

**Dartmoor Local Plan 2018-2036 (the Local Plan/the Plan)  
Examination  
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**Inspector Note 7**

**Hearing agendas**

I sent out my matters, issues and questions for examination some time ago (Inspector Note 3 dated 12 January 2021). In light of the responses received, I have produced agendas for each hearing session. Each hearing session will only cover issues about which I require further information, having read all written submissions. I expect to go round the table once on each item. Rebuttals of others' contributions are not encouraged and I will act to prevent the repetition of points made by previous speakers. However, I may myself seek further comment in the interests of clarification, or where there is a matter that I need to pursue further.

*R Barrett*  
INSPECTOR

24 February 2021

**10:00am Tuesday 2 March 2021 (Day 1)**

**Opening and Matter 1: Legal and procedural matters**

**Agenda**

*Inspector's opening announcements*

*Opening statement from DNPA*

**Matter 1 – Procedural/legal requirements**

Whether the Authority has complied with the relevant procedural and legal requirements.

*Issue 1 Duty to Cooperate*

- Q1. What strategic, cross-boundary matters have arisen through the preparation of the Local Plan and what cooperation took place to resolve them? (defined as matters having a significant effect on at least two planning areas)<sup>1</sup>
- Q2. In overall terms, has the Duty to Cooperate under sections 22(5)(c) and 33A of the Planning and Compulsory Purchase Act 2004 (2004 Act) and Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012) (2012 Regulations) been complied with, having regard to advice contained in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (the PPG)?

*Issue 3 Sustainability Appraisal (SA)<sup>2</sup>*

- Q1. Does the SA test the Plan against reasonable alternatives where these exist, such as different options for housing, employment and minerals and waste (in respect of policies and proposals in the Plan)?
- Q2. How has the SA informed the development of the Plan, including the choice of indicative housing delivery figure and any mitigation measures?
- Q3. In overall terms does the Plan meet the legal requirements of Section 19(5) of the 2004 Act and accord with NPPF paragraph 32 and the PPG in this regard?

*Issue 4 Habitats Regulations*

- Q1. Have the requirements of the Habitats and Species Regulations 2010 been complied with, having regard to relevant national policy and guidance?

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<sup>1</sup> S33A(4) Planning & Compulsory Purchase Act 2004

<sup>2</sup> SD04-13

*Issue 5 Other Matters*

- Q1. Does the Plan include policies in relation to climate change so as to meet the requirements of Section 19(1), (1A) & (3) of the 2004 Act?
- Q2. Does the Local Plan appropriately set out the relationship of the two National Park purposes to the statutory duty?

*Inspector's closing remarks*

**2:00pm Tuesday 2 March 2021 (Day 1)**

**Matter 2: Vision, spatial strategy and planning applications**

**Agenda**

*Inspector's opening announcements*

**Matter 2 – Vision, spatial strategy and planning applications**

Whether the Vision and strategic policies and other policies 1.1(2) to 1.9(2) are positively prepared, justified, effective and consistent with national policy.

*Issue 1 The Vision and other matters*

- Q1. Is the Vision for Dartmoor National Park (as set out on pages 17 and 18 of the Plan) consistent with the priorities in the English National Parks and the Broads Circular 2010? Would the strategic policies in the Plan, when read as a whole, deliver that Vision?
- Q2. What is the justification for the Plan period of 2018 to 2036? If the Plan were to be adopted after April 2021 would a modification be required in this regard?

*Issue 2 and 3 Strategic Policy (SP) 1.2(2) Sustainable development and SP 1.3(2) Presumption in favour of sustainable development*

- Q1. In their current form would these policies, when read together, accord with the PPG and NPPF paragraph 16(f)? Would they have a clear purpose and avoid unnecessary duplication of policies in the NPPF?

