

## DARTMOOR NATIONAL PARK AUTHORITY

26 July 2019

**CLIMATE EMERGENCY DECLARATION**Report of the Chief Executive (NPO)Recommendation: **That Members:**

- (i) **Declare a climate emergency;**
- (ii) **Agree to work towards Dartmoor National Park Authority being carbon neutral by 2025 subject to a detailed action plan being developed by officers and presented to Members for approval by March 2020;**
- (iii) **Sign the Devon Climate Declaration at Appendix 2 and agree to continue to work with the Devon Climate Emergency Response Group (DCERG) to collaborate on producing a Devon-wide Carbon Plan;**
- (iv) **Agree to allocate £50,000 from reserves to support the Authority's climate change work;**
- (v) **Note that the Authority has already achieved a 40 per cent reduction in carbon emissions since 2010 (the IPCC base year)**

**1 Background**

- 1.1 In May 2019 the UK Parliament approved a motion declaring a climate change emergency and for the Government to achieve net zero emissions before 2050. The motion was approved without a formal vote and demonstrates the will of the House of Commons but does not legally compel the Government to act.
- 1.2 There is no precise definition of what constitutes action to meet a climate emergency but the purpose is to put climate (and environment) at the centre of policy and practice. Many local authorities and other organisations have declared a climate change emergency in recent months.
- 1.3 The declaration of a climate change emergency marks a renewed sense of urgency in tackling this issue. The latest report from the Intergovernmental Panel on Climate Change (IPCC) advises that carbon emissions must reduce globally by at least 45% by 2030 (from 2010 levels) and reach net-zero by 2050 if we are to avoid the worst effects of climate change by keeping warming below 1.5<sup>0</sup>C. The actions of Greta Thunberg; the broadcast of David Attenborough's documentary Climate Change: The Facts and protests by environmental group Extinction Rebellion have done much to raise the public's awareness of climate change.
- 1.4 At a local level the Authority has been approached by a range of community groups and individuals calling for us to declare a climate emergency. Representatives from

these groups and individuals met with Members of the Authority's Park Management Working Panel (28 June 2019) to present their requests (see Appendix 1) and ask questions. They were also provided with an opportunity to make a presentation to the National Park Forum (10 July 2019).

## **2 Current Situation**

- 2.1 Devon County Council has declared a climate emergency and, in partnership with Exeter University, established the Devon Climate Emergency Response Group (DCERG) to coordinate a Devon-wide collaborative response to the climate emergency. DCERG was convened under 'emergency response' protocols.
- 2.2 Dartmoor National Park Authority (DNPA) has been involved in DCERG since its creation and, along with 25 other organisations, has endorsed its underlying principles. In partnership the DCERG member organisations have produced the Devon Climate Declaration. The Declaration (see Appendix 2) sets out a shared ambition to respond to climate change through collective action, innovation and influence. The main actions signatories to the Declaration commit to include:
  - review organisational carbon reduction plans within 6 months to meet or exceed the IPCC targets, including by ensuring the people we do business with are doing the same, and publicly reporting our carbon emissions annually;
  - collaborate on the production and implementation of a Devon Carbon Plan to meet the IPCC recommendations to reach net zero carbon by 2050 at the latest;
  - collectively review community-related risks from a 1.5C warmer world; and
  - challenge every organisation, business, community and individual to play their part.
- 2.4 As noted above, the IPCC advice is that we must reduce carbon emissions by at least 45% by 2030 from 2010 levels, and reach net zero by 2050, if we are to avoid the worst effects of climate change by keeping warming below 1.5°C. The IPCC targets can be achieved through direct reductions in carbon emissions and/or through carbon off-setting.

## **3 Progress to-date**

- 3.1 As part of the National Park 'family' in England, DNPA has monitored its carbon emissions since 2009 and has been working to reduce these emissions year on year. We have already achieved in excess of a 40% reduction in carbon emissions compared to the 2010 baseline.
- 3.2 This has been achieved through a range of measures including:
  - the installation of further insulation and secondary glazing where possible and appropriate
  - new, more energy efficient heating systems at key premises including a biomass boiler at Princetown sourcing woodchips from sustainable forestry;
  - LED lighting;
  - removal of inefficient electric storage heaters
  - server and desktop computer virtualisation significantly reducing the electrical

- consumption associated with ICT systems and
- smart meters at all premises, which are monitored remotely.

3.3 Whilst we have made a good start we need to develop a detailed action plan to consider how we will achieve a minimum 45% reduction in carbon emissions and , over what time period and how we might reach net zero. Members are being asked to agree that we have an ambition of working towards being carbon neutral by 2025 subject to the development of a detailed and costed action plan to achieve this.

3.4 Further work already identified and being investigated for the DNPA estate includes:

- installation of LED lighting at Haytor and Princetown Visitor Centres;
- voltage optimisation across all buildings;
- purchase of electric pool vehicles (as and when our existing fleet needs replacing and subject to the vehicles meeting our operational requirements);
- replace car park lighting with low energy alternatives;
- conduct an audit of desktop and portable appliances rated over 1kW and consider replacement with more efficient alternatives;
- purchase of renewable energy via a Power Purchase Agreement (PPA) (this would be through Devon County Council and is subject to detailed investigation);
- installation of solar PV panels at Haytor Visitor Centre; and
- installation of electric vehicle charging points in the car parks that we operate.

3.5 All of these actions will need detailed analysis and consideration against the Financial Grant Memorandum that we operate under and our statutory purposes and obligations.

3.6 We should not underestimate the challenge of becoming carbon neutral and achieving this by 2025. The detailed action plan that we must develop will need to consider our ability to invest in further reductions in carbon emissions versus the requirement to meet our statutory purposes and obligations; and the financial constraints that we operate under. The plan will also need to consider:

- the role of off-setting, whether we could invest in such schemes, and the potential to develop a local off-setting scheme(s).
- the scope to reduce indirect emissions not associated with energy use (scope 3 emissions), such as staff and Member commuting, purchased goods and services, sold goods and services, waste disposal, and investments.

3.7 Notwithstanding the support we can access via the DCERG, we may need to buy-in additional support to develop the action plan let alone invest in further reductions in carbon emissions. For this reason we are seeking approval to allocate £50,000 from reserves to support our climate change work and in particular the preparation of the detailed action plan as required.

## **4 Recent action by the Authority across the National Park**

4.1 As well as reducing our own emissions, the Authority has a role to play in leading initiatives within the National Park aimed at mitigating climate change and/or adapting to it. Examples of current initiatives include the restoration of Dartmoor's peatlands, our work on natural flood management, Local Plan policies and the National Park Management Plan.

## **Mire and Peatland Restoration**

4.2 DNPA is working with the South West Peatland Partnership and Defra on a £3.7m project to restore 1,680ha of peatland on Exmoor, Dartmoor and Bodmin Moor (300 ha on Dartmoor). Dartmoor's peatlands hold 10 million tonnes of carbon. From research undertaken by Exeter University only 1% of Dartmoor's peatlands are still intact and actively forming peat. The restoration work we are doing in partnership with the commoners, Duchy of Cornwall and other landowners, South West Water and others will, once complete, achieve a carbon abatement of 1,013 tonnes CO<sub>2e</sub> per year (based on Government formula). The project will also deliver other benefits for biodiversity, water supply and quality. Subject to funding, there is considerable potential to extend this project and prevent the release of further carbon into the atmosphere.

## **Natural Flood Management**

4.3 The Authority is working with the Environment Agency and other partners on a circa £1m pilot project looking at the effectiveness of using natural river processes, land management and soft engineering approaches to reduce the risk of flooding and improve water quality and biodiversity. The project will help establish the effectiveness of these measures in mitigating flood risk, which is due to be exacerbated by climate change.

## **Planning Policy Framework**

4.4 DNPA is the local planning authority for Dartmoor and responsible for the preparation of a Local Plan. The Local Plan sets out a long term development strategy for the National Park and detailed policies to achieve that strategy. Policies in the current adopted Local Plan incorporate measures intended to mitigate against climate change and ensure resilience against its effects, whilst also balancing competing socio-economic priorities such as affordable housing provision. Such measures include:

- focussing residential and employment development in sustainable settlements, thereby reducing the need to travel.
- protecting Dartmoor's environment from harmful development.
- providing appropriate opportunities for and encouraging use of renewable and low carbon energy technologies.
- encouraging low carbon design approaches to reduce energy consumption in buildings.
- ensuring development considers the impact of and promotes mitigation of flooding.
- guarding against potential mal-adaptation, i.e. solutions to climate change which could lead to harm.

4.5 The Authority is currently in the process of developing a new Local Plan. The emerging Local Plan takes significant further steps to address climate change, including:

- requiring provision of electric vehicle charging points alongside residential and non-residential development and in public car parks;
- promoting habitat creation and requiring biodiversity net gain on qualifying development, thereby helping ecological resilience to climate change;

- requiring improvements in sustainable construction practices and encouraging a fabric-first approach; and
- providing flexibility for development which can demonstrate it is truly low impact and highly sustainable.

4.6 Importantly, the emerging Local Plan recognises and responds to the critical challenge of severe national biodiversity loss, that:

- the UK is one of the most nature depleted countries in the world;
- we are not on course to meet the global agreements we have signed for improving our biodiversity; and
- these losses will be further exacerbated by climate change

4.7 Representations made by community groups and individuals to the Park Management Working Panel suggested that all new dwellings within the National Park should be designed to be carbon neutral. Unfortunately this is not currently achievable under national planning policy. However, through the Local Plan review the Authority is seeking to establish a local policy framework which will require improvements to building efficiency standards above that required by national building regulations (and within the limits allowed by national planning policy). This policy has considerable viability implications and it must be balanced against affordable housing, education, biodiversity net gain, open space and other worthwhile contributions required by the policies of the local plan.

