

# **Report to Dartmoor National Park Authority**

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an Inspector appointed by the Secretary of State

Date: 1 November 2021

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

## **Report on the Examination of the Dartmoor Local Plan 2018-2036**

The Plan was submitted for Examination on 21 September 2020

The Examination hearings were held between 2 and 12 March 2021

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## Abbreviations used in this report

AMR	Authority Monitoring Report
AM	Additional Modification
HMA	Housing Market Area
HRA	Habitats Regulations Assessment
Management Plan	National Park Management Plan
NPPF	National Planning Policy Framework
ONS	Office of National Statistics
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
the Authority	Dartmoor National Park Authority
the National Parks Circular	English National Parks and the Broads: UK government vision and circular 2010
the Local Plan/the Plan	Dartmoor Local Plan 2018-2036
the National Park	Dartmoor National Park
the 1949 Act	National Parks and Access to the Countryside Act 1949

## Non-Technical Summary

This report concludes that the Dartmoor Local Plan 2018-2036 (the Local Plan/the Plan) provides an appropriate basis for the planning of the Dartmoor National Park (the National Park), provided that a number of main modifications (MMs) are made to it. The Dartmoor National Park Authority (the Authority) has specifically requested that I recommend any MMs necessary to enable the Local Plan to be adopted.

Following the hearings, the Authority prepared schedules of the proposed modifications and carried out Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a six week period. 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 the SA addendum modifications consultation [ED51], together with all the representations made in response to consultation on them.

The MMs, included in the appendix to this report, can be summarised as follows:

- MM to correctly reference the Duty as it appears in the 1995 Environment Act (section 1.1)
- A number of MMs to provide more certainty for delivery of the identified housing need (Strategic Policy (SP)1.4, 3.1, and consequential amendments to other policies)
- MM to ensure that the definition of major development accords with national policy (SP1.5), along with a number of consequential MMs, particularly in relation to minerals (SP6.1, policy 6.6) waste and energy development
- A number of MMs to ensure that the Plan's approach to the historic environment reflects the statutory tests and national policy (SP2.6, 2.7 and policy 2.8)
- MMs to ensure the Plan's approach to biodiversity and net gain accords with national policy (SP2.2 and 2.3)
- A number of MMs to ensure the Plan's approach to town centre and retail development accords with national policy (SP5.2 and 5.3)
- A number of MMs to reflect recent changes to the Use Classes Order (SP4.4, 5.2 and 5.3)
- Deletion of proposal 7.6 (Holne Road), due to delivery concerns, and inclusion of a replacement (Timbers Road) to help meet identified housing need
- A number of other MMs to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Local Plan's preparation has complied with the duty to co-operate. It then considers whether the Local Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2019 (NPPF) paragraph 35 makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the Examination is the assumption that the Authority has submitted what it considers to be a sound plan. The Dartmoor Local Plan 2018-2036 [SD01] submitted in September 2020 is the basis for my Examination. It is the same document as was published for consultation in September to November 2019.

## Main Modifications [MMs]

3. In accordance with section 20(7C) of the 2004 Act the Authority requested that I should recommend any MMs necessary to rectify matters that make the Local Plan unsound and not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the Appendix.
4. Following the Examination hearings, the Authority prepared a schedule of proposed MMs and assessed the implications for the findings of the SA and HRA and carried out relevant assessments. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report. In this light, post MM consultation, I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the MMs as published for consultation or undermines the participatory processes and SA/HRA that has been undertaken. Where necessary I have highlighted these amendments in the report.

## Policies Map

5. The Authority must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for Examination, the Authority is required to provide a submission policies map showing the

changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the plan identified as Dartmoor Local Plan 2018-2036: Final draft policies map [SD03].

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.
7. These further changes to the policies map were published for consultation alongside the MMs [Updated policies map modification consultation ED49].
8. When the Local Plan is adopted, in order to comply with the legislation and give effect to the Local Plan's policies, the Authority will need to update the adopted policies map to include the changes proposed in the appendix to this report.

## **Context of the Plan**

9. The Dartmoor National Park was designated in 1951. It covers some 953km<sup>2</sup> (368 square miles) of upland area, with dramatic landscape, distinctive geology and flora and fauna which is of international conservation importance. Its Special Qualities distinguish the Dartmoor National Park from other National Parks and from other parts of the country. It has a population of approximately 34,000, a broad network of small towns and villages, spans four local authority boundaries and is split between two Strategic Housing Market Areas (HMAs) linked to the cities of Plymouth and Exeter.
10. The two statutory purposes, set out in the 1949 National Parks and Access to the Countryside Act 1949 (the 1949 Act), are to conserve and enhance the natural beauty, wildlife, and cultural heritage and to promote opportunities for the understanding and enjoyment of the National Park's Special Qualities by the public. In carrying out the two purposes, there is a duty to seek to foster the economic and social well-being of local communities (the 'socio-economic duty'). Where National Park purposes appear to be in conflict, the 'Sandford Principle'<sup>1</sup> states that greater weight must be attached to the first purpose of conserving and enhancing the area's natural beauty, wildlife, and cultural heritage.

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<sup>1</sup> Environment Act 1995 s62(1)(2)

11. The importance of the National Park for biodiversity is reflected in a number of international and national designations, including three Special Areas of Conservation (SAC), numerous Sites of Special Scientific Interest together with local designations such as Local Wildlife Sites. The National Park also includes numerous heritage assets.
12. The National Park boundary includes areas under the administration of West Devon Borough Council, and South Hams, Teignbridge, and Mid Devon District Councils along with Devon County Council. Section 11A (2) of the 1949 Act<sup>2</sup> requires all relevant authorities to take National Park purposes into account when they make decisions or carry out activities which might affect the National Park.
13. The Local Plan is proposed to replace the Dartmoor National Park Authority Local Development Framework Core Strategy Development Plan Document 2006-2026 (June 2008), Dartmoor National Park Authority Development Management and Delivery Development Plan Document Adopted Version July 2013 and Part 4 Minerals Local Plan: Update to Dartmoor National Park Minerals Local Plan (October 2004). The new Local Plan, alongside any 'made' Neighbourhood Development Plans, will constitute the full development plan for the Dartmoor National Park.

## **Public Sector Equality Duty**

14. 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 Examination including, the provision of housing, including affordable housing, accessible and adaptable housing and gypsy and traveller accommodation to meet local identified need. It also includes consideration of matters such as the communal value of heritage, protection of community services, facilities and employment space, encouragement of sustainable forms of transport and accessibility of new homes, high quality communications and the sustainable management of minerals, waste and energy.

## **Assessment of Duty to Co-operate**

15. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
16. The Authority has a constructive and active working relationship with its constituent District Councils and Devon County Council on a range of strategic matters. The key cross boundary strategic matters requiring co-operation of particular relevance to the Local Plan are set out in the

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<sup>2</sup> As amended by section 62 of the Environment Act 1995

Duty to Cooperate Statement of Common Ground (SoCG) [SD93]. That outlines the key issues of particular importance to the National Park for each signatory. Those include the conservation and enhancement of the National Park's natural beauty, cultural heritage, and biodiversity; meeting the need for new housing, including gypsy and traveller accommodation; employment; the approach to settlements that cross National Park boundaries; transport; telecommunications; tourism and recreation; minerals and waste; green infrastructure; energy conservation; renewable energy; low carbon development and community services and infrastructure provision, in particular, education, flood risk management and health.