*Issue 4 SPs 1.4(2) Spatial strategy, 3.3(2) Housing in Local Centres, 3.4(2) Housing in Rural Settlements and 3.5(2) Housing in Villages and Hamlets, 5.1(2) Non-residential businesses and tourism, 5.2(2) Town Centres, 5.3(2) Shops and other activities*

- Q1. What methodology was employed to assess settlements for inclusion in the settlement hierarchy? What factors were taken into account and is the approach justified?
- Q2. What methodology was employed to indicate the anticipated level of development for each tier of the settlement hierarchy? What factors were taken into account and is this robustly based? Should a figure be included for the other settlement tiers? In the absence of an apportionment figure for each settlement would the Plan adequately meet identified need for example within West Devon and South Hams?
- Q3. What is the Authority's strategy for economic growth?

*Issue 5 SP 1.5(2) Major development*

- Q1. Would the Plan's definition of 'Major Development' accord with NPPF footnote 55, which indicates that it is a matter for the decision maker, taking account of the nature, scale and setting and whether it could have a significant adverse impact on the special qualities of the National Park?
- Q2. How is it intended to be implemented in relation to specific development proposals and how would it relate to other policies in the Plan and site allocations?
- Q3. Would the wording of criteria a) in referring to a national need accord with NPPF paragraph 172?

*Issue 6 SP 1.6(2) Design*

- Q1. To ensure soundness, should the design principles set out in paragraph 1.6.5 of the supporting text be included within policy? In referring to the Dartmoor National Park Design Guide would the policy be justified and effective?

*Issue 7 SP 1.7(2) Sustainable construction*

- Q1. In focussing on a reduction in energy use and carbon emissions, would the policy be justified by the evidence? Would the 'fabric first' approach strike the right balance between minimising energy usage and promoting renewable energy?
- Q2. In setting energy performance standards that exceed the Building Regulations, would the policy be justified by the evidence, consistent with national policy and accord with the emerging Future Home Standard?

*Inspector's closing remarks*

**9:30am Wednesday 3 March 2021 (Day 2)**

**Matter 4: Housing need and supply**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to housing.

*Issue 1 SP 3.1(2) Meeting housing need*

*Housing needs*

- Q1. The PPG indicates that the standard methodology is not to be used to assess local housing need in National Parks and that the housing need figure should be identified using a locally determined method, using best available information on changes in households and local affordability levels. In this context was the methodology used to identify a housing need figure locally appropriate and justified by the evidence? Does that figure provide the basis for a positively prepared Plan?
- Q2. Are the assumptions made in relation to migration, household formation and vacancy rates reasonable and justified by the evidence?
- Q3. How have the Plymouth and Exeter Housing Market Area SHMAs been taken into account in arriving at that figure?

*Issue 2 Housing requirement/delivery*

- Q1. Is the indicative housing delivery figure of 1,125 dwellings over the Plan period (65 dwellings a year) justified by the evidence? Would it strike the right balance between addressing the socio-economic issues that the National Park faces, meeting identified local housing need and conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park? Would it help to meet the Plan's Strategy and Vision?
- Q2. Would the Plan's approach to include an indicative housing delivery figure SP3.1(2), rather than a housing requirement, be justified by the evidence?
- Q3. In light of proposed site allocations, is the lack of a housing trajectory justified?
- Q4. Would the housing strategy proposed provide for a five year housing land supply on adoption and maintained?

- Q5. Does the Plan sufficiently promote the use of previously developed land in accordance with NPPF paragraph 118? Should the provisions set out in paragraph 3.1.13 be set within policy?

*Issue 3 Affordable Housing*

- Q1. Would the policies generally provide effective wording that encourages and enables delivery of affordable housing, without placing unnecessary restrictions that would frustrate delivery?

*Inspector's closing remarks*

**2:00pm Wednesday 3 March 2021 (Day 2)**

**Matter 4: Housing policies**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to housing.

*Issue 4 SP 3.2(2) Size and accessibility*

- Q1. Would the requirement for all new housing, (including affordable housing and custom and self-build housing) to meet and not significantly exceed the nationally described technical standards be justified by the evidence? Would such a requirement accord with NPPF paragraph 127 and footnote 46 and the PPG which sets out the range of evidence required to justify such an approach?
- Q2. Would the application of Building Regulations M4(2) for accessible and adaptable dwellings and M4(3) be justified by the evidence?