4.8 We have also received representations that we should ‘relax planning restrictions on existing dwellings and businesses to enable the residents to become carbon neutral’ by allowing them to generate their own power – solar panels, wind turbines, use of water resources’ (see Appendix 1). Ensuring the conservation and enhancement of the historic environment is one of the statutory purposes for National Parks. The Authority does this in a manner consistent with national planning policy, taking into consideration advice from Historic England. The Authority’s approach to listed buildings is therefore case by case, balancing a building’s significance with the impact and merits of any development proposal. In listed buildings the Authority recommends a whole building energy planning approach which weighs up energy saving measures against their impact on heritage significance, ensuring any building is studied carefully before assumptions about its efficiency are made. This approach aims to target effective, cost-efficient, low risk measures which have minimal impact on significance, including by improving building services and controls, changing the way a building is occupied, used and managed, and managing expectations to establish what is really necessary. Targeting particular technologies, such as solar panels, wind turbines or hydro schemes, with the assumption they would be suitable for all buildings is not consistent with this approach. Further guidance on the whole building energy planning approach is available in Historic England’s 2018 guidance: Energy Efficiency and Historic Buildings – <https://historicengland.org.uk/images-books/publications/eehb-how-to-improve-energy-efficiency/heag094-how-to-improve-energy-efficiency/>

## **National Park Management Plan**

4.9 The Authority is currently in the process of reviewing the National Park Management Plan. This is a statutory document in that under section 66(1) of the Environment Act 1995 each National Park Authority (NPA) is required to prepare

and publish a National Park Management Plan (Management Plan) for its Park and review it every five years.

4.10 The purpose of the Management Plan is to:

- Set out a joint, long term Vision and Ambitions for the National Park.
- Provide the framework for partnership working through the priorities and action plans.
- Provide the framework for all policy and activity in the National Park, coordinating and integrating other plans, strategies and actions (including the Local Plan).
- Provide the basis for focusing resources and drawing in funding.
- Communicate what is important about Dartmoor and the priorities for action to the wider community.
- Provide a focus for the work of the National Park Authority and how it accounts to Government.

4.11 Climate change will be an important consideration in the review of the Management Plan and has already been discussed through the 'Dartmoor Debates' that the Authority organised at the end of 2018/early 2019. There will be an opportunity for individuals and community groups to contribute to the Management Plan through a public consultation programme. We would hope that the revised Management Plan (due 2020) will provide a framework to support community action to address climate change as well as contribute to the delivery of National Park purposes.

## **5 Financial Implications**

5.1 Members are asked to approve the allocation of £50,000 from reserves to support our climate change work and particularly the preparation of the detailed action plan..

## **6. Conclusion and Recommendation**

6.1 The latest report from the IPCC indicated that we have 12 years to act to avoid warming of more than 1.5<sup>0</sup>C and thus avoid a major tipping point in terms of climate change. The Authority has, over the last 10 years, taken steps to reduce its carbon emissions and achieved a reduction of 40 per cent against a 2010 baseline. This is an encouraging start when compared against the IPCC calls for a reduction of at least 45 per cent against 2010 levels.

6.2 Achieving further reductions in carbon emissions, whilst meeting our statutory obligations and purposes and with the limited financial resources at our disposal, will be very demanding. It is right that the Authority should be demonstrating leadership on this agenda and for that reason it is recommended that Members approve an ambition to work towards being carbon neutral by 2025. The feasibility of this target needs to be assessed through the process of developing a detailed and costed action plan. The intention is to bring this detailed report back to Authority for discussion and approval by the end of March 2020. This process may highlight financial and legal reasons that restrict our ambition to become carbon neutral and thus necessitate a change in target or amendments to our legal powers/funding.

- 6.3 Members are also recommended to agree that the Authority signs the Devon Climate Declaration, work with the DCERG to produce a Devon-wide Carbon Plan and to approve the allocation of up to £50,000 from reserves to support our climate change work and, in particular, a detailed action plan as outlined above.

ALEX GANDY AND KEVIN BISHOP

**Appendix 1: Details of the requests presented by community groups and individuals to the meeting of the Authority's Park Management Working Panel on 28 June 2019**  
**Appendix 2: Devon Climate Declaration**

**Details of the requests presented by community groups and individuals to the meeting of the Authority's Park Management Working Panel on 28 June 2019**

We are asking DNPA to:

- Join Devon County Council, Teignbridge District Council and Ashburton and Buckfastleigh Town Council's in declaring a Climate and Ecological Emergency and work towards becoming carbon neutral by 2025;
- Ensure all new dwellings within the Park are designed to be carbon neutral;
- Carry out a green audit of the DNPA organisation;
- Relax planning restrictions on existing dwellings and business within the Park, to enable the residents to become carbon neutral by allowing them to generate their own power – solar panels, wind turbines, use of water resources.

We want Members to agree to put this on the agenda for their 26 July meeting with the 2025 target date.



## Devon Climate Declaration

1. This Declaration has been prepared by a consortium of public, private and voluntary organisations collaborating through a Devon Climate Emergency Response Group. It sets out an ambition to tackle climate change that covers all of Devon, including those people who live, work in and visit our county, and those businesses who are based or operate here.
2. We are aware of the significant implications of climate change for Devon's communities; it is already affecting our environment, infrastructure, economy and health & wellbeing. If not addressed, the impact on future generations will be profound and the ability to meet the United Nation's Sustainable Development Goals will be severely compromised.
3. We understand that the Intergovernmental Panel on Climate Change (IPCC) has advised that carbon emissions must reduce globally by at least 45% by 2030 from 2010 levels and reach net-zero by 2050 if we are to avoid the worst effects of climate change by keeping warming below 1.5 degrees.
4. We will lead in the global response to climate change through our collective action, innovation and influence.
5. Individually, we will review (within 6 months) our plans to reduce our organisation's carbon emissions to meet or exceed these targets, including ensuring the people we do business with are doing the same. We will publicly report our carbon emissions annually in accessible formats.
6. In collaboration, we will engage Devon's residents, businesses and visitors to develop and implement a plan to facilitate the reduction of Devon's production and consumption emissions to meet IPCC recommendations at the latest. We will openly report progress on its delivery. We know this transformational change will be challenging and will include:
  - Deploying more renewable, decentralised and smart energy systems
  - Retrofitting energy-efficiency measures into our existing buildings
  - Constructing zero-carbon new buildings
  - Travelling less and using improved walking, cycling and public transport infrastructure more often, and using electric and hydrogen vehicles
  - Changing our consumption to use less, re-use more and choose low-carbon options
  - Challenging all economic sectors to review their practices and the values of those they do business with
  - Divesting from fossil fuels
  - Changing our dietary patterns and reducing food waste
  - Changing agricultural practices to reduce emissions associated with farming operations, manage soils sustainably and replenish soil carbon
  - Encouraging carbon storage such as through tree planting, the use of wood in construction and peatland restoration
  - Empowering the people of Devon with the knowledge and skills to act collectively.

7. Additionally, we will work to understand the near-term and future risks of climate change for Devon to plan for how our infrastructure, public services and communities will have to adapt for a 1.5-degree warmer world.
8. Local organisations and communities cannot do this alone as national government plays a key role in many of the policy areas that are vital to reducing emissions and adapting to climate change. We call on government to prioritise decarbonisation and adaptation within decision making and work with us by using its powers to provide the resources and funding necessary to accelerate the transition to a low-carbon and resilient economy and society.
9. We challenge every organisation, business, community and individual to do the same.

## DARTMOOR NATIONAL PARK AUTHORITY

26 July 2019

**STATEMENT OF ACCOUNTS 2018/19**Report of the Head of Business SupportRecommendation : **That:**

- (i) **Members approve the 2018/19 Statement of Accounts;**
- (ii) **The Chairman be authorised to sign and date the Statement of Responsibilities on behalf of the Authority;**
- (iii) **The Chairman and the Chief Executive (NPO) be authorised to sign the Letter of Representation on behalf of the Authority;**
- (iv) **Members re-approve the 2018/19 Annual Governance Statement approved by this Committee on 10 May 2018**

**1 Introduction**

- 1.1 The Statement of Accounts (the Accounts) is a statutory document which all local authorities must produce and make available for public inspection. In addition, the accounts are subject to external examination by the Authority's external auditors.
- 1.2 The Chartered Institute of Public Finance and Accountancy (CIPFA) publishes The Code of Practice on Local Authority Accounting (The Code) which specifies the principles and practices of accounting that must be followed in preparing the Statement of Accounts. The Statement of Accounts was authorised for issue and made available for public inspection by 31 May (meeting the required deadline) and the audit should be completed by 31 July. There were no changes to the format and content of the Statement of Accounts this year.
- 1.3 A draft (unaudited) copy of the Accounts has been provided separately for Members only, and it is published on our website <https://www.dartmoor.gov.uk/about-us/how-we-work/funding-and-accounts> . The audit opinion provided by Grant Thornton (GT) will be added to the Accounts after the meeting, once the Audit Findings Report has been presented and approved (next agenda item).
- 1.4 Since the accounts were issued on 31 May it became apparent that following a judgement (on 27 June 2019) in the Court of Appeal about cases involving judges' and firefighters' pensions (the McCloud/Sargeant judgement) there was the a potential impact on the Authority's Pension Fund accounting valuation. We therefore sought an assessment of the potential cost and impact (for the Accounts) and the professional view of the Authority's Actuary was that the potential impact is material. The Pensions liability (Past Service Cost) therefore had to be adjusted by £0.304m (which is considered to be a reasonable approximation for any potential adjustment, once a remedy has been agreed) and reflects the possible impact of any amendments that may be required to the Local Government Pension Scheme, as a result of the Court of Appeal judgement. This is deemed a Post Balance Sheet Event (see note 5 in the accounts). Further information is also set out in the Note 33 of the Accounts and in Section 4 of this report.

- 1.5 Once Members have approved the Accounts, the Authority's Chair will be required to sign the Statement of Responsibilities on behalf of all Members (below the Chief Finance Officer's Certification) on page 10.
- 1.6 The Chair of the Authority and the Chief Executive (National Park Officer) are also required to sign a Letter of Representation on behalf of the Authority, a copy of which is included on pg 24 of the Audit Findings Report. The purpose of the Letter of Representation is to confirm to the Auditors that the Authority's financial statements give a true and fair view.

## 2 Financial Performance

- 2.1 The Audit & Governance Committee reviewed and approved the outturn position on 24 May 2019 (NPA/AG/19/005). Members congratulated staff for the efforts made and outcomes achieved during the year, and for continuing to maintain a culture of robust financial management. A summary of the year's financial performance is set out in the Narrative Report which starts on page 2 of the Accounts.
- 2.2 The actual revenue outturn, in terms of its in-year Management Account reporting was a surplus of £69,394 (£78,605 surplus in 2017/18) which represents a -1.69% variance against Budget (-0.197% in 2017/18). How this surplus is reconciled to the "Deficit on Provision of Services" line in the Comprehensive Income and Expenditure Statement (page 12 of the Accounts) is set out in the table below:

31 March 2018 £000		31 March 2019 £000
941	<b>"Deficit on the Provision of Services" line in the Comprehensive Income and Expenditure Statement</b>	<b>1,231</b>
	<i>Reverse out non-cash items:</i>	
(199)	Amortisation, depreciation & impairment charges	(211)
(835)	IAS19 Retirement Benefit adjustments (pensions)	(1,070)
(5)	Accumulated Absences adjustment (leave and flexi balances)	(7)
20	Net transfers to or (from) reserves per Management Accounts	(38) 26
0	Capital expenditure financed from revenue resources	
<b>(78)</b>	<b>Revenue Budget Surplus (NPA/AG/19/005)</b>	<b>(69)</b>

- 2.3 There have been no changes to the financial outturn, as reported in May, or as a result of the Audit.