17. The two relevant HMAs are the Plymouth and South West Devon HMA, which includes West Devon and South Hams Districts within the National Park and the Greater Exeter HMA, which includes Teignbridge District and a small part of Mid Devon District. The Authority has engaged with each Council to establish the housing need in the National Park and to accommodate the needs arising from the National Park, the soundness of which is assessed elsewhere in this report.
18. Overall, the Authority has demonstrated constructive, active, and ongoing engagement with the constituent District Councils, Devon County Council, and other prescribed bodies on relevant strategic matters during the preparation of the Plan. This includes matters relating to sustainable and rail transport. The issues raised have been resolved satisfactorily and there are no outstanding concerns from those local authorities and organisations. I am therefore satisfied that where necessary the Authority has engaged actively, constructively 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 Other Aspects of Legal Compliance**

19. The Plan has been prepared in accordance with the Authority's Local Development Scheme 2018 [SD45]. Consultation on the Plan and the MMs was carried out in compliance with the Authority's Statement of Community Involvement 2018 [SD50].
20. The Authority carried out an SA of the Local Plan, prepared a report of the findings of the appraisal, and published the report along with the Local Plan and other submission documents under regulation 19 [SD05-SD12]. To address concerns raised as part of that consultation regarding testing of reasonable alternatives an addendum appraisal report [SD13] was carried out. In this regard, the SA tested reasonable alternative spatial distribution strategies based on the scale and size of settlements. In addition, it investigated three growth scenarios. Only the preferred growth scenario was considered to be deliverable and to strike the right balance between meeting affordable housing need and



delivering conservation objectives. The reasons for selecting and rejecting the other two growth scenarios identified are explained. As no reasonable alternatives were identified, the approach to test just one growth scenario is justified.

21. Potential site allocation/ site proposal options, including reasonable alternatives, were subject to the land availability assessment studies and a site assessment method. Both of those included landscape character and sensitivity criteria. The preferred options stage assessed landscape effects on a site-by-site basis and cumulative effects through the SA. At that stage sites were selected on the basis of a spatial strategy aimed to allocate new development mostly within and adjoining the existing Classified Settlements areas. That process, together with strong policies to protect and enhance the Special Qualities of the National Park, provide embedded mitigation to minimise potential negative effects. Given the landscape impacts assessed in those studies and the additional information provided during this Examination [ED36 and ED46], further assessment, such as Landscape Visual Impact Assessment, to justify the principle of site development, is not necessary at Plan stage.
22. Overall, I am satisfied that the potential impacts on landscape sensitivity and settlement character have been addressed on a site-by-site basis through the SA process and other studies, using relevant and proportionate evidence. Where necessary, detailed site specific proposals will need to assess and mitigate any adverse impacts on landscape issues. This matter is appropriately addressed in the Plan's site specific requirements.
23. The Habitats Regulations Screening Report and Appropriate Assessment (June 2019) [SD78-82], together with the Addendum Report (February 2020) [SD77] sets out that a full assessment has been undertaken. At screening stage, measures to avoid or reduce the harmful effects of the Local Plan on any European site were not taken into account<sup>3</sup>. The Appropriate Assessment in the Addendum Report concludes, on the basis of current evidence, no Likely Significant Effects in respect of cumulative impacts arising from development outside the National Park on Dartmoor and South Dartmoor Woods SAC. It also found no adverse effects on the South Hams SAC and effective measures through the Plymouth and Estuaries European Marine Site Recreation Mitigation and Management Scheme to mitigate recreational disturbance from new development. Overall, therefore, the Local Plan may have some negative impacts which require mitigation. Such mitigation has been secured through the Plan. That conclusion is unchanged as a result of the MMs this report recommends.

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<sup>3</sup> People Over Wind, Peter Sweetman v Coillte Teoranta

24. The Local Plan, taken as a whole, includes policies designed to ensure that development and use of land in the National Park contributes to the mitigation of, and adaptation to, climate change. In particular, SP1.2 sets out what is considered sustainable development and how that should be pursued; SP1.4 sets out a spatial strategy which seeks to reduce the need to travel and ensure development comes forward in sustainable locations; SP1.7 seeks to improve the energy efficiency of new development; SP2.2 and 2.3 seek to conserve and enhance biodiversity allowing it to adapt and recover from climate change impacts; Policy 2.9 ensures due regard is paid to flood risk, including risks exacerbated by climate change; Policy 3.12 enables low impact development to come forward in appropriate locations; Policy 4.3 encourages provision of sustainable transport connections, thereby reducing reliance on private transport; Policy 4.5 sets standards for electric vehicle charging points to ensure new development supports low carbon emission transport; Policy 6.6 supports renewable energy development to help reduce emissions associated with energy use.
25. Overall, I conclude that the Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **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 ten main issues upon which the soundness of this Local Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Local Plan.

### **Issue 1 Whether the Vision, spatial strategy, strategic and other policies (SP1.1 to SP1.7 and policies 1.8 and 1.9) are positively prepared, justified, effective and consistent with national policy.**

27. The document as a whole is succinct and populated with images of the area's natural beauty, wildlife, and cultural heritage, along with local exemplar and other development. Useful diagrams explain at a quick glance some key Local Plan strategies and concepts, including the housing and economic strategies and some evidence base conclusions. Graphics also explain concepts such as the identification of land within and around settlements and the flood risk and town centre sequential tests. Focussed text, diagrams, maps, and the selective inclusion of

highlighted definitions, together, make for an accessible and easily navigated document.

28. The introduction to the Local Plan sets out its context, an overview, the role of strategies and policies, and helpfully provides some pointers to understand policy wording and explain the Plan's role in considering planning applications. **MM01** is necessary to ensure that the explanatory text correctly reflects the role of the development plan as a whole in making those decisions. It will ensure that the Plan is effective.
29. The Planning Practice Guidance (PPG) states that National Park Management Plans (Management Plans) help to set out the strategic context for development and may contain information which is relevant when preparing Plan policies. The Management Plan sits alongside the Local Plan, and both are designed to help deliver the statutory purposes of the National Park: to conserve and enhance the natural beauty, wildlife, and cultural heritage; and to promote understanding and enjoyment of the Special Qualities. The two Plans have been developed over a similar timeframe and so are closely aligned in the definition of the National Park's Special Qualities and what the Plans seek to achieve. However, **MM02** is necessary to correctly reference the socio-economic Duty, its relationship to National Park purposes, ensure that the Plan is consistent with the Environment Act 1995 and therefore that it is effective.
30. The Vision is consistent with the vision and priorities set out in the English National Parks and the Broads: UK government vision and circular 2010 (National Parks Circular). **MM03** is necessary to reflect the need to minimise the impact on climate change and adapt to it, ensure the Plan is consistent with national policy and is effective in providing an appropriate framework for the Plan's policies.
31. SP1.2 provides an effective strategic approach towards sustainable development. Within the context of the National Park's two statutory purposes, and its socio-economic Duty, this policy approach is justified and consistent with national policy. It sets out a comprehensive set of general development principles to guide and assess proposals. **MM03** also includes changes necessary to improve clarity and ensure that the policy and supporting text do not discourage positive impacts on flooding. **MM04** is necessary to ensure that SP1.2 clearly reflects the presumption in favour of sustainable development set out in the NPPF paragraph 11. In addition, it is necessary to delete SP1.3, which repeats national policy and therefore does not serve a clear purpose. Subject to those changes, the Local Plan as a whole will contribute to delivering

sustainable development in the National Park and reflect the presumption in favour of sustainable development set out in the NPPF. Overall, subject to those changes, the Vision and associated policies are appropriate and justified.