*Issue 5 Policy 3.6(2) Custom and self-build housing*

- Q1. Would this policy provide the necessary flexibility to ensure that demand for self and custom build housing in the area is met in accordance with the provisions of the Housing and Planning Act 2016?
- Q2. Is the size restriction set out in 3.6(2)2a justified by the evidence? Would it be unduly restrictive in light of the need for an occupant to actively determine design?

*Issue 6 and 7 Policies 3.7(2) Residential alterations, extensions and outbuildings and 3.8(2) Replacement homes; Policies 3.9(2) Rural workers' housing and 3.10(2) Residential annexes to support farming*

- Q1. NPPF paragraph 53 and PPG, together advise that planning conditions should not be used to restrict national Permitted Development (PD) rights, unless there is clear justification to do so and that conditions restricting the future exercise of PD rights may not pass the test of reasonableness or necessity<sup>3</sup>. In light of this, would each policy reflect the 'exceptional circumstances' required to justify such an approach?

*Issue 8 Policy 3.11(2) Gypsy and traveller accommodation*

- Q1. In the absence of any allocations to deliver gypsy and traveller accommodation, would the Plan be likely to meet the need identified in

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<sup>3</sup> 1 PPG ID 21a-017-20190723



the most recent Gypsy and Traveller Accommodation Assessment for Devon (2015)? Is the approach to include a criteria based policy to meet that need based on robust evidence?

- Q2. Would the requirement for the need for the development to be demonstrated through a Gypsy and Traveller Accommodation Assessment be reasonable, and would the policy be effective, given the timing for production of such assessments?

*Issue 9 Policy 3.12(2) Low impact residential development*

- Q1. Would the requirements for this type of development be reasonable and proportionate? Would the policy strike the right balance between enabling low impact residential development and conserving the natural beauty, wildlife and cultural heritage of the National Park?

*Inspector's closing remarks*

**9:30am Friday 5 March 2021 (Day 3)**

**Matter 3: The environment**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to protecting the quality of the National Park's environment.

*Issue 2 SP 2.2(2) Biodiversity and geodiversity and SP 2.3(2) Biodiversity net gain*

- Q1. Would Strategic policy 2.2(2) and its supporting text provide adequate protection for ancient trees and accord with NPPF paragraph 175 (c), in this respect?
- Q2. Overall, are modifications to that policy and supporting text required, for soundness, to ensure it is effective, being clear as to how a decision maker should react to it, that it appropriately reflects the requirement to conserve and enhance biodiversity and geodiversity and the tests and mitigation hierarchy in relation to designated and protected sites? Would it be consistent with national policy in these respects?
- Q3. Would SP 2.3(2), in not requiring all development to deliver net gain regardless of impact on biodiversity, be consistent with national policy? Should the scope of the policy be extended to undesignated habitats to ensure soundness?
- Q4. Overall, would these policies, together, provide adequate protection for biodiversity and geodiversity, be effective and consistent with national policy? Would they, together, provide adequate protection for the South Hams SAC?

*Issue 4 SP 2.5(2) Tranquillity and dark night skies*

- Q1. Would the Plan provide an effective framework to protect Dartmoor's landscape and historic character, visual amenity and biodiversity from the impacts of light pollution and to maintain Dartmoor's dark skies?

*Issue 5 SP 2.6(2), 2.7(2) and policy 2.8(2) heritage assets*

- Q1. Does para 2.6.17 reflect the heritage balance in relation to designated heritage assets set out in NPPF paragraphs 195-196?
- Q2. Are modifications to policy SP 2.6(2) and policy 2.8(2), and their supporting text necessary to adequately reflect national policy in relation to the historic environment and ensure soundness?

- Q3. SP 2.7(2)5 refers to removing permitted development (PD) rights. In light of NPPF paragraph 53 and the PPG<sup>4</sup>, would this approach accord with national policy?
- Q4. Would policy 2.8(2)1a be consistent with NPPF paragraph 202, in referring to 'departing from the development plan' rather than planning policies? Would it be clear and unambiguous?

*Issue 6 Policy 2.9(2) Water environment and flood risk*

- Q1. Would the policy be consistent with national policy in respect of the sequential and exception tests for new development in flood risk areas? Would any modifications be necessary, in the interests of soundness, to ensure that the policy and supporting text are effective and consistent with national policy?