## 3 Reserves

- 3.1 The total net transfer to Earmarked Reserves as at 31 March was £31,215 i.e. our Earmarked Reserves balances have been increased by this much. The General Reserve (unallocated) was increased to £500,000 (from £450,000) during the year and is the minimum level of balances that the Authority has determined must be retained. A summary of the total opening and closing Reserve Balances is set out below. Note 12 of the Accounts provides a more detailed explanation and does the Outturn report (NPA/AG/19/005).

<b>31 March 2018</b>	<b>Earmarked Reserve Balances</b>	<b>31 March 2019</b>
		<b>£</b>
(2,154,071)	Opening Earmarked Reserve Balances	(2,252,350)
321,443	Reserves used in year for specific purposes	372,975
(419,722)	Transfers to reserves at year-end for specific purposes	(354,190)
<b>(2,252,350)</b>	<b>Closing Earmarked Reserve Balances</b>	<b>(2,233,565)</b>
<b>(450,000)</b>	<b>General Unallocated Reserve Balance</b>	<b>(500,000)</b>

- 3.2 In aggregate, the level of reserves and balances held is regarded as sufficient to meet current needs and to provide assurance that unforeseen risks and emergencies can be managed. These balances are determined in part by our on-going work programmes and projects and by a risk based analysis and the methodology approved by the Authority.

#### **4 Pension Scheme Assets and Liabilities**

- 4.1 The Authority's pension fund deficit is subject to two different actuarial valuations; the Triennial Valuation and the IAS 19 annual accounting valuation. The Triennial Valuation is used to set the employer contribution rates for the following three years and is based on assumptions that are specific to the authority's part of the Devon Pension Fund. The annual IAS 19 valuation, that the authority is required to use in these accounts uses standardised assumptions and is designed to provide comparability between employers.
- 4.2 The result of the annual accounting valuation as at 31 March 2019 for the Authority is that the net liability has increased by £0.269 million from £12.953 million to £13.222 million (which includes the adjustment made for the McCloud/Sargeant case. The liability (accounting valuation) is an assessment of the level of corporate bonds a corporate body would need to issue in order to cover the cost of the deficit over an assessed period. This approach was designed with the Private Sector in mind but has also been adopted by the Public Sector, although of course in local government, the true pension fund deficit is assessed through the Triennial Valuation and the deficit made good over the working life of the employees rather than by issuing Corporate Bonds.
- 4.3 As stated in section 1.4 above, a material Post Balance Sheet Event has been recognised, resulting in an adjustment to the Pensions (IAS19) disclosures in the financial statements and notes. Prior to this event the pension liability was actually showing a decrease of £0.035million. More detail regarding the McCloud/Sargeant judgement is provide below.
- 4.4 The recent judgement in the Court of Appeal about cases involving judges' and firefighters' pensions (the McCloud/Sargeant judgement) has the potential to impact on the Authority. The cases concerned possible age discrimination in the arrangements made for protecting certain scheme members from the impact of introducing new pensions arrangements. As the Local Government Pension Scheme (LGPS) was restructured in 2014, with protections for those members who were active in the Scheme at 2012 and over the age of 55, the judgement is likely to also extend to the LGPS.

However, the potential impact is uncertain. Even though the Supreme Court has refused the Government's application to appeal the judgement. No decisions have been made about the remedies that would be required or the extent to which additional costs would fall on the Authority.

On the presumption that the remedy (still to be determined) is for the Authority to incur costs in extending protections to all members who were active at 31 March 2012 until their retirement, the Authority's Actuary has estimated that the effect of this decision would be:

- To increase pension the liability in the balance sheet at 31 March 2019 by £0.304million; and
- To increase the projected service cost for 2019/20 by £0.024million (2.4% of the service cost before the McCloud/Sargeant judgement)

It should be noted that the estimated potential impact for the Authority as calculated by the Actuary has also been based on analysis carried out by the Government Actuary's Department (GAD) and our own employer liability profile.

- 4.5 The last triennial valuation took place at 31 March 2016 and the Authority's funding level was assessed to be at 90% compared to 88% in 2013. The results of the 2019 valuation will be known by December. Whether the "remedies" regarding the McCloud/Sargeant case are resolved by then is not yet known, further impact is likely beyond the 2019/20 financial year. However, the Authority continues to make additional contributions to seek to achieve a 100% funding position in accordance with a 17 year recovery plan as determined by the Actuary. In 2016/17 Members approved the payment of a cash lump sum contribution of £500,000 into the fund, with the aim of reducing past service deficits and to potentially reduce future years' contribution increases. The outcome of this decision will only become clear in future years, however current performance has indicated that our deficit recovery strategy was on track.
- 4.6 The annual accounting valuation and disclosures included in the Accounts (Note 33) makes use of many assumptions and is a "snapshot" valuation of assets and liabilities on one particular day at year-end. This snapshot approach to valuing the deficit is volatile and unpredictable. The McCloud/Sargeant case presents more unknowns. It is arguable whether the annual "accounting" calculation of the pension fund deficit accurately reflects the long run position, many believe it does not. The pension fund deficit as reported in the Accounts does not represent an immediate call on the Authority's reserves but simply provides an accounting valuation snapshot (at 31 March) with the value of assets and liabilities changing on a daily basis.

## **5 Going Concern and Responses to Auditor Questions**

- 5.1 During the audit of the Accounts, in order to comply with International Auditing Standards the Auditors need to establish:
- Their understanding of the management processes in place to prevent and detect fraud and to ensure compliance with law and regulation and
  - Their understanding of how the Audit & Governance Committee gains assurance over management processes and arrangements

To assist them in meeting these requirements, we were asked to consider and formally respond to two sets of questions; responses to which were approved by this committee on 10 May (NPA/19/013).

- 5.2 On 24 May (NPA/AG/19/005) the Audit & Governance Committee were asked to consider the long-standing matter of historical management agreement payments made between 2006 and 2012 that were identified as falling within the definition of State Aid; and whether a contingent liability note should be included in the Accounts. Members of the A&G committee determined that as there had been no change in circumstances or level of risk (of repayment) that a note would not be required.

## **6 Local Code of Corporate Governance and the Annual Governance Statement (AGS)**

- 6.1 In 10 May this Committee considered and approved the current year's formal review and assessment of the Authority's governance arrangements, as set out in our Local Code of Corporate Governance and Annual Governance Statement (NPA/19/014).
- 6.2 Members reviewed progress made against the action plan for 2018/19 and approved the work programme for 2019/20. There are no changes or amendments to the AGS previously approved and it is therefore published alongside the Accounts (see page 55). It does however need to be re-approved and re-signed by the Chair of the Authority and the Chief Executive.

## **7 Conclusion**

- 7.1 The External Auditors, Grant Thornton (GT) will present their "Audit Findings Report" and their "Audit Opinion" to you separately (next item on the agenda). It is pleasing to note that apart from one minor error (the audit fee) and the impact of the McCloud case, they have not identified any adjustments, mis-statements or control weaknesses. They have also determined that the Authority had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources (value for money conclusion). GT anticipates being able to provide an unqualified opinion in respect of the financial statements, and an unqualified value for money conclusion once the final checks are completed, by the 31 July deadline.
- 7.2 Once GT's work is complete a copy of the audit opinion will be added to the Accounts, which will be published on the website with the audit findings report and the "formal notification of completion of audit".
- 7.3 Once again the Authority has experienced financial success; absorbing additional costs in year rather than using reserves and therefore maintaining financial resilience, by:
- Generating income from sales, fees and charges, sponsorship, donations and treasury;
  - Robust cost control and efforts to seek out the best price and value for money;
  - Proactively seeking and achieving efficiency savings wherever possible;
  - Proactively seeking and securing external funding;

- Promoting our key messages, resulting in financial support from the public and from partners; and
- Working strategically in partnership with many organisations and the community, with whom which we achieve so much together

7.4 Our performance monitoring and reporting framework: consisting of the Medium Term Financial Plan, the Business Plan, Performance Indicators, the Strategic Risk Register and Service “Dashboards” helps us to maintain robust operational and financial management and guard against unplanned expenditure, loss of income and programme slippage

7.5 The Authority continues to maintain a robust financial position; and is demonstrating a proactive approach to building stronger partnerships, generating new income streams and financial resilience and agility. We are well placed to continue to deliver good outcomes for Dartmoor and to support and deliver against the Government’s 25 Year Environment Plan.

DONNA HEALY

**Background Papers:**

NPA/AG/18/012 - Financial Management 1 April to 30 September 2018

NPA/AG/19/001 - Financial Management 1 April to 31 December 2018

NPA/AG/19/005 – Financial Outturn 2018/19

NPA/18/008 – 2018/19 Net Revenue Budget, Medium Term Financial Plan & Capital Budget

NPA/19/013 – Statement of Accounts: Letters to Management and Those Charged With Governance

NPA/19/014 – Local Code of Corporate Governance & 2017/18 Annual Governance Statement

**Attachments:** Appendix 1 – Statement of Accounts & Annual Governance Statement (provided to Members only)

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## DARTMOOR NATIONAL PARK AUTHORITY

26 July 2019

**DEVELOPMENT MANAGEMENT PROCEDURE UPDATE**Report of the Head of Development ManagementRecommendation: **That Members adopt the following;**

- (i) **The revisions to paragraph 3.5 of the DNPA Scheme of Delegation**
- (ii) **The revised Development Management Committee Site Inspection Protocol**
- (iii) **The revised 'Development Management Good Practice Guide for Members'**

**1 Introduction**

- 1.1 To ensure we are acting in accordance with best practice it is relevant to keep our policies and procedures under review. Matters are routinely discussed by the Authority's Planning & Sustainable Working Panel. The following have been the subject of recent discussion and now warrant presentation to the full Authority for adoption.