32. The spatial strategy is based on a three-tier approach comprising 8 Local Centres, 16 Rural Settlements and 19 Villages and Hamlets. Allocations are focussed on Local Centres, directing development to the most sustainable locations, and restricting development in the open countryside. The methodology used to classify settlements within the hierarchy is based on an appropriate set of criteria and the results represent a consistent application of that methodology. The distribution of development between tiers is based on historic delivery and has appropriately taken account of housing need, land availability, and impacts on landscape.
33. SP1.4 provides clarity on the different policy approaches for each category of settlement. **MM05** is necessary to give clarity that the Plan provides for a minimum housing number. Given its National Park status and the needs-based approach taken in this Plan, I accept that a target would not be appropriate. However, the MM is necessary to ensure the Plan is positively prepared, justified, effective and consistent with national policy.
34. In addition, **MM05** clarifies the approach to confine employment opportunities in Rural Settlements to small scale employment sites. That is necessary to ensure consistency with the principles of the spatial hierarchy and strategy and thereby ensure that the Plan is effective. Subject to those changes, SP1.4 sets out a justified and effective approach to development in and adjoining settlements and in the open countryside which is consistent with national policy.
35. In relation to proposals for major development, **MM06** ensures that the definition of major development accords with national policy, along with the detailed policy wording in relation to development need and national considerations. It will also provide clarity, in the supporting text, regarding the requirement for a detailed appraisal of alternative options where sites outside the National Park are not being pursued. Subject to those changes, SP1.5 makes it clear that major development will only be permitted in exceptional circumstances and where it can be demonstrated that it is in the public interest. That would be in accordance with national policy and subject to the amendments proposed the policy is justified.
36. SP1.6 sets out the requirement to deliver good design. To ensure clarity, and a clear indication of how a decision maker would react to a

proposal, the design principles listed at para 1.6.5 and referred to in the Dartmoor National Park Design Guide should be incorporated into SP1.6. This is set out in **MM07**, which also strengthens the policy wording, to accord with the updated NPPF and is necessary to ensure an effective Plan, consistent with national policy.

37. In relation to sustainable construction, reference to the Future Homes Standard is necessary as it could affect the implementation of SP1.7 in the future. **MM08** does this and is necessary to provide clarity and ensure effectiveness.
38. In relation to higher risk development and sites, **MM09** amends the detailed wording of Policy 1.9, to make sure that development is suitable for its proposed use, taking account of ground conditions, land instability and any contamination. This is necessary to ensure consistency with national policy.

## **Conclusion**

39. Subject to the MMs set out above, the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in terms of its Vision. Its overall spatial strategy is based on robust evidence and is justified and effective.

## **Issue 2 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.**

### **Housing Need and Supply**

40. National Household Projection Figures derived from Office of National Statistics (ONS) population projections are not available below local authority level. Due to this, the PPG indicates that the standard methodology should not be used to assess local housing need in National Parks and that a housing need figure should be identified using a locally determined method and the best available information on anticipated changes in households and local affordability levels.
41. Housing needs relating to the two HMAs within which the National Park is located are captured in the relevant Strategic Housing Market Assessments (SHMAs) and studies that underpin the Plymouth and South West Devon Joint Plan and the Greater Exeter Strategic Plan (as was being prepared at the time). However, the evidence base updating studies for these Plans, were at different stages of development at the time of assessment and neither gives the full picture at National Park level. [SD106]

42. Given the limitations of the data available, the Authority reviewed the best available data, taking account of the sub-national population and household projections, assessing the existing SHMA data and using a number of modelled demographic scenarios, to inform a locally derived housing need figure. This tested three methodological approaches which ranged from testing the standard methodology approach, using bespoke modelled demographic scenarios and considering the housing needs of the National Park within the context of the relevant HMAs. That exercise concluded that the 'best fit' Objectively Assessed Need for the National Park is approximately 30 dwellings per annum based upon long term migration scenarios and a 30% market signals uplift.
43. That figure is lower than that obtained from apportioning the needs of the wider HMAs but would be consistent with reflecting the local needs of the National Park and is justified and soundly based. However, such a figure is just a starting point and would result in a declining population as well as an increase in ageing population based on current trends.
44. In order to provide for the socio-economic needs of its communities and address the housing challenges of affordability and population decline, a series of dwelling-led forecasts were prepared. The dwelling-led scenarios sought to counteract population decline, through a larger net in-migration to the National Park to support the annual dwelling growth targets. Work done in 2016 and updated in 2019 [SD128 and SD129] concluded that dwelling growth of between 50 and 80 homes per annum would begin to address wider demographic issues identified. At a level of between 65 and 80 homes per annum population growth would result. When tested against housing need, backlog, relevant market signals, National Park purposes, land availability and constraints to delivery, development viability, historic delivery and stakeholder views, a figure at the lower end of that range is justified.
45. SP3.1 identifies that this Plan will make provision for at least 1,125 dwellings (65 per annum). This compares with the housing requirement in the current Plan of 50 per annum with completions averaging 60 per annum between 2007 and 2019. In arriving at a housing requirement figure, the Authority has balanced the evidence of need against the likely supply of sites, considering National Park purposes, the socio-economic duty and limitations imposed by landscape and historic delivery rates. A higher housing requirement would be likely to conflict with the two statutory purposes and with the NPPF's advice that the scale and extent of development in this protected landscape should be limited. The provision of at least 1,125 dwellings over the Plan period is justified by the evidence.
46. Parish based local needs surveys represent a finer grain assessment of need which may result in higher levels of affordable need being identified. However, at a Plan level, the approach taken to assessing

housing need has been proportionate and appropriate to the circumstances of the National Park and informed by a range of local data. Overall, it is soundly based.

