Involvement (SCI) and relevant regulations	The SCI (CE32 and CE33) was adopted in January 2015 and November 2014. Consultation on the Plan and the MMs has complied with its requirements.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The Habitats Regulations AA Screening Report [January 2013] sets out that the Plan may have some negative impact, and a full assessment has been undertaken in accordance with Article 6(3) of the Habitats Directive. The AA of the submitted Plan (SUB24 March 2015) concludes that the Plan is considered acceptable in terms of its effect on northern Devon's SACs and that the identified effects are unlikely to be significant. Further work was undertaken to assess the potential impacts of the increased levels of housing growth identified following the first hearing sessions and additional growth that could come forward over the plan period. Natural England has been consulted throughout the process and agrees there would be no Likely Significant Effect on site integrity at any SAC in or

	adjoining the plan area.
Climate change	The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
National Policy	The Plan complies with national policy except where indicated and MMs are recommended.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

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

186. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix the North Devon and Torridge Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework 2012. Subject to the application of the recommended Main Modifications, the Councils can therefore take the Plan forward for adoption.

Wendy Burden

Inspector

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