**2 Revisions to the Scheme of Delegation – Development Management**

- 2.1 The current Scheme of Delegation was adopted in March 2015 (copy Appendix 1). It lists the full range of powers that are delegated from the Authority to the Chief Executive (National Park Officer) who will, in turn, pass some areas of responsibility to Heads of Service to enact.
- 2.2 Section 3 relates to the delegation of matters relating to Development Management functions. This report and its intended revisions specifically relates to paragraph 3.5 of the scheme – those concerning the decision making process for a range of Development Management matters including, but not exclusively, planning applications.

**3 Background**

- 3.1 The Chief Executive (NPO) is authorised to act on behalf of the Development Management Committee and exercise delegated authority on planning matters (as specified) except the following instances;
  - A. A Member of the Development Management (DM) Committee indicates in accordance with the agreed procedure a wish for the matter (not being a Certificate of Lawful Development) to be considered by the Committee;
  - B. The relevant District/Borough or Town/Parish Council makes a written representation, based upon material planning considerations in substantial conflict with the proposed decision, which the Chief Executive (NPO) considers cannot be dealt with by the imposition of a condition or conditions;

- C. The application or other matter (not being a Certificate of Lawful Development) directly concerns the Authority, a Member or Officer of the Authority or any person living in the same household as a Member or Officer of the Authority;
- D. Legal action is considered expedient which would prevent a person residing in or on premises or significantly affect their ability to do so, or would prevent or significantly affect the operation of a business, employment site or community use;
- E. The Chief Executive (NPO) believes that the matter should more properly be considered by the Development Management Committee by reason of significant public interest, a conflict between the Authority's adopted planning policies and other material planning considerations, or otherwise.

3.2 The Chief Executive delegates authority to the Head of Development Management to determine non contentious and policy compliant applications.

#### **4 Review of current practice**

4.1 We are always seeking to identify efficiencies and learn from best practice, considering where our resources should be used to best effect and assessing the value that our processes add to a planning decision. In particular, the case for presenting householder scale applications to the DM Committee has been reviewed. Specifically officers and Members have examined that part of the procedure related to householder applications which triggers applications coming before the Committee (as set out in 3.1 (B) above).

4.3 For each application presented to the DM Committee there is a significant amount of resource needed, over and above that required for a delegated decision.

This includes;

- Compilation of a written agenda report
- The preparation of a detailed PowerPoint presentation of photographs/plans, etc.
- Preparation of agenda report/printing/mailing/briefings
- Officer presentation & Member time spent in debate at DM Committee

4.4 This was therefore identified as an opportunity for a resource saving. The key driver being to reduce the number of householder applications that are presented without diluting the quality of decision, or weakening local councils' opportunity for involvement in the decision making process.

<b>Applications to Development Management Committee</b>					
<b>(last 5 years to December 2018)</b>					
		<b>Total to committee</b>	<b>Householders to committee</b>	<b>Accord with officer recommendation</b>	
<b>Nov 13 - 14</b>		70	24 (34%)	19 (79%)	
<b>Nov 14 - 15</b>		58	10 (17%)	9 (90%)	
<b>Nov 15 - 16</b>		59	14 (23%)	13 (92%)	
<b>Nov 16 - 17</b>		66	14 (21%)	12 (86%)	
<b>Nov 17 - 18</b>		68	16 (23%)	14 (87%)	

- 4.5 Of the 321 applications presented to committee over the last 5 years (up to December 2018), 78 (24%) related to householder applications. The majority of these were placed on the agenda by the trigger of Parish Council/Town Council 'veto' where the council had an opposing view to the intended officer recommendation. The Borough/District Councils have not exercised this right.
- 4.6 In assessing the value this adds to decision making, it is important to consider whether this alters the intended recommendation. The table shows that, on average, 85% of the final decisions made follow the initial officer recommendation.
- 4.7 On a purely statistical basis, bringing householder applications to committee, for whatever reason, in the majority of cases, does not lead to a different decision. It complicates and protracts the process for the applicant, introduces uncertainty, and uses significant additional resources and Member/Officer time for little added value.
- 4.8 It is important that this is not entirely process/resource driven. Applications considered by the DM Committee are subject to an element of public debate, and this enables a Parish Council to see (in the majority of cases) why a decision is being made contrary to their view. This balance has been discussed by the Planning and Sustainable Development Working Panel, which has weighed the resource implications with the benefits of DM Committee consideration. Members recognised that, in those limited instances where a Parish Council expresses a view contrary to the Officer recommendation, and there are clear material considerations, the opportunity still exists for a Member to 'call in' an application.

## **5 Recommendation**

- 5.1 On the basis of statistics it is hard to argue that bringing householder scale applications before Members adds significant value to the decision making process.
- 5.2 It may also be argued that the number of householder scale applications referred to an annual basis is relatively low, around 20% of all referred to committee, however the officer and Member time spent preparing reports and determining the applications appears disproportionate to the benefit.
- 5.3 It is therefore recommended that;
- The power of veto for Borough/District/Town/Parish Councils, as detailed in paragraph 3.5, is removed from the Scheme of Delegation
  - The Chief Executive (NPO) retains the power to identify those applications which should be brought to DM Committee where there is significant public interest

## **6 Site Inspection Protocol**

- 6.1 The existing Development Management Site Inspection Protocol has been in place for a number of years and has proved to be a simple and robust procedure. As part of our ongoing process review, the Planning & Sustainable Development Working Panel has considered the attached draft protocol (appendix 2) which adds further detail to the reasons for undertaking site inspections, and how they should be conducted to ensure there is transparency and accountability. In particular, this gives guidance about probity and issues of pre-determination.
- 6.2 The main issues are;
- Commentary on circumstances when a site inspection will be appropriate
  - Revisions to conduct of meeting
  - Clearer guidance on the use of pre-committee site inspections
  - Reduction in size of meeting (one PC/TC representative only)
  - No opportunity for applicant/agent to present case
  - Clarity that Borough/District/TC/PC are restricted to identifying facts on site
  - Focus on fact finding/clarity as opposed to seeking Member opinions
  - Revised arrangements for minute taking and subsequent reporting of inspection to DM Committee
- 6.3 The above points ensure that the site inspection process runs smoothly, consistently and in a transparent way. In many ways this process mirrors that of an appeal site inspection, ensuring that this is not an opportunity for further debate or opinion, but to inspect and understand the application site. On this basis a Councils are invited to participate, but required to focus on identifying facts on site. Critically it is not the number of participants which is important, but the opportunity for a representative to identify point a Council may wish the inspection panel to be aware of on site.

- 6.4 The site inspection process is recognised as adding value in all cases where it is used – Members have consistently agreed it is a useful process. The use of clearer presentations with mapping and photographs, has meant that the number of site inspections has been reducing over time. In the majority of cases this will be determined by Member decision at the DM Committee. It is not intended to change the normal process of holding these meetings on the middle Friday between scheduled DM Committee meetings. It does however allow for those occasions where a pre-committee inspection can assist understanding and allow for speedy decision making. The need for those extraordinary meetings would be determined by the Head of Development Management in consultation with the Chair of the Development Management Committee.

### **Recommendation**

- 6.5 That Members adopt the revised Site Inspection protocol as set out in appendix 2.

## **7 Development Management Good Practice Guide**

- 7.1 The good practice guide forms part of the new Member induction process. It provides helpful advice to Members in how they should deal with planning related matters, the standards to be adopted, internal policies and demonstrates how the Authority will act to users of the planning service. The revised document is attached at appendix 3.
- 7.2 The guide has been updated to reflect current legislation and good practice. The Site Inspection protocol referred to above forms an appendix to the guide.

## **8 Recommendation**

- 8.1 That Members adopt the revised Good Practice Guide.

## **9 Financial Implications**

- 9.1 The recommendations contained in this report include efficiency savings which may include minor cost savings (for example printing costs), but ultimately enable officer and Member time to be focused in areas where it adds value to the planning and decision making process.

CHRISTOPHER HART

### **Background Papers:**

**Attachments:** Appendix 1 – Scheme of Delegation  
Appendix 2 – Site Inspection Protocol  
Appendix 3 – Development Management – Good Practice Guide For Members

# Dartmoor National Park Authority



## Scheme of Delegation

*Adopted 6 July 2012; amended 5 July 2013, 6 June 2014 and 6 March 2015*

### **1 General Conditions of Delegation to Officers**

The Delegations set out in this Scheme of Delegation are subject to the following:

- 1.1** The powers delegated to a committee, sub-committee or Officer shall at all times be exercised in accordance with:
  - (a) the Standing Orders of the Authority, including those regulating contracts;
  - (b) the Financial Regulations and Procedures of the Authority;
  - (c) the adopted policies of the Authority and its committees and sub-committees;
  - (d) the views of the Authority as evidenced by resolutions passed in meetings of the Authority and its committees and sub-committees.
- 1.2** Where any matter involves considerations not within the sphere of competence of the relevant Officer or committee, that Officer or committee shall seek appropriate professional or technical advice before authorising action or determining to take no action.
- 1.3** In cases of unusual complexity, difficulty, sensitivity or public interest an Officer holding delegated authority shall:
  - (a) ensure the proper discharge of all necessary notifications and consultations with any interested party, agency or authority having a legal or statutory interest which may be affected;
  - (b) satisfy him/herself that the decision is not of such a nature that it should be referred to the Chief Executive (National Park Officer) a meeting of the Authority or the appropriate committee or sub-committee for decision;
  - (c) in the case of matters being considered by the Chief Executive (NPO), consult fully with the Chairman of the Authority and/or the Chairman of any relevant committee or sub-committee of the Authority.
- 1.4** An Officer shall not use delegated powers to determine any particular matter if a Member or Officer of the Authority is known or believed to have a legal, financial or other relevant interest in that matter.
- 1.5** An Officer shall not use delegated powers to determine any particular matter if it appears to the Officer to raise issues of policy not yet determined by the Authority or its committees or may involve a significant change from established practice.

**1.6** Every determination taken by an Officer under delegated powers (including a determination to take no action) shall be evidenced in writing and accompanied by a statement of the reasons for the determination, signed by that Officer and for the purposes of this clause 'determination' shall have the meaning set out in Annex 1 hereto.