### **Mix and Choice of Housing**

47. The National Parks Circular states that National Parks are not suitable locations for unrestricted housing and that new housing should be focused on meeting the affordable housing requirement, supporting the local economy and key services. Therefore, the focus in this Plan is on provision of local and affordable housing and ensuring the latter is protected in perpetuity. A needs-based approach that requires justification for the delivery of allocated sites, larger windfall sites and rural exception sites is therefore justified as is requiring any assessment of housing need to take account of the role of the settlement and its catchment. Housing Needs Assessments or need evidenced through the Housing Register, will ensure a focus on affordable housing and that development only occurs when it is needed to support delivery of the housing strategy. This is a long-established approach, that represents the most sustainable approach for using the National Park's limited land resource to best effect.
48. Since 2007, 207 affordable dwellings have been delivered which equates to roughly 17 per annum. Median house prices and earnings indicate a continuing and pressing need for affordable housing with an affordability ratio of 12.43 (taking 2017 figures) [SD106]. For this reason, all new affordable housing will be restricted by means of a planning condition and/or legal agreement to meet an identified local need or a local affordable need in perpetuity. However, the Plan provides a more flexible definition of local person that includes local employment and extends the period of time that a local person may be absent before return and still meet the definition. This will help to address the affordability issues that workers are facing.
49. The Plan promotes affordable housing provision on site in accordance with national policy, providing the option for financial contributions in lieu only where this is not achievable, with contributions negotiated on a case-by-case basis. Size restrictions on new, replacement, extensions and ancillary residential buildings are mechanisms whereby the mix and size of more affordable dwellings can be preserved. Such an approach would also attract workers and encourage working people to stay and help to conserve the Special Qualities of the National Park. In this context that long standing approach is still justified.
50. The population of people aged 65 and over in the National Park increased from 20% in 2001 to 26% in 2014. Forecasts suggest that

proportion could increase to 39% by 2035. Given Dartmoor's ageing population, the Plan supports accessible dwellings M4(2) pursued on all new build dwellings, unless there is evidence which demonstrates it is not desirable, possible or viable for planning or environmental reasons. Appropriate evidence to meet the requirements in the PPG supports this approach, which includes viability testing. National policy requires that wheelchair accessible dwellings should only be required where the local authority is responsible for allocating or nominating a person to live in that dwelling. As the Authority is not the Housing Authority, the approach to encourage rather than require wheelchair accessible dwellings is again justified.

51. Evidence suggests that the current requirements for self and custom build housing have contributed to the low level of projects that came forward over the last Plan period, other than replacement dwellings. Given the Authority's statutory duty to meet demand for this type of development in its area over a defined period of time<sup>4</sup>, the relaxation of affordable housing requirements in this respect is a justified approach. Policy 3.6 therefore allows this type of development to come forward as affordable housing, local needs housing or market housing, in accordance with the requirements of the strategic housing policies.
52. A Devon wide Gypsy and Traveller Housing Needs Assessment 2015 was carried out for Devon [SD132]. The Assessment was based on a robust methodology. It identified a very low need for the National Park (0.2 pitches per annum or 3.6 pitches over the Plan period). No sites came forward through the call for sites. Any allocation to meet that need would be very small in any event. Taking all these considerations into account, the inclusion of a criteria-based policy to assess future proposals for gypsy and traveller and travelling show people's accommodation, rather than a target or allocation, is a justified approach and soundly based.

### **Housing Supply and Delivery**

53. The submitted Plan was informed by the 2017/18 Authority Monitoring Report (AMR). During the course of the Examination the 2019/2020 AMR was published.
54. The Plan's housing trajectory identifies a total supply of 1231 dwellings from site allocations (670 dwellings) and windfall sites (561 dwellings). The proposed windfall allowance is a realistic estimate based on data in the most recent AMRs. Those indicate that historic windfall delivery exceeds the assumptions in the Plan's housing trajectory (between 2013 and 2020, a breakdown of 51% on windfall sites, 43% on allocated sites and 8% on rural exceptions). A lapse rate for outstanding commitments and allocation sites is not included. However,

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<sup>4</sup> Housing and Planning Act 2016 Clause 10(1) 2a (2)



given the evidence relating to their deliverability, I am satisfied that this approach is sound. Estimated capacity on proposed allocation sites is based on an individual assessment of site suitability, as evidenced in the Land Availability Assessment [SD159 and SD161-SD171] along with the development Site Briefs [SD175-191 and ED52]. Subject to the MMs being made, and considerations under Issue 8, I am satisfied that the sources of housing identified are justified and soundly based.

55. To ensure effectiveness, the housing trajectory should be included in the Plan. Together, **MM18** and **MM47** address that omission. I will return to this matter again in the next section of my report.
56. Overall, I consider that the supply calculations and trajectory are based on up-to-date evidence of capacity and start dates and represent achievable rates of delivery.

### **Five-year Housing Land Supply**

57. The Authority has provided a Five-Year Land Supply update [ED33]. That indicates there would be a deliverable supply of housing land which exceeds the five-year requirement on adoption of the Plan. The sites identified within the five-year supply period from 2020/21 to 2024/25 have a realistic prospect of being delivered. In that period there would be an expected supply of approximately 370 against a requirement of 342. The Authority's methodology applies a 5% buffer to the housing requirement figure, which is justified given an absence of persistent under-delivery of housing against Local Plan targets. It also includes a 3% non-implementation rate, in relation to current planning permissions, which is based on past evidence and is justified. Overall, I conclude that on adoption of the Plan, there would be a deliverable supply exceeding the five-year requirement of 325 or 65 dwellings per annum.

### **Conclusion**

58. To conclude, the Plan sets out a positive spatial strategy for the delivery of housing which is justified and consistent with national policy. The total housing requirement in the Plan is soundly based, and subject to the above MMs is robustly expressed with sufficient information on delivery. Subject to MMs in relation to monitoring (**MM18 and MM46**), the evidence shows that an adequate supply of housing will be delivered over the Plan period to meet identified needs within the National Park, including those parts in the Plymouth and South West Devon HMA. The five-year supply methodology is justified, and the Plan will provide in excess of the minimum five-year supply of housing land on adoption.

### **Housing Policies**

59. **MM18** also includes a number of changes that give certainty that the Plan makes provision for a minimum of 65 dwellings per annum across the National Park. It amends the supporting text and detailed wording of SP3.1 This is necessary to give more certainty to the development industry, assurance that the Plan aims to meet the Dartmoor allowance for the Plymouth and South West Devon HMA<sup>5</sup>, thereby ensuring effectiveness of the Plan, that it is justified in its approach and consistent with national policy. **MM18** also confirms that the monitoring framework will assess whether delivery is meeting local needs and whether the overall requirement for the Plymouth and South West Devon HMA is being met. This is necessary for the same reasons.
60. Through **MM47** the Plan will include a housing trajectory. Its inclusion and reference to it in the detailed wording of SP1.3 is necessary to illustrate the expected delivery of housing over the Plan period. That renders the Plan effective in this regard and consistent with national policy. Post MM consultation, the Authority corrected the trajectory to refer to the new allocation at Timbers Road Buckfastleigh. That is necessary to replace the submitted Plan's housing trajectory with the most up-to-date position and ensure effectiveness. Post MM consultation, I have modified the wording of **MM18** to ensure it refers to the correct Plan appendix.
61. **MM18 and MM19** together, amend the policy wording and supporting text to SP3.1 in respect of securing affordable housing. Those amendments are necessary to confirm the role for flexible legal agreements that support the delivery of affordable housing, obtaining finance and ensuring homes are not left empty. In addition, amendments to the supporting text to clarify the role of statutory restrictions, in accordance with the Housing and Regeneration Act 2008, are necessary to ensure consistency with national policy and effectiveness.
62. Policy 3.7 supports residential extensions that are well designed, subservient to the original dwelling and accord with the size restrictions beyond the original house. **MM20** is necessary to ensure that the basic design principles set out in the supporting text are appropriately referred to and inform design solutions. **MM50** is also necessary to clarify the way in which habitable floorspace is calculated, which is required to ensure effectiveness of a number of the Plan's housing policies.
63. Policy 3.8 relates to replacement homes, providing support where they would improve the character and appearance of the area, imposing size restrictions beyond the original dwelling in most circumstances and

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<sup>5</sup> there is no requirement arising from the Exeter HMA, as the National Park allowance, at the time of assessment, was accounted for as part of a 6% flex included within the housing numbers of allocations, windfalls etc of the Greater Exeter Strategic Plan

improvements in energy efficiency. **MM21** is necessary to properly reflect national policy and ensure effectiveness in respect of restricting permitted development rights. For the same reason, **MM22** and **MM23**, which make similar changes in relation to policies 3.9, dealing with rural worker's housing and policy 3.10 dealing with residential annexes to support farming, are necessary.