*Inspector's closing remarks*

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<sup>4</sup> PPG ID 21a-017-20190723

**2:00pm Friday 5 March 2021 (Day 3)**

**Matter 6: The economy**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to the local economy.

*Issue 1 Delivery of employment*

- Q1. How has employment need been assessed and has it been undertaken in a robust manner?
- Q2. Has the need for employment been translated into a requirement for floorspace and land? How has this been calculated?
- Q3. Does the Plan provide an appropriate mix of employment uses that is supported by robust evidence?
- Q4. Does the policy framework provide an appropriate and justified approach to the retention of existing land and buildings in employment use?
- Q5. Overall, is the strategy for employment aligned with the Plan's indicative housing delivery figure/ requirement figure?

*Issue 3 SP 5.2(2) Town centres*

- Q1. Is a modification required, to ensure that the Plan is sound, in light of the recent changes to the UCO?

*Issue 4 SP 5.3(2) Shops and other active uses*

- Q1. What modifications are required to this policy to reflect recent changes in the UCO? In light of these, would the policy approach to generally protect shops, financial and professional services, food, drink and drinking establishments be justified and accord with national policy?

*Issue 5 Policy 5.4(2) Tourist accommodation and SP 5.6(2) Camping and touring caravan sites and Policy 5.5(2) Staff accommodation for serviced accommodation businesses*

- Q1. Is a modification required for soundness to reflect the different impacts of camping pods, shepherd huts and other structures compared to camping and caravan touring sites and to control the impacts of unoccupied stored structures? Should the policy support newer forms of non-permanent tourist accommodation?

*Inspector's closing remarks*

**9:30am Tuesday 9 March 2021 (Day 4)**

**Matter 5: Communities, services and infrastructure**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to communities, services and infrastructure.

*Issue 2 SP 4.2(2) Public open space and sports facilities*

- Q1. Does the Open Space, Sport and Recreation Study<sup>5</sup> that supports this policy provide a robust and up to date assessment of the need for open space, sport and recreation facilities and opportunities for new provision, in accordance with NPPF paragraph 96?
- Q2. Does the policy provide a framework that positively encourages participation in recreational activities and the wider community use of community facilities such as school playing fields? If not, should it for soundness purposes?
- Q3. Would the evidence required to identify existing shortfalls in open space and sports facilities provide a robust evidence base for assessing any provision required through new development, including in relation to playing pitches?

*Issue 3 Policies 4.3(2) Sustainable transport, 4.4(2) Parking standards, 4.5(2) Electric vehicle charging points and 4.6(2) Public car parks*

- Q1. In setting the requirements for new development, should the Plan actively encourage rail reinstatement? Would the approach taken in the Plan meet the requirements of NPPF paragraph 102-104?
- Q2. What factors were taken into account in setting the car parking standards? Would the use of a minimum parking standard be justified in light of the need to promote sustainable forms of transport? Is there clear and compelling justification for a maximum standard for non-residential development and overall, would the car parking standards accord with NPPF paragraphs 105-106? Is a modification required, to ensure that Policy 4.3(2) is sound, in light of the recent changes to the Use Classes Order (UCO)?

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<sup>5</sup> SD141

- Q3. Would the requirement for electric vehicle charging points (EVCPs) be justified by the evidence, particularly the requirements for new dwelling communal parking, non-residential commercial development and the focus on off-street provision only? Would any grid upgrade be required and has it been viability tested? In setting policies and targets outside the Building Regulations, would this policy accord with national policy and be justified?
- Q4. Would these policies, when taken together, provide a justified and effective approach to transport and associated infrastructure matters?

*Inspector's closing remarks*

**2:00pm Tuesday 9 March 2021 (Day 4)**

**Matter 7: Minerals and waste**

**Agenda**

*Inspector's opening announcements*

Whether the Local Plan has been positively prepared and whether it is justified effective and consistent with national policy in relation to its approach to minerals and waste.