## **2 General Delegation to Chief Executive (National Park Officer)**

The Chief Executive (NPO) is hereby authorised to:

- 2.1** undertake the day-to-day management and control of the Authority, its Officers and staff, premises and services to give effect to the strategies and policies as set out in the Dartmoor National Park Management Plan and any adopted Corporate or Business Plan;
- 2.2** determine and implement any action necessary to give effect to the implementation of the Dartmoor National Park Management Plan and any adopted Corporate or Business Plan and for this purpose to incur expenditure in accordance with the approved budget and the limits provided for in Standing Orders and Financial Regulations;
- 2.3** take any action necessary to give effect to any decision of the Authority or its committees and sub-committees;
- 2.4** make the necessary arrangements to ensure that all expenditure is regularly monitored against approved budgets and that any significant outturn variations are reported to the Authority or any appropriate committee or sub-committee;
- 2.5** in cases of urgency or emergency, take any necessary action, including the institution of legal proceedings, or decide that no action is necessary on behalf of the Authority and any committee or sub-committee of the Authority in relation to any matters within the Authority's powers, duties and responsibilities. In each such case a full report of the action taken shall be made to the next meeting of the Authority or the appropriate committee or sub-committee;
- 2.6** act in relation to the appointment, dismissal, discipline and determination of all matters relating to the employment of Officers and staff of the Authority and the conditions upon which they are employed as specified in such national and local conditions of service as may from time to time be in force; save that any such matters relating to the Monitoring Officer or the Section 151 Officer shall, unless the Authority determines otherwise, be reserved to the Authority or such committee or sub-committee as may be established for the purpose;
- 2.7** authorise Officers of the Authority to exercise statutory powers of entry, for the purpose of inspection and survey of land, buildings or premises, and may issue any necessary evidence or warrant of authority;
- 2.8** Unless expressly provided otherwise, determine that any of the delegated powers afforded to him/her under this Scheme of Delegation may be exercised by any Officer of the Authority authorised in writing by him/her.

### **3 Delegation of Matters Relating to Development Management**

#### **3.1 The Development Management Committee**

The development management business of the Authority shall be conducted by a Development Management Committee of the Authority.

The Development Management Committee shall comprise those Members appointed by the Authority, save that no Member appointed to the committee shall be entitled to exercise his/her vote in committee unless he/she shall have undertaken (a) introductory training in planning matters; and (b) such additional or refresher training as may from time to time be prescribed as required for membership of the committee.

#### **3.2 Functions of the Development Management Committee**

The Development Management Committee shall exercise the Authority's functions as follows:

- (1) as a planning authority and mineral planning authority for Dartmoor National Park under Parts III, VII, VIII, X, XI and XV of the Town and Country Planning Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made thereunder;
- (2) as the relevant authority under Parts I, II and III of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended or revoked and re-enacted, and any Statutory Instrument or Regulations made thereunder;
- (3) as the relevant authority for the purposes of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 as amended and all related matters;
- (4) as local planning authority in relation to the issue of certificates of appropriate alternative development under the Land Compensation Act 1961 as amended; and
- (5) as hazardous substances authority under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992, as amended by the Planning (Control of Major Accidents Hazards) Regulations 1999.

#### **3.3 Powers & Duties**

Without prejudice to its general functions, the Development Management Committee shall have the responsibility to exercise the following powers and duties of the Authority:

- (a) to determine planning applications;
- (b) to authorise enforcement action, including legal action, or determine that it is not expedient to take action upon any breach of planning or listed building control;
- (c) to give or refuse consent for alterations to listed buildings;
- (d) to make tree preservation orders;
- (e) to regulate advertisements;



- (f) to make site inspection visits;
- (g) to respond to consultations from neighbouring local authorities.

### **3.4 Limits on the Delegation to the Development Management Committee**

For the avoidance of any doubt, the Development Management Committee and every Officer exercising delegated responsibility in development management matters shall at all times have primary regard to the Development Plan, Government guidance in planning matters, and relevant legislation and case law.

Furthermore, except insofar as it may be in conflict with the primary duty described above, the Development Management Committee and every Officer exercising delegated authority in development management matters shall have full and proper regard to:

- the Authority's statutory purposes;
- the Authority's duties and responsibilities;
- the adopted policies and procedures of the Authority;
- the Authority's best interests.

### **3.5 Delegation to Chief Executive (National Park Officer)**

The Chief Executive (NPO) is hereby authorised to act on behalf of the Development Management Committee and exercise delegated authority to determine any matter arising under:

- (a) Parts III, VII, VIII, X, XI and XV of the Town and Country Planning Act 1990;
- (b) Parts I, II and III of the Planning (Listed Buildings and Conservation Areas) Act 1990; and
- (c) any Statutory Instrument or Regulation made thereunder;

including but not limited to those matters set out in Annex 2 hereto, except as follows:

- a Member of the Development Management Committee indicates in accordance with the agreed procedure a wish for the matter (not being a CLEUD or a CLOPUD) to be considered by the Committee;
- the relevant District/Borough or Town/Parish Council makes a written representation, based upon material planning considerations in substantial conflict with the proposed decision, which the Chief Executive (NPO) considers cannot be dealt with by the imposition of a condition or conditions;
- the application or other matter directly concerns the Authority, a Member or Officer of the Authority or any person living in the same household as a Member or Officer of the Authority;
- Legal action is considered expedient which would prevent a person residing in or on premises or significantly affect their ability to do so, or would prevent or significantly affect the operation of a business, employment site or community use;

- the Chief Executive (NPO) believes that the matter should more properly be considered by the Development Management Committee by reason of significant public interest, a conflict between the Authority's adopted planning policies and other material planning considerations, or otherwise.

**3.6** The Chief Executive (NPO) is hereby authorised to determine any question concerning the interpretation of a s106/s52 planning obligation and in particular the eligibility of any individual to occupy an affordable dwelling in accordance with the provisions of that planning obligation and the conformity of any disposal of an intermediate dwelling.

**3.7** The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 3.4 & 3.5 may be exercised by any Officer of the Authority authorised in writing by him/her.

#### **4 Delegation to the Audit and Governance Committee**

**4.1** There shall be an Audit and Governance Committee of the Authority to perform the following functions:

- (a) to exercise such powers and decision-making duties as may be delegated to the committee by the Authority;
- (b) to scrutinise the activity of the Authority with particular reference to its governance, performance and use of resources (including human resources);
- (c) to maintain a sub-committee to deal with Standards issues;
- (d) to make recommendations to the Authority, its committees and sub-committees as appropriate, relevant to governance, performance and resource issues.

**4.2** Without prejudice to its general functions, the Audit and Governance Committee shall have the responsibility to exercise the following powers and duties of the Authority:

##### **(A) Audit**

- to agree the District Auditor's annual Audit and Inspection Plan;
- to agree the Internal Audit Service programme;
- to consider the Annual Report, any reports from the Authority's Internal Audit Service and/or the District Auditor;
- to determine action plans and monitor progress against them.

##### **(B) Performance**

- to monitor and review the performance of the Authority with particular regard to the Corporate Improvement Action Plan and all statutory or other performance indicators, or agreed service standards and targets;
- to agree Key Performance Indicators and to monitor progress against these;
- to monitor the financial performance of the Authority and the management and maintenance of the Authority's assets;

- to agree the Best Value Review programme and to receive reports and monitor progress against action plans;
- to receive and consider the annual report on the complaints procedure, reports on customer survey/satisfaction, peer reviews, self assessments etc.

### **(C) Governance**

- to scrutinise and keep under review Internal Control Mechanisms;
- to consider and make recommendations to the Authority regarding policies and procedures which guide the Authority in the discharge of its powers and duties;
- to hear appeals from staff pursuant to various HR policies, as required;
- to monitor and review the Corporate Risk Strategy and Register.

### **(D) Standards**

- to promote and maintain high standards of conduct by Members and officers;
- to advise the Authority on the adoption of a Code of Conduct pursuant to s.27(2) Localism Act 2011;
- to assist Members to observe the Code of Conduct;
- to consider and determine complaints against Members under the Code of Conduct.

## **5 Public Rights of Way and Access**

The Chief Executive (NPO) is hereby authorised to discharge the functions of the Authority in relation to public rights of way and public access to land, including those functions in relation to public rights of way that are to be discharged by the Authority on behalf of Devon County Council pursuant to the Agreement dated 1 April 2006 and any subsequent Agreement between the parties modifying or revoking and re-enacting its provisions.

This delegated authority shall include, but not be limited to the power to:

- 5.1** make and confirm unopposed public path creation, extinguishment, diversion and modification orders made by the Authority under the Highways Act 1980, Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990;
- 5.2** take action under the Highways Act 1980 to deal with nuisances, dangers and obstructions to public rights of way;
- 5.3** undertake maintenance and improvement of public rights of way;
- 5.4** respond to and serve notices under Section 56 Highways Act 1980;
- 5.5** determine applications under Section 147 Highways Act 1980 for the erection of gates, stiles, or other works on footpaths and bridleways for the purpose of preventing ingress and egress by animals;
- 5.6** make temporary traffic regulation orders under Sections 14 and 15 Road Traffic Regulation Act 1984;

- 5.7** enter into public path creation agreements, agreements for permissive paths and access agreements under S39 of the Wildlife and Countryside Act 1981 and other relevant powers, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750pa over the life of the agreement;
- 5.8** determine applications and make directions to exclude or restrict access to land under Sections 24 and 25 Countryside and Rights of Way Act 2000 for non-recurring periods where the aggregate of the period or exclusion sought and any other periods in the same year during which access to the land has been excluded or restricted pursuant to applications under the Sections 24 and 25 is less than 6 months;
- 5.9** make directions under Section 26 of the Countryside and Rights of Way Act 2000 for periods of up to six months in any one year;
- 5.10** The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 5.1 to 5.9 may be exercised by any Officer of the Authority authorised in writing by him/her.

## **6 Land and Property**

The Chief Executive (NPO) is hereby authorised to:

- 6.1** make management agreements (including agreements with an access element) under S39 of the Wildlife and Countryside Act 1981 and other relevant powers, including national agri-environment schemes provided by Defra or Natural England, involving one-off lump sum compensation or acknowledgement payments of up to £5,000, or annual or other payments which will average less than £750pa over the life of the agreement;
- 6.2** agree variations to annual payments required under the terms of any such agreement;

The Chief Executive (NPO) is further authorised to:

- 6.3** approve the acquisition by the Authority of:
  - (a) the leasehold interest in any land for a term not exceeding 21 years at an annual rent not exceeding £2,500;
  - (b) the freehold interest in any land at a price not exceeding £10,000;
- 6.4** decide in relation to the Hedgerow Regulations 1997 whether or not a hedgerow is 'important' and whether to issue a Hedgerow Retention Notice;
- 6.5** agree minor easements, wayleaves and licences over land owned by the Authority;
- 6.6** authorise consents on common land and access land under National Park Byelaws and to make decisions concerning the licensing of commercial activities;
- 6.7** negotiate and enter into leases and licences on behalf of the Authority, subject to the limitations in clause 6.3 above, and deal with minor amendments and rent reviews;
- 6.8** act as Steward of the Manor of Holne;

- 6.9** determine that the delegated powers in paragraphs 6.1 to 6.7 may be exercised by any Officer of the Authority authorised in writing by him/her.