64. Policy 3.11 deals with gypsy and traveller accommodation. **MM24**, confirms that need can be identified through an up-to-date Gypsy and Traveller Accommodation Assessment and/or appropriate local information needs. Such a change is necessary to cater for circumstances in which an up-to-date Assessment is not available. **MM24** also includes changes to the supporting text and detailed policy wording to ensure that a sequential approach is taken to the use of previously developed land and areas of high flood risk are avoided. Those changes are necessary to ensure consistency with national policy and effectiveness.
65. Policy 3.12 deals with low impact residential development. The policy is directed at homes that are broadly self-sufficient with no significant environmental impact. To deal with this, the Plan has a criteria-based policy that supports such development in accordance with the spatial hierarchy. However, as drafted, they do not provide sufficient safeguards to ensure that development comes forward in a form and location that protects the Special Qualities of the National park. To address this, **MM25** makes changes to the supporting text to clarify that an 'essential need' should be demonstrated in relation to development that would be well related to a settlement, rather than within or adjoining. **MM25** would also alter the detailed policy wording to clarify that land use activities proposed should be capable of supporting occupants' needs within a reasonable period of time, clarifies the exceptional role for temporary permissions and introduces effective monitoring to ensure that planning permission is granted only where the policy requirements continue to be met. Those changes, together, will ensure the Special Qualities of the National Park are not harmed, introduce measurable tests to ensure development meets the relevant definition and that the policy overall provides a clear indication of how a decision maker will react. Such changes are necessary to ensure effectiveness and consistency with national policy.

## Conclusion

66. Subject to the MMs set out above, the Local Plan, in relation to its housing policy, has been positively prepared, and it is justified, effective and consistent with national policy. The housing provision made in the Plan is based on robust evidence and is justified and the approach taken overall is effective.

### **Issue 3 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.**

67. The strategy for the environment sets out the aspiration to enhance the quality of the National Park, in terms of the natural and historic environment, its designated and priority habitats and species and the ecological networks that support them. This includes its geodiversity, landscape character, tranquillity and dark skies. **MM11** is necessary to clarify that the Plan encourages positive outcomes for the historic environment. Following the MMs consultation, I have slightly amended that MM to include reference to heritage at risk, a change that introduces clarity and ensures consistency with national policy.
68. SP2.2 seeks to conserve and enhance biodiversity and geodiversity. **MM12** sets out a number of changes to the supporting text, to ensure that it correctly references that all fauna, including nocturnal fauna, can be disturbed by light pollution, the impact of climate change on biodiversity, correctly references the mitigation hierarchy and ensures appropriate protection for ancient trees, consistent with national policy. It also alters SP2.1 to ensure consistency with SP2.3, which seeks biodiversity net gain. The changes will ensure that the requirements for designated biodiversity sites and identified habitats are distinct from those requirements that apply to all biodiversity. Such changes are necessary to ensure a consistent approach throughout the Plan, that it is effective and consistent with national policy.
69. **MM13** provides changes to SP2.3 and its supporting text. Those confirm that biodiversity net gain is applied to both protected and unprotected habitat and that the allowance for off-site net gain is fairly assessed. It includes changes to the policy wording to ensure that net gain is applied in a manner consistent with national guidance.
70. SP2.6 seeks to conserve and enhance heritage assets. **MM14** includes a number of changes to correctly reference the role of the Historic Environment Record, refer to designated and non-designated heritage assets and current Historic England guidance and terminology. It also includes a number of changes to the detailed policy wording setting out a positive strategy for the conservation of the historic environment which reflects related changes in the supporting text. Such changes are necessary to improve clarity so that it is evident how a decision maker should react to a development proposal and ensure consistency with

national policy. **MM48, MM49 and MM51**, which include definitions of significance, statement of heritage significance and heritage asset are necessary to aid interpretation of the Plan's heritage policies and ensure effectiveness.

71. SP2.7 seeks the conservation of historic non-residential buildings in the countryside. Changes to the supporting text are required to ensure consistency with the overall strategy for the conservation of the historic environment, set out in the previous policy. In addition, a change to accurately reflect national policy in relation to restricting any permitted development rights is included. These changes are introduced in **MM15** and are necessary to ensure the Plan accords with national policy and guidance, takes a consistent approach throughout the Plan and therefore is effective.
72. Policy 2.8 deals with enabling development. The approach taken sets out locally defined criteria to help identify enabling development, building upon national policy. In that respect its inclusion in the Plan is justified. To ensure effectiveness and consistency with national policy, **MM16** is necessary.
73. Policy 2.9 seeks to conserve Dartmoor's water environment and ensure development does not have an unacceptable impact on flood risk. **MM17** introduces changes to the policy wording to ensure it correctly reflects the sequential and exception test. It also amends the supporting text to confirm the role of the upland peatlands in offsetting climate change impacts and aiding future water security, that all sources of flood risk and how they are identified is correctly described, along with the role of a Flood Risk Assessment. Those changes are required to ensure the policy is consistent with national policy and is effective.

## **Conclusion**

74. Subject to the MMs set out above, the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in relation to protecting the quality of the National Park's environment.

## **Issue 4 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.**

### **Employment Land Requirement and Supply**

75. The Economic Development Needs Assessment [SD147] and Employment Land Review [SD148], together, assessed the employment land requirements and supply. Given the limited economic data for the

National Park geographic area, the best fit functional economic market area was established. The needs assessment was based on economic forecasts, aligning with those for housing, from which floorspace and land requirements were developed. In summary, the Economic Development Needs Assessment suggests a potential growth of around 2,200 net additional jobs in Dartmoor over a 25-year period, which could require between 4-5 hectares of new employment land up to 2040.