*Issue 1 SP 6.1(1) New or extended minerals operations*

- Q1. Is the approach to maximising the use of recycled materials and secondary aggregates consistent with NPPF paragraph 204b?
- Q2. In referring to large scale minerals development and applying criteria for large and small scale minerals development, would the policy and supporting text at paragraph 6.1.4 be consistent with national policy, with regard to 'Major Development' referred to in NPPF paragraph 172?

*Issue 4 SP 6.6(2) Renewable energy development*

- Q1. Would this policy strike the right balance between promoting renewable energy and protecting the natural beauty, wildlife and cultural heritage of the National Park? Would it be consistent with NPPF paragraph 151 and the 'Major Development' tests in NPPF paragraph 172?

*Inspector's closing remarks*

**9:30am Wednesday 10 March 2021 (Day 5)**

**Matter 8: Settlement boundaries and Matter 10: Special policy areas**

### **Agenda**

#### *Inspector's opening announcements*

Whether the approach to the proposed settlement boundaries is justified, effective and consistent with national policy.

#### *Issue 1 Methodology and application*

- Q1. Are the proposed settlement boundaries appropriate and justified?
- Q2. What methodology was employed to identify them?
- Q3. As the proposed site allocation at Mary Tavy sits adjacent to the settlement boundary, should the settlement boundary be adjusted to include it?
- Q4. What is the justification for the inclusion of a part of the South Hams SAC within the Buckfast settlement boundary?

Whether the proposed Special Policy Areas are justified, effective and consistent with national policy.

#### *Issue 1 General matters*

- Q1. What is the justification for the Special Policy Area set out in Policy 7.20(2)? Is a modification required, for soundness, to ensure the policy is effective in protecting the historic residential core?

#### *Inspector's closing remarks*



**2:00pm Wednesday 10 March 2021 (Day 5)**

**Matter 9: Site allocations**

**Agenda**

*Inspector's opening announcements*

Whether the proposed housing, employment and mixed-use site allocations are justified, effective and consistent with national policy

*Issue 1 Methodology and application*

- Q1. How have the proposed allocations been identified?
- Q2. How were the site boundaries, areas and dwelling/ other capacities determined? Are the assumptions justified and based on available evidence?
- Q3. How would the proposed allocations provide flexibility in the event that some sites do not come forward?
- Q4. Are they appropriate and justified in light of potential constraints, infrastructure requirements and adverse impacts? Are the sites viable and deliverable?
- Q5. What is the justification for specific policy requirements?

The above matters will be explored with particular reference to the following settlements and proposals:

*Proposal 7.6 (2) Land at Holne Road, Buckfastleigh*

- Q1. In light of a recently refused planning application (0452/18) on this site, would a modification be required to ensure that local housing need is met?

*Proposal 7.7(2) Lamb Park, Chagford*

- Q1. What is the justification for custom and self-build housing/community led housing?

*Proposal 7.11(2) Forder Farm, Moretonhampstead*

- Q1. What is the justification for the indicative dwelling capacity on this site, in light of an extant planning permission for 30 dwellings?

*Proposals 7.14(2)(a) and 7.15(2)(b) Palstone Lane(a) and (b), South Brent*

- Q1. In light of identified highway constraints would these sites be likely to be developed within the Plan period?

*Proposal 7.19(2) Binkham Hill, Yelverton*

- Q1. Would modifications be necessary to ensure requirements for highway and cycle way improvements are effective? Would development of this site give rise to any other infrastructure requirements?

*Inspector's closing remarks*

**9:30am Friday 12 March 2021 (Day 6)**

**Matter 11: Viability and monitoring**

**Agenda**

*Inspector's opening announcements*

Whether the Plan would be viable and deliverable within the Plan period and whether the arrangements for monitoring would be robust and effective.

*Issue 2 Monitoring*

- Q1. Are the monitoring indicators specific and measurable?
- Q2. Are appropriate mechanisms and timescales in place to undertake the required monitoring of the implementation and effectiveness of the Plan and to report on the full breadth of indicators within an Annual Monitoring Report?
- Q3. Do the monitoring indicators on housing allow delivery against annual targets and in terms of five-year supply to be effectively reported?

*DNPA closing remarks*

*Inspector's closing remarks*