## **7 Grants and Loans**

- 7.1** The Chief Executive (NPO) is authorised to offer, make, refuse, withdraw or reclaim grants, contributions and loans in all circumstances where the Authority has power so to act, provided that he/she shall act in accordance with Financial Regulations, this Scheme of Delegation and the overall policies for grants or loans adopted by the Authority or any of its committees and sub-committees.
- 7.2** Applications for grants or contributions exceeding £5,000 shall normally be referred to the Authority for consideration.
- 7.3** No grant or loan shall be awarded to any person or project so as to exceed £5,000 in aggregate in any calendar year.
- 7.4** A written record shall be kept of all decisions made, such information to be open to inspection by any Member of the Authority and any member of the public upon reasonable request.
- 7.5** The Chief Executive (NPO) is further authorised to determine that the delegated powers in paragraphs 7.1 to 7.4 may be exercised by any Officer of the Authority authorised in writing by him/her.

## **8 Legal Action**

The Chief Executive (NPO) is hereby authorised to:

- 8.1** serve any statutory notice or requisition for information requiring the owner, occupier or a person with an interest in land or premises to give information to the Authority;
- 8.2** obtain Counsel's opinion or other professional legal advice and brief Counsel or any other competent and qualified person to appear for the Authority;
- 8.3** institute, defend or settle proceedings in the name of the Authority at Common Law or under any Statute, Statutory Instrument, Regulation, Order, Byelaw or other provision conferring functions upon the Authority or in respect of functions undertaken by the Authority. For the avoidance of doubt this authority shall extend to the issue of process and the taking of all necessary procedural steps and doing any other act or thing necessary to represent the Authority in the civil and criminal courts, any tribunal, Inquiry or hearing, including the service of notices whether statutory or otherwise, counter-notices and Notices to Quit;
- 8.4** bring prosecution proceedings in any criminal court, where it is considered clearly expedient for the promotion or protection of National Park purposes and duties or the interests of the Authority, including the contravention of National Park Byelaws, or offences contrary to any enactment;

- 8.5** authorise any Officer of the Authority to prosecute or defend or appear on behalf of the Authority in any legal proceedings pursuant to Section 223 of the Local Government Act 1972, and to appear on behalf of the Authority before any Inquiry, Tribunal or other body;
- 8.6** authorise any qualified lawyer employed by or appointed by the Authority to exercise any of the powers set out in 8.1 to 8.5 inclusive.

## **9 Standards**

- 9.1** The Monitoring Officer and any duly appointed Deputy Monitoring Officer are hereby authorised to:
- (i) Receive and acknowledge receipt of a complaint under the Member Code of Conduct;
  - (ii) Inform the Member(s) concerned that a complaint has been received and the matter complained of;
  - (iii) Inform the Authority's appointed Independent Person that a complaint has been received, the identity of the Member(s) concerned and the nature of the complaint;
  - (iv) Seek clarification from the person making the complaint and any further background information as necessary, without engaging in any substantive investigation;
  - (v) Invite the Member(s) concerned to make a statement about the complaint;
  - (vi) Consult with the Independent Person prior to the initial assessment decision;
  - (vii) Close the complaint on the grounds that the matter complained of does not merit formal investigation;
  - (viii) Entirely without prejudice to whether there has or has not been any breach of the Code of Conduct, ask the Member(s) concerned to:
    - (i) attend a training course or receive other training;
    - (ii) engage in a process of conciliation with the person who made the complaint;
    - (iii) undertake some other appropriate action, as specified;
    - (ix) Refer the complaint for formal investigation and appoint an investigating officer;
    - (x) Take all decisions and steps necessary for the proper conduct of any investigation and the proper determination of any complaint, question or other matter arising under the Code of Conduct in accordance with the Authority's adopted protocols and procedures.
- 9.2** For the avoidance of doubt, this delegation shall include the power to incur necessary expenditure not exceeding £5,000 in commissioning external legal advice or assistance with any investigation.

## **10 Miscellaneous**

The Chief Executive (NPO) is hereby authorised to:

- 10.1** Approve the appointment or engagement of consultancy support on any project, review or task involving expenditure not exceeding £10,000 PROVIDED THAT:
- (i) for the purposes of this Scheme of Delegation, consultancy support shall include but not be limited to work by external contractors, chargeable work by other local authorities or public sector bodies, and the work of agencies, firms and companies;
  - (ii) any such appointment or engagement is made in accordance with the Authority's adopted instructions relating to procurement.
- 10.2** Make arrangements for disposal of surplus items (excluding land, buildings and leased items) with an estimated market value of up to £2,500 PROVIDED THAT:
- (i) all disposals relating to land, buildings and leases shall be approved by the Authority, will be in accordance with the Authority's Asset Management Plan and will be via public auction or by tender after public advertisement;
  - (ii) all disposals of assets and surplus items must be undertaken in accordance with the Section 123(2) of the LGA 1972 so as to obtain the best consideration for the Authority and no favour should be shown to staff or other third parties.
- 10.3** Make an ex gratia payment in a sum not exceeding £1,500 to any person who is proved to have suffered a direct identifiable loss as a result of the Authority's actions or failure to act.
- 10.4** Reimburse the costs of damage or loss of an Officer's personal property up to a maximum of £500 in any one case, provided it is shown that the damage or loss arose in the course of the Officer's duties without negligence or carelessness on the Officer's part.
- 10.5** Write off any overpayment not exceeding £1,000 made to an Officer if satisfied that:
- all steps have been taken to recover the sums due; or
  - the cost of recovering any sums due would exceed the sum involved; or
  - recovery would cause undue hardship to the Officer concerned.
- 10.6** Determine that the delegated powers in paragraphs 10.1 to 10.5 may be exercised by any Officer of the Authority authorised in writing by him/her.

## **Annex 1**

### **Exercise of Delegated Powers**

For the purposes of this Scheme of Delegation and in particular clause 1.6, the determination of a particular matter shall include but not be limited to the following (and 'determine' and 'determination' shall be construed accordingly):

- the discharge of any function in relation to the appointment, dismissal, discipline and all matters relating to the employment of Officers and staff of the Authority and the conditions upon which they are employed;
- the exercise of any decision-making function in relation to the management and control of the Authority, its Officers and staff, premises, resources and services, as is likely to have a significant effect on the Authority, its physical, financial or human resources, its partnerships and reputation, or otherwise;
- the exercise of any decision-making function in relation to Development Management, in particular those functions listed in Annex 2 to this Scheme of Delegation;
- the discharge of functions in relation to public rights of way and public access to land;
- the discharge of functions in relation to land and property;
- the exercise of any decision-making function in relation to grants and loans;
- the institution, defence and conduct of any legal proceedings;
- the authorisation of any payment made pursuant to clauses 10.3 or 10.4 of this Scheme of Delegation.



## Annex 2

### Town and Country Planning Act 1990 (as amended)

#### **Part III            Development**

S 58	Grant Planning Permission
S 59/60	Make Development Order
S 72	Impose conditions on grant of planning permission
S 73	Authorise Development without complying with conditions previously attached
S 94	Serve Completion Notice
S 97	Revoke/modify planning permission
S 102	Discontinue use/remove buildings
S 106	Planning Obligation Agreement
S 106A	Discharge/Modify S 106 Agreement

#### **Part VII            Enforcement**

S 171C	Serve Planning Contravention Notice (PCN)
S171D	Prosecute for non-compliance with PCN
S171E	Issue Temporary Stop Notice (TSN)
S171G	Prosecute for non compliance with TSN
S 172	Issue Enforcement Notice (EN)
S173A	Withdraw/relax EN
S178	Authorise direct action to secure compliance with requirements of EN
S 179	Prosecute for non-compliance with EN
S 183	Issue Stop Notice
S 186	Compensation for Stop Notice not upheld
S 187	Prosecute for non-compliance with Stop Notice
S 187A	Issue Breach of Condition Notice (BCN)
S187A(9)	Prosecute for non-compliance with requirements of BCN
S187B	Seek injunction to restrain breach of planning control
S 188	Keep statutory register
S 191	Certificate of Lawful Use or Development (CLU or D)
S 192	CLU or D proposed
S 193 (7)	Revoke CLU or D if fraud
S 194	Prosecute for false statement to obtain CLU or D
S 196 (A) (B)	Seek warrant of entry to premises

## **Part VIII      Trees**

S 198	Make Tree Preservation Order (TPO)
S 199	Confirm TPO
S 201	Direction for immediate effect of provisional TPO
S 204	Pay compensation for replanting trees
S 206 (2)	Dispense with duty to replace tree (TPO)
S 207	Tree enforcement notice
S 209	Authorise direct action by Authority
S 210	Prosecute for non-compliance with TPO
S 211 (1)	Prosecute for harm to tree in Conservation Area
S 211 (3)	Consent to carry out works to tree(s)
S 213 (2)	Dispense with duty to replace tree (Conservation Area)
S 214	Keep Statutory register
S 214 (A)	Seek injunction
S 214 (B)(C)	Exercise right of entry with/without warrant
S 215	Notice to maintain land
S 216	Prosecute for non-compliance with S 215 Notice
S 219	Authorise direct action by Authority
S 224(3)	Power to authorise prosecution for breach of control as to advertisements
S 225	Power to remove or obliterate placards/posters

## **Part X            Highways & Telecommunications Equipment**

## **Part XI          Statutory Undertakers**

## **Part XV         Misc**

S 330	Power to require information as to interests in land
S 330	Prosecute for non-compliance with S 330 Notice

## **Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2011 (as amended)**

- to determine whether development appears to fall within Schedule 1 or Schedule 2
- to make and issue a Screening Opinion
- to make and issue a Scoping Decision
- to evaluate an Environmental Statement
- to determine whether further information should be requested pursuant to Regulation 22

## **Miscellaneous**

1. Power to determine non-material amendments to an approved scheme
2. Power to respond to consultations from neighbouring local authorities
3. Power to certify compliance with condition(s)
4. Power to determine to close and enforcement case / take no further action (including where enforcement notice served but not fully complied with).