76. Those projections were further developed through the Employment Land Review, which assessed the existing stock of employment land, recent patterns of employment land supply and loss, evidence of market demand, along with wider market signals relating to economic growth. Factoring in those local considerations, a need of between approximately 21,732m<sup>2</sup> and 26,451m<sup>2</sup> of class B floorspace was identified. Using a reasonable and evidence-based assumption of 1% annual renewal, it is estimated that 70% of that need would be met through renewal of existing stock. That leaves a need for between 7,154m<sup>2</sup> and 2,864m<sup>2</sup> to be met through the provision of new floorspace. B2 floorspace loss of 4100m<sup>2</sup> is identified, which reflects the recent decline in the general industrial sector. Whilst that loss has not been translated into a floorspace requirement, given the small amount involved and as the density of Dartmoor's employment sites varies so widely, the approach taken is justified. Overall, the methodology of the studies that underpin the policy approach taken accord with national policy and guidance, are robust and their findings soundly based.
77. The Plan does not set employment land targets, which appropriately reflects the circumstances of the National Park, including the high levels of employment in retail, tourism, and high levels of home working. The Plan's strategy relies on a policy framework which protects existing employment sites and supports their renewal and expansion at all levels of the settlement hierarchy, including the open countryside. It supports new employment sites within and adjoining Local Centres and Rural Settlements. Mixed use and employment allocations will bring forward roughly 2000m<sup>2</sup> of employment floorspace. A shortfall may arise of between approximately 1,000m<sup>2</sup> to 5,300m<sup>2</sup>. However, the Plan provides additional flexibility for employment development, identifies employment and mixed allocations where possible and ensures that housing and economic development policies are aligned. Together with the range and choice of existing sites, the approach taken should provide sufficient employment land supply during the lifetime of the Plan.
78. SP5.1 seeks to retain existing business and employment sites and focus new non-residential business and tourism development in or adjoining Local Centres and Rural Settlements. More limited opportunities are provided in the villages and hamlets. This accords with the Plan's

overarching spatial strategy. Numerous changes to the supporting text are necessary to ensure consistency with the Use Classes Order. **MM28** addresses this and is necessary to ensure effectiveness and consistency with national policy.

79. SP5.2 seeks to ensure that shops and main town centre uses are directed to the Town Centres, requiring large development involving main town centre uses to follow a sequential test aiming to support their vitality and viability. Changes to the Use Classes Order, bringing shops, restaurants, offices and some light industrial within the same Use Classes (Class E) have the potential to weaken the town centre first approach, in allowing unregulated out of town centre development. However, the policy which aims to protect the vitality and viability of town centres is consistent with national policy. **MM29** is necessary to reflect the Use Classes Order changes and accurately reflect the interaction of SP5.1 and SP5.2 in dealing with employment loss. Clarification of the detailed policy wording is also necessary to ensure the requirements for an impact assessment are clearly expressed. **MM29** does that and the changes it introduces are necessary to ensure consistency with national policy and effectiveness.
80. SP5.3, as drafted, sought to introduce more flexibility to the National Park's shopping areas by allowing changes of use from shops, financial and professional services, food, drink and drinking establishments and introducing additional requirements for changes away from those uses along with protection for the last general store, shop, or public house in a classified settlement. However, the changes to the Use Classes Order, render such an approach inconsistent with national policy.
81. **MM30** therefore addresses this matter. It redrafts and renames the policy as 'Active Uses in Town Centres'. It seeks to protect main town centre uses and the last general store, shop or pub, an approach consistent with national policy. Several changes to the supporting text are necessary to explain the approach taken in light of the Use Classes Order changes. The changes render the policy consistent with national policy and effective.
82. Policy 5.4 sets out the approach to tourist accommodation, in accordance with the Plan's spatial strategy. **MM31** introduces changes to the supporting text to clarify the impacts of storage of unoccupied tents etc and to clarify the impact that they, along with camping pods etc, can have on landscape character. Those changes are necessary to improve clarity in accordance with national policy. Changes to the policy wording are also included to ensure correct references to policies in relation to the historic environment and are necessary for the same reasons.

83. To ensure effectiveness and consistency with national policy, **MM52** which amends the glossary Use Class definitions, is necessary to accord with the updated versions and therefore national policy.

### **Conclusion**

84. Subject to the MMs set out above, the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in relation to the approach to the local economy.

### **Issue 5 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.**

85. SP4.1 aims to support community services and facilities. It provides protection for a whole range of facilities and services, from libraries to schools and emergency services. The case for losing a community facility requires evidence that a business or facility is not workable in the long term by exploring the full range of potential uses and ways to operate it. Making a requirement for evidence proportionate to the scale of the loss, enables that evidence to go beyond marketing. Such a provision reflects the different building requirements, funding, and operating frameworks. It is clear in its requirements and effective. Overall, the policy approach is consistent with national policy.
86. SP4.2 seeks to support public open space and sports facilities. As the National Park is not a local authority and does not have responsibility for management of public parks and gardens, allotments, sports and leisure facilities, the Open Space, Sport and Recreation Study (OSSRS) [SD141] is based partly on research undertaken by those other authorities. Whilst those studies are at various stages of development and review, when considered with the Authority's own research, an up-to-date and proportionate assessment of open space needs in the National Park is provided. In this respect, the policy and the evidence that underpins it is positively prepared and effective. Overall, the approach through SP4.2 provides a positive framework to encourage participation in recreational activities by ensuring that facilities are appropriately located and any shortfalls in provision can be mitigated through development.
87. Policy 4.3 aims to enable sustainable transport. Its supporting text refers to current opportunities for rail. The policy and supporting text as a whole do not prejudice the ability to deliver future sustainable transport options, including rail. As robust evidence of the potential routes, feasibility and finance arrangements for the Dartmoor northern rail route is not before me, the Plan is justified in not identifying the



North Cornwall Parkway site. The route is given support consistent with that of neighbouring authorities, based on best available evidence, which is a justified and proportionate approach.

88. Policy 4.4 ensures adequate parking provision accompanies development. Given the Special Qualities of the National Park and the need to avoid overspill parking, the low transport accessibility and the lack of viable mass transport options, a minimum on-site residential standard is justified. However, **MM26** is necessary to ensure that the requirements for non-residential development are consistent with changes to the Use Classes Order.
89. Policy 4.5 requires electric vehicle charging points. Robust evidence is provided, including viability evidence, and confirmation that electricity grid upgrades would not be required. Whilst the emerging changes to the Building Regulations could require electrical vehicle charging points on all residential and non-residential buildings, clarity on this is not available at present. However, **MM27** confirms that national policy could supersede the electrical charging requirements in this policy. That will improve clarity and ensure effectiveness.

## **Conclusion**

90. Subject to the MMs set out above, the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in terms of the approach to communities, services, and infrastructure.

## **Issue 6 Whether the approach to the proposed settlement boundaries is justified, effective and consistent with national policy.**

91. The Local Plan defines settlement boundaries around the Local Centres and Rural Settlements. Settlement boundaries provide clarification for the application of policies by identifying the division between the built-up area of the settlement and the surrounding countryside. Through the application of policy 7.1, they will help to prevent encroachment into the open countryside. The Authority's existing and previous Plans included settlement boundaries and there is a compelling case that they have aided clarity and certainty in the development process. As Local Centres and Rural Settlements are intended to accommodate the majority of anticipated development, such an approach is justified.
92. Given that any development proposal within a settlement boundary would still need to be assessed against all relevant development plan policies, the inclusion of land within a settlement boundary does not indicate that development would be acceptable per se. Therefore, the inclusion of a SAC within a settlement boundary is a justified approach.