## **Planning (Listed Building & Conservation Areas) Act 1990 (as amended)**

### **Part I Listed Buildings**

- |           |   |
|-----------|---|
| S 3       | Serve building preservation notice                      |
| S 8       | Authorise works to listed building/demolition           |
| S 9       | Prosecute for contravention of S 7                      |
| S 16      | Grant consent for works (with conditions)               |
| S 19 (4)  | Vary or discharge conditions attached to consent        |
| S 23      | Revoke/modify consent                                   |
| S 28 - 31 | Compensation for notices under S 8                      |
| S 38      | Issue Listed Building Enforcement Notice                |
| S 42      | Authorise direct action to remedy unauthorised works    |
| S 43      | Prosecute for contravention of S 38 notice              |
| S 44 (A)  | Seek injunction   |
| S 54      | Urgent works to preserve unoccupied listed building     |
| S 57      | Power to make grants towards repair of listed buildings |

### **Part II Conservation Areas**

- |      |   |
|------|---|
| S 69 | Designate Conservation Areas                                |
| S 71 | Proposal to enhance and preserve conservation areas         |
| S 74 | Consent for demolition                                      |
| S 76 | Urgent works to preserve unoccupied building                |
| S 77 | Power to make grants and loans for preservation/enhancement |

### **Part III General**

- |        |  |
|--------|--|
| S 88/A | Exercise right of entry/warrant of entry |
|--------|--|

# Dartmoor National Park Authority



## Site Inspection Protocol

### Introduction

Official site visits by members of the Development Management Committee can play an important role in ensuring that Members make decisions on a sound understanding of the relevant issues. However, care must be taken to ensure that site visits are not misused as a lobbying device to help ensure a particular outcome in respect of controversial applications, or to defer consideration of an application to a subsequent meeting. It is also important that there is a clear understanding by members of the public as to why certain applications require a site visit and others do not.

*"Site visits cause delay and additional costs and should only be used where the expected benefit is substantial; they should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit"*

*(PAS "Probity in Planning" 2013 para 11.2)*

### Decision to hold Site Inspection

The decision to hold a site inspection is usually taken in committee, resulting from a resolution carried by the committee following a proposal, duly seconded. The specific planning reason why such an inspection is believed necessary should be given by the Member proposing a site inspection, and should be recorded in the minutes.

Occasionally, when an application raises issues which clearly require a site inspection, the Head of Development Management in consultation with the Chairman of the Development Management Committee may arrange a pre-committee site inspection. The reasons for calling a pre-committee inspection shall be recorded in the minutes of the following committee.

### Role of Site Inspection

A site inspection is a fact-finding and information gathering exercise. It is **not** a decision-making meeting. A site inspection is intended to supplement the officer report and committee room presentation, in particular when the impact of the proposed development is difficult to visualise.

### Composition of Site Inspection Panel

All members of the Development Management Committee have the right to attend a site inspection, however there should be at least **four** and normally no more than **six** Members in attendance. The membership and chairmanship of the Site Inspection Panel should be determined in committee when the decision to hold a site inspection is made.

### **Attendance at a Site Inspection**

A site inspection can only take place on land with the consent of the land owner. In the unlikely event that the land owner refuses permission for a specific person or group to enter onto the land, who would otherwise usually be entitled or expected to be present, the Site Inspection Panel Chairman should seek legal advice before proceeding.

Those usually in attendance are:

- i) Members who have been appointed to the Panel by the Development Management Committee
- ii) The case officer, together with any other officer who the case officer believes it appropriate to attend (eg Historic Buildings Officer, Trees & Landscape Officer, Head of Development Management)
- iii) The Applicant &/or Agent
- iv) One representative of the relevant District / Borough Council
- v) One representative of any statutory consultee whose comments are pertinent to the planning issues under consideration (e.g., Highway Authority/ Environment Agency)
- vi) One representative of the relevant parish/town council
- vii) A clerk to take minutes of the panel proceedings

### **Conduct of Site Inspection**

The site inspection procedure is as follows:

- i) The Panel Chairman will welcome those attending and explain the purpose of the site inspection and the procedure to be followed. It will be emphasised that no decision will be made on site and that the application will be determined at a subsequent meeting of the Development Management Committee.
- ii) The case officer will describe the application, and outline the relevant planning considerations and policies, paying particular attention to the specific issues that warranted the need for the site inspection, using plans if necessary
- iii) Any other officer of the Authority wishing to advise Members will present their advice

- iv) Any person representing a statutory consultee will give their comments
- v) The **one** authorised representative of the Parish Council and **one** authorised representative of the District/Borough Council will be invited to point out matters of fact relating to the site by the Panel Chairman
- vi) The applicant and/or agent may be invited by the Panel Chairman to respond to any questions

**NB the applicant / agent shall have no right to address Members or make any presentation, or draw their attention to any matter, except as invited by the Panel Chairman in response to a question from the Panel Chairman. The District/Borough and Parish/Town Council representatives will restrict their comments to facts related to the site and its surroundings. They shall not be invited to relay personal opinion or amplify points raised in consultation responses.**

- vii) Any further questions from Members
- viii) The Chairman will close the site inspection, thank all parties for their attendance and inform them of the date and time of the Development Management Committee at which the application will be reported

### **After the Site Inspection is Closed**

Following the closure of the formal site inspection by the Panel Chairman, it is customary for Members to move out of earshot of others and discuss briefly with the case officer issues raised in the light of the site inspection.

However, the Site Inspection Panel is **not** a decision-making body and the Panel should not take any form of straw poll or vote, or attempt to reach a collective view.

*“Councillors should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments”*

*“Members of the committee should not decide or declare which way they will vote in advance of the planning meeting, or before hearing evidence and arguments on both sides”*

*(PAS “Probity in Planning” 2013 para 6.2 and 6.5)*

The Clerk will prepare a brief summary of proceedings which will form the minute of the site inspection to be presented at the following Development Management Committee. The Case Officer will prepare and present an update report in the light of the site inspection. This report will reflect on any matters or updates following the site inspection and shall include a recommendation. The summary report will be accompanied by any previous officer report relating to the application already presented in committee. The report will either confirm the previous officer recommendation, or make a different recommendation, giving full reasons for any change in recommendation.

When the matter is next before the Development Management Committee, it shall be customary for the Chair of the Committee to invite the Chair of the Site Inspection Panel, and then other members of that Panel, to speak first in debate (after the Case Officer's presentation and any public participation).

**July 2019**

DRAFT

**Key Points to note**

*It is recognised good practice for councils to adopt criteria for site visits:*

- they should only be used where there will be substantial benefit*
- the purpose, format and conduct must be clearly established and adhered to*
- the reasons for site visits should be recorded in the minutes*
- preferably it should involve inspection by panel or subcommittee only, with officer assistance; otherwise all parties must be treated fairly and equitably*
  
- site visits are intended to be **fact-finding** exercises*
- you should use the opportunity to **establish the relationship** of the site / buildings with surrounding buildings / features / characteristics*
- it is not part of the formal consideration of an application*
- the **applicant/agent may not address the meeting**, except to establish points of fact (for example, identify location of development proposal within the site)*
- there is **no public right of attendance** and they are not permitted to address the meeting*
- the **planning officer must attend to explain the proposal** and answer questions*
- wherever possible you should **make notes** so that you can accurately recall the visit when the application is formally considered at the committee meeting*
- in preparing for the committee meeting if you believe the visit highlighted issues that are not addressed in the officer's report, **liaise with the officer prior to the meeting***

*Planning Advisory Service*





**Dartmoor National Park Authority**

# **Development Management**

## **Good Practice Guide**

**For**

**Members**

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## The Good Practice Guide

- ❖ This Good Practice Guide has been adopted by the Dartmoor National Park Authority to set out written guidance for the performance of its Development Management function. The Guide has the following objectives:
  - **To assist Members of the Authority in dealing with *planning related matters***
  - **To provide more detailed guidance on the *standards* to be applied specifically in relation to planning matters**
  - **To set out *internal policies and procedures* for the way in which the Authority will deal with planning matters**
  - **To *inform potential users of the planning service, and members of the public generally*, of the standards adopted by the Authority in the performance of its planning function.**
  
- ❖ The Guide aims to reflect the Local Government Association's publication "*Probity in Planning – The Role of Members and Officers*" (2009). The aim is to ensure that there are no grounds for suggesting that a decision has been affected by bias, partiality or unreasonableness.
  
- ❖ The Guide is separate from, and in addition to, the Authority's adopted Members' Code of Conduct, although some provisions of the Guide address issues which are also dealt with by the Code of Conduct.
  
- ❖ It is essential induction reading for new members and a useful reminder for more experienced members.
  
- ❖ The advice in this Guide applies to Members at all times when they are involved in the planning process. This includes meetings of the Development Management Committee (Committee), meetings of the Authority when exercising other planning functions and less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies to planning enforcement matters or site specific policy issues as well as to planning applications and site visits.
  
- ❖ If you have any doubts about the application of this Guide to your own circumstances, please seek advice from the Monitoring Officer at an early stage and preferably well before any meeting takes place.

## Public Confidence in Decision Making

- ❖ One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Planning necessarily affects land and property interests and as such is often highly contentious. It is important therefore that planning decisions are made, and appear to be made, openly, impartially, with sound judgement and for justifiable planning reasons.
- ❖ The Members' Code of Conduct sets out general responsibilities and obligations for Members, addresses the issue of personal and pecuniary interests, registration and declaration of interests and gifts and hospitality.
- ❖ This Guide is intended to supplement the Code of Conduct in the context of development management.
- ❖ Members must always declare pecuniary, registerable and personal interests in accordance with the Members' Code of Conduct.
  - **Do disclose the existence and nature of your interest at any relevant meeting preferably at the start of the meeting, including informal meetings or discussions with Officers and other Members.**
  - **You *must* disclose your interest no later than the commencement of discussion on that particular matter.**
- ❖ Where your interest is personal and a reasonable person with knowledge of the relevant facts would regard it as so significant that it is likely to prejudice your judgement of the public interest, you should withdraw from the room or chamber where a meeting considering the business is being held, at the commencement of the consideration of that business at that meeting, unless you have obtained a dispensation from the Authority's Monitoring Officer:
  - ***Don't* participate, or give the appearance of trying to participate, in the making of any decision on the matter;**
  - ***Don't* use your position to discuss the proposal with Officers or Members when other members of the public would not have the same opportunity to do so. (You should never seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Member).**

## Integrity of Committee Decisions

### ❖ Public perception can be influenced by a number of issues:

- Pre-determination
- Membership of another Local Authority
- Contact and lobbying
- Site visits
- Applications by people with close relationships with Dartmoor National Park Authority

### ❖ Predetermination

- To preserve the integrity of Committee decisions, it is vital that Members do not make up their minds before they have all relevant material and arguments before them at the meeting. Members are entitled to feel pre-disposed towards a particular decision, but must still be able to consider and weigh relevant factors before reaching the final decision.
- Pre-determination arises when a Member's mind is closed to the consideration and weighing of the relevant factors.
- As a Member you should not make up your mind, or appear to have made up your mind, on how you will vote on any planning matter until you have heard the Officer's presentation and any public speakers at the Committee meeting and listened to the debate.
- If you have made up your mind prior to the meeting, then you must not participate in the determination of the matter by the Authority. You are **disqualified by reason of pre-determination**. You must withdraw from the meeting.
- This is particularly important if you are contacted by an external interest or lobby group or have been actively involved with any such group, as pre-determination by just one Member risks making the whole decision vulnerable to legal challenge.