**MM37** will help to clarify the requirement for development within the settlement boundary to accord with the Local Plan. It introduces an amendment to the detailed wording of policy 7.1. This is necessary to ensure effectiveness.

93. To identify settlement boundaries the Authority has used the same methodology as the existing Plans. Generally, settlement boundaries have been drawn tightly around the settlements' built form, relating to defined physical features where possible, including any allocated land or land with an extant permission. Unimplemented planning commitments that were granted as an exception to planning policy are not included within settlement boundaries. Although not necessarily continuous, settlement boundaries follow property boundaries or curtilages. However, where they include large grounds on the edge of settlements, those grounds may be excluded. As landscape impacts were considered in the site allocation selection methodology, I am satisfied that the landscape assessment undertaken as part of this methodology is proportionate and robust. Assessment included a desk top survey and on-site assessment along with professional planning judgement. **MM45**, relating to an alteration to the Bittaford settlement boundary is necessary to ensure consistency in the application of that methodology. Subject to that MM the settlement boundaries have been established in accordance with a clear, consistently applied and easily understood set of criteria.

## **Conclusion**

94. The Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in terms of the approach to settlement boundaries.

## **Issue 7 Whether the proposed housing, employment and mixed-use site allocations are justified, effective and consistent with national policy.**

95. Through the settlement profiles each settlement was assessed to understand local needs and the benefits of meeting them against the settlements' sensitivity to change, the Special Qualities of the National Park and the statutory purposes. The spatial strategy, along with those studies, provided the framework for the selection of site allocations.
96. Evaluation of site allocations for housing and employment was carried out through a series of National Park wide assessments. The Authority carried out a Land Availability Assessment (LAA) [SD159] to initially identify and assess sites within and adjacent to Local Centres. That included consultation with stakeholders in the development and housing sectors, statutory agencies including Natural England and community representatives. Technical studies, including the landscape character

assessment and landscape sensitivity assessment [SD111-113,114-117] were used to assess the suitability of each site. In addition, the Authority carried out an SA at each stage of the production of the Local Plan, which considered reasonable alternatives. Further environmental assessment took place through HRA. The methodology adopted included professional planning judgement in evaluating each site against defined criteria. It also took account of the views of local people. A number of objectors queried the methodology adopted in the studies that identified sites. However, given the above analysis I find the methodology adopted robust. In this regard, I conclude that the Local Plan has been positively prepared and is justified, effective and consistent with national policy.

97. In accordance with the spatial strategy, site allocations are focussed on the National Park's eight Local Centres. To ensure appropriate policy control in the delivery of substantial brownfield and infill opportunities, two sites are allocated within rural settlements at Mary Tavy and Buckfast. In addition, a site on the edge of Mary Tavy is safeguarded for education. The Local Plan makes provision for windfall development and opportunities to meet identified local need in all settlements. That will enable opportunities for organic scale growth at Rural Settlements and smaller settlements, which is likely to provide sufficiently in the smaller settlements, avoiding the requirement for specific allocations. Overall, I consider that the approach to the identification of sites is consistent with the spatial strategy and apart from the Holne Road proposal, which I deal with below, there is a reasonable prospect of them being available and viably developed during the Local Plan period.
98. The Local Plan has sought to balance the needs of local communities for a range and choice of housing and employment sites. It seeks to meet identified requirements whilst balancing other important considerations such as sensitivity to change of individual settlements, the Special Qualities of the National Park and its statutory purposes, along with the character and appearance of the area generally, highway safety, the living conditions of local residents and other considerations such as flooding risk and sewerage capacity. On the basis of my conclusions on the site allocations below, I consider that the Authority has achieved the correct balance.
99. A number of the proposed sites are subject to planning permission, some are subject of current applications and some are under construction. In addition to affordable housing or infrastructure requirements, in many cases detailed proposals will need to address particular issues relating to the site in question. These include matters such as landscape mitigation, any impact on European sites, highway improvements, flood risk, contamination, heritage matters, along with access and parking and the character and appearance of the area. Where further assessment, particularly landscape impacts or mitigation

are required it is appropriately referred to. There is no reason to suggest that suitable solutions cannot be found in principle through design and layout and the usual development management process.

100. Development Site Briefs accompany the Local Plan. Although not supplementary planning documents they are aimed at those seeking to develop a particular site. They summarise site information, setting out key considerations and the Authority's expectations, in terms of design requirements, supporting studies and any developer contributions that could be sought. **MM36**, clarifies the role of the Development Site Briefs, particularly in relation to landscape mitigation and assessment reports specifying that their requirements should be taken into account when preparing planning applications. This is necessary to improve clarity and ensure effectiveness.
101. I set out my findings in relation to the key issues raised in relation to specific allocations below. For the avoidance of doubt, not all allocations are referred to in the following section. I have considered all the representations made at the Regulation 19 stage, at the hearing sessions and in response to the MMs consultation. Where a site has not been referred to, I am satisfied that its allocation is soundly based.

### **Proposal 7.6 Land at Holne Road Buckfastleigh**

102. This site is a greenfield site well related to the settlement and allocated for up to 30 dwellings. However, planning permission for such development has recently been refused, raising viability concerns regarding the provision of on-site affordable housing and impact on the South Hams SAC. Due to uncertainty over site delivery, the proposed allocation is not justified. **MM38** is therefore required to delete the Holne Road allocation.
103. In the absence of the Holne Road allocation, there is a very real possibility that local housing needs would not be provided for. Following discussion at hearings, the Authority sought to identify an alternative site. This is necessary to ensure enough land is deliverable to meet local needs, provide appropriate opportunities in Local Centres in accordance with the spatial strategy and to ensure that the Plan's minimum housing provision is achievable with appropriate flexibility in the event of any non-delivery.

### **Land at Timbers Road Buckfastleigh**

104. The Timbers Road site has been subject to the same methodology as other sites, including SA and HRA. Site specific requirements ensure appropriate vehicle and pedestrian access, protect biodiversity including the South Hams SAC, and address flood risk. On that basis, its allocation is justified. **MM38** is necessary to allocate the site at Timbers

Road and includes changes to the settlement map included within the Plan.

### **Proposal 7.8 Land at Crannafords, Chagford**

105. This site is a part brown field site, part regeneration opportunity site located some way outside Chagford. The Employment Land Review [SD148] highlights the need for employment land to rebalance the self-containment of the settlement following housing delivered in the previous Plan period. The site specific policy requirements address matters raised in the survey work that underpins the site development brief [SD180] and on this basis are justified. Discussions with landowners indicate that employment space should be delivered within the Plan period. However, **MM39** is necessary to ensure that the policy is consistent with the Use Classes Order and therefore effective.

### **Proposal 7.11 Land at Forder Farm, Moretonhampstead**

106. The Moretonhampstead Settlement profile [SD196] confirms the need for some growth in the settlement. This is a greenfield site. Its development would relate well to the existing built form and further continue the westward expansion of the town. It has outline planning permission and therefore its delivery within the Plan period is realistic. To accord with that recent permission, **MM40** clarifies the potential capacity of the site, considering constraints and infrastructure requirements. That clarification is necessary to ensure that the policy is justified and effective.

### **Proposal 7.14 and 7.15 Palstone Lane, South Brent**

107. These greenfield sites are located on the edge of the settlement close to the Fairfield site (proposal 7.16). They are well related to the settlement and represent a logical extension to it. Even though of greater landscape sensitivity than some other parts of South Brent, their identified modest development capacities would relate appropriately to South Brent and protect the rural character of the settlement edge. Access and highway considerations have been resolved and overall, the allocation of these sites is justified by the evidence.

### **Proposal 7.19 Land at Binkham Hill, Yelverton**

108. Yelverton is a Local Centre with an identified housing need. The proposed site is a greenfield site on the edge of the settlement. It relates well to the existing built-up area, being partially enclosed with well wooded edges. Confirmation has been provided that water and

sewerage connections are available in the public carriageway. Therefore, connection would not be likely to impede or delay development or result in abnormal development costs. Overall, it represents a reasonable application of the defined site selection methodology. **MM41** is required to confirm the site-specific transport infrastructure requirements.

### **Proposal 7.21 Land at Axminster Carpets, Buckfast**

109. This is a large brownfield site located within the existing built-up area. It has traditionally formed a key part of the local economy and on this basis policy requirements for a mixed-use development are justified. Given the high level of affordable housing need, the policy requirement for an element of affordable housing is justified, even though the site may well benefit from the Vacant Building Credit. Heritage, flood risk and biodiversity considerations justify other policy requirements. There is extant planning permission for a care village, subject to a legal agreement, which demonstrates deliverability. **MM43** is necessary to reflect changes in the Use Classes Order and ensure that development provides a level of employment which is not less than the previous employment use. Those changes are necessary to ensure clarity, that the policy is effective and consistent with national policy.

### **Conclusion**

110. Overall, the proposed sites/allocations reflect a reasonable application of the methodology for site selection, which includes some planning judgement. Subject to the MMs indicated the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in its approach to site allocations.

## **Issue 8 Whether the proposed Special Policy Areas are justified, effective and consistent with national policy.**

### **Proposal 7.20 Yelverton Special Policy Area**

111. The Yelverton Special Policy Area has a particularly attractive spacious and verdant character and appearance with a predominance of large properties in spacious grounds. The requirements of the Special Policy Area will help to preserve those characteristics and are justified. **MM42** is necessary to clarify that the area includes the historic core of Yelverton and to therefore ensure effectiveness.

### **Proposal 7.24 South Zeal Conservation Area**

112. The South Zeal Conservation Area includes the historic core of the settlement and the historic burgage plots. Proposal 7.42 seeks to protect the distinctive historic layout, including burgage plots, its lanes

and alley ways. **MM44** is necessary to more accurately reflect the heritage balance in national policy and ensure effectiveness.

## Conclusion

113. The Special Policy Areas have been positively prepared and in this respect those proposals are justified, effective and consistent with national policy.

### **Issue 9 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, waste, and energy.**

114. The approach to minerals development seeks to minimise the impact of new, existing, and redundant minerals operations on the National Park's environment and communities, maximise the use of recycled materials and secondary aggregates and allow for appropriate opportunities to safeguard and extract mineral resources.

115. **MM32**, in relation to the minerals waste and energy strategy is necessary to clarify the approach to recycled materials and secondary aggregates and to ensure consistency throughout the Local Plan in relation to the approach to major development as set out SP1.5. For the same reason, **MM33** and **MM35** relating to SP6.1 and policy 6.6 in respect of new or extended minerals operations and renewable energy development are necessary. Those changes ensure effectiveness and consistency with national policy.

116. To ensure that all Minerals Safeguarding Areas provide appropriate protection for all minerals operations and not just workings and extraction, **MM34** is necessary. It will ensure that SP6.3 and its supporting text is justified, consistent with national policy and thereby effective.

## Conclusion

117. Subject to the MMs set out above, the Local Plan has been positively prepared, and it is justified, effective and consistent with national policy in terms of the approach to minerals, waste, and energy.

### **Issue 10 Whether the Plan would be viable and deliverable within the Plan period and whether the arrangements for monitoring would be robust and effective.**

## Whole Plan Viability

118. The PPG indicates that a Plan's policy requirements should be informed by a proportionate assessment of viability which should establish that the total cumulative cost of all relevant policies will not undermine its delivery.
119. The Whole Plan Viability Assessment (October 2018) [SD91], together with the Addendum (2019) [SD90], which includes an assessment of policy revisions and additions, was prepared in accordance with the requirements of the NPPF and the PPG. It is based on reasonable assumptions in relation to development inputs, including costs and values, prepared in consultation with the development industry and assesses all policy requirements including affordable housing, electric vehicle charging, housing size and accessibility, biodiversity net gain, sustainable construction, and the mitigation of recreational pressures. Overall, it provides a robust assessment of Local Plan viability based on the types of development likely to come forward over the Plan period. Together, the Viability Assessments demonstrate good general viability in both value areas, although there is less ability to deal with market fluctuations or additional cost in the South West as opposed to the North East. In most cases there would be an ability to achieve a level of between 45% and 100% affordable housing, depending on the site type and policy requirements so long as some flexibility is maintained over the affordable housing mix.
120. Where there is additional pressure on development from higher than usual costs, trade off decisions may be required regarding the affordable housing levels and/or tenures mix in the South West of the National Park in particular. The option to deliver infill sites with up to 100% shared ownership homes or as local needs custom or self-build plots will assist in bringing those sites forward without the need to increase the unfettered open market housing element. In addition, there is a reasonable prospect that Homes England will continue to support schemes with grant funding based on the evidence of affordability levels and need.

## Monitoring

121. The Plan includes a monitoring framework which sets out specific and measurable indicators with assessment through the AMR measured against a series of success factors. Many of the indicators have been used in the previous Plan and have been found to be effective. Together they will enable assessment as to whether the Vision, spatial strategy and policies are being delivered. However, **MM46** is necessary to ensure that the contribution made by the National Park towards the overall housing delivery across the two HMAs, (Plymouth and Exeter) is



understood and monitored. That change together with the Governance arrangements in place and the production of the State of the Park Report every 5 years will ensure that the Local Plan is effective. I have amended **MM46** to include clarification of the monitoring provisions in relation to minerals permissions. That is necessary as a consequence of **MM06, MM32, MM33** and **MM35** and will ensure uniformity in the definition of major development throughout the Plan and thereby consistency with national policy.

122.NPPF para 74 sets out the need for strategic policies to include a trajectory illustrating the expected rate of housing delivery over the Plan period. **MM47** would meet this requirement. The trajectory would set out the anticipated rate of delivery for specific sites along with anticipated delivery over the Plan period.

### **Conclusion**

123.Subject to the proposed MMs, the Local Plan is based on a robust assessment of viability which will ensure that it is effective and deliverable. The monitoring framework will provide an effective mechanism to assess progress on achieving the Local Plan's Vision and spatial strategy.

### **Overall Conclusion and Recommendation**

124.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 explained in the main issues set out above.

125.The Authority has requested that I recommend MMs to make the Local Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended MMs set out in the Appendix, the Dartmoor Local Plan 2018-2036 satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*R Barrett*

### **Inspector**

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