### ❖ Membership of another Local Authority

- If you are also a member of a County, District or Parish council, you are not automatically disqualified from participating in the determination of business by the Committee, even if you have previously been involved in considering the same business at a meeting of the other council.
- You must be careful, however and apply common sense, particularly in controversial applications. If a Member gives the impression that he/she has made up his/her mind when speaking at a meeting of another council (or elsewhere) they may find themselves disqualified from participating at the Committee, by reason of predetermination.

## ❖ Contact and lobbying

- This section of the Good Practice Guide is intended to ensure:
  - that high standards are maintained when planning decisions are taken;
  - in particular that the integrity of the decision-making process is not impaired, either in reality or in perception, through lobbying;
  - that the fact that approaches have been made by lobbyists\* are recorded, and that any representations made to Members form part of the public information leading to any decision.  
*(\*“lobbyist”, “interested person/party” etc includes the applicant, supporters, objectors, agents and family members etc).*
- To avoid compromising their position in making a decision before they have received all the relevant information, Members should:
  - take care in any contact with interested parties to ensure that they are not unduly influenced in any way by one party or another
  - avoid making it known in advance whether they will support or oppose the proposal

**NB. It is acceptable to state that “on the current information I am minded to support / oppose the proposal, but I cannot decide until I have heard the full details at Committee”**

  - not comment on the likely acceptability of planning proposals
  - restrict their views to giving procedural advice and listening to concerns and views;
  - direct lobbyists to planning officers, who will include reference to their opinions, where relevant, in their report;
  - not organise support for or against a planning proposal, or act as a spokesperson for any such group;
  - not lobby other Members or circulate documents to other Members;
  - not pressurise officers to make a particular recommendation;
- Where a Member has been lobbied, he/she should report this fact to the Committee to be noted in the minutes. If a Member feels that his/her impartiality has been compromised by the extent of lobbying, he/she should act as if there is a prejudicial interest and withdraw from the meeting.
- Members can properly attend public meetings and listen to the debate on planning issues and may provide advice about procedures involved in determining an application etc. However, if a Member expresses a view on a matter in such meetings so as to indicate that they have made up their mind on a specific proposal or issue, they are likely to be disqualified by pre-determination from participation at the Committee when that matter is discussed.

**NB. A Member faced with lobbying can always explain that they can listen to what is said, but they are not able to express a firm point of view or an intention to vote one way or another, and that they are bound to report the fact of the lobbying to the Committee meeting.**

❖ **Site Visits**

- Site visits can play an important role in ensuring that Members make decisions on a sound understanding of the relevant issues. However care must be taken to ensure that site visits are not misused as a lobbying device to help ensure a particular outcome in respect of controversial applications or to defer consideration of an application to a subsequent meeting. It is also important that there is a clear understanding by members of the public as to why certain applications require a site visit and others do not.
- Site visits should only be made by Members in strict accordance with the Site Visit Protocol at Appendix 1. A site visit should only be convened if:
  - following the officers presentation of the report and all public speaking in relation to the proposal, it is considered the application requires the judgement of Members based on site characteristics or visual interpretation which cannot readily be seen from photographs, slides etc. – (e.g. impact on amenity; effect on highway safety and traffic flows; effect on the character of the area; effect on the character or setting of a listed building or conservation area; effect on townscape or landscape); or
  - the proposal relates to a new or novel form of development and which may require a visit to an existing establishment as well as to the proposal site in order to appreciate the potential planning implications; or
  - development has been commenced or completed, which if refused planning permission would normally require enforcement action and a site inspection would assist in determining the expediency of such action.
- The minutes shall record the reason for the proposed site visit.
- Members should not enter a site which is subject to a planning application other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit, **and**
  - you have first spoken to or notified the Head of Development Management about your intention to do so and why (which will be recorded on the file) **and**
  - you have the permission of the owner of the land.
- Members may of course view a site from a public highway or access land at any time, but should guard against becoming drawn into discussions of the merits of any proposal with the applicant/agent or any other interested party.

## ❖ Applications by people with close relationships with Dartmoor National Park Authority

- Applications for planning permission by serving and former members and officers and their close friends can easily give rise to suspicions of impropriety. In all correspondence and meetings etc, Members and Officers should clearly identify the applicant's connection with the Authority.
- Where there is a proposal from a Member (or from a person with whom they live or by whom they are employed or with whom they have a close personal association), or where the Member has (for any reason) a prejudicial interest in the matter, the Member will:
  - inform the Head of Development Management when the application is made or as soon as it comes to the attention of the Member; and
  - undertake not to discuss the application with any officer or Member who plays a role in the decision making process; and
  - take no part in the decision-making process; and
  - comply with the relevant sections of the Code of Conduct and this Guide.

## Decision Making

- ❖ Section 54A of the Town and Country Planning Act 1990 states:

*"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."*

Thus, where the development plan is relevant, the Authority **must** determine applications in accordance with the plan **unless** material considerations indicate otherwise.

- ❖ The Head of Development Management or his/her nominee shall be present at every meeting of the Development Management Committee, to provide advice and assistance to Members as required.
- ❖ The Authority's appointed legal adviser will be available – either present at the meeting or 'on call' – to advise or assist with legal, procedural or governance issues, as required.
- ❖ Decisions shall be made by simple majority vote in accordance with the Authority's adopted Standing Orders and in particular the guidance in Appendix 9 on voting procedures.
- ❖ A Member shall refrain from voting in relation to any matter unless he/she has been present at the meeting throughout the full consideration of that item of business (including the full duration of the officer report).
- ❖ Upon calling for a vote, the Chairman shall if requested by the Head of Development Management (or his nominee) allow him/her the opportunity to address the Committee before that vote is taken:



- to clarify suggested conditions in the event of an approval and to suggest further conditions
  - to clarify the proposed reasons for refusal, and to suggest further reasons
  - to summarise his/her advice on the application
- ❖ The precise wording in any Decision Notice or minute of any condition, reason for grant or refusal, consent, restriction, limitation or other matter relevant to a decision shall be determined by the Head of Development Management.
  - ❖ If a Member wishes to ask a question at Committee regarding any matter listed on the Agenda for information, noting, decisions taken under delegated powers, consultation with other bodies or otherwise not for debate, the Member will notify the Head of Development Management in writing not less than 48 hours prior to the meeting, so that the question can be considered and a full response given.

## **Decisions Contrary to Officer Recommendation**

- ❖ The Courts have expressed the view that where a planning committee makes a decision contrary to the officers' recommendation (whether for approval or refusal), such reasons should be clear and convincing. The courts have also stated that the personal circumstances of an applicant will rarely provide such grounds.
- ❖ When a proposal contrary to the officer's recommendation in the committee report is made and seconded, and the Chairman proposes to move to a vote on the proposal, the following procedure shall apply:
  - The proposer shall be asked by the Chairman to state the planning reasons for the proposal.
  - The Head of Development Management will be invited to address the Committee. The Head of Development Management may:
    - indicate that he/she has nothing to add; or
    - advise the Committee on the robustness of the suggested reasons for refusal / approval; and/or
    - propose further or amended conditions, limitations or reasons; and/or
    - give further planning advice (if appropriate, requesting the matter be discussed in private session under Part 2); and/or
    - request that the Authority's appointed legal advisor gives legal advice (if appropriate, requesting the matter be discussed in private session under Part 2); and/or
    - request that the matter be deferred to the next meeting, giving reasons for so requesting. Where such a request is made, the Committee should accede to that request.

- If the Head of Development Management indicates that he has nothing to add, the Chairman shall put the proposal to a vote.
- If the Head of Development Management proposes further or amended conditions, limitations or reasons, the Chairman shall ask the proposer if these are accepted.
- If the proposer accepts all of the Head of Development Management's suggested amendments, the Chairman shall put the proposal as amended to a vote.
- If the proposer does not accept all of the Head of Development Management's suggested amendments, the Chairman shall without debate put the proposal to a vote.
- If the Head of Development Management asks for the item of business to be deferred, it shall be customary for the Chairman to invite the proposer to withdraw the proposal and then move that the matter be deferred for one month to allow the Head of Development Management to reconsider the matter in the light of the debate and present an updated report. It shall be customary for the proposer to agree to the Chairman's request to withdraw the proposal.
- If the proposer declines to withdraw the proposal, the Chairman shall without debate put the proposal to a vote.
  - If a proposal to defer is not carried, the Chairman shall call for a further proposal, which could always include a proposal to adjourn for a short break.

## **Pre-application Advice**

- Pre application advice can play a vital role in improving the quality of applications, reducing the number of submitted applications which are contrary to adopted policies, and speeding up the processing of applications once submitted.
- Members should at all times treat in strict confidence any pre application enquiry that has been shared with them by a planning officer. Very often such enquires are of a commercially sensitive nature or are made in confidence between potential applicants and the Authority. Some applicants may be sensitive to these matters being generally shared with their neighbours and other interested parties before the proposal has been finalised and submitted.
- Members should only involve themselves in pre application enquiries on schemes which are more complex or which raise significant implications for local communities and the Authority at the invitation of the Head of Development Management.
- If Members are approached and asked to give pre application advice they shall refer those persons to the pre application advice protocol adopted by the

Authority which sets out how such matters are dealt with. Members should restrict any comments they make to a general nature.

- If Members are invited to visit a site by a potential applicant they should only do so in accordance with the principles set out at para 6.4 above.

DARTMOOR NATIONAL PARK AUTHORITY

26 July 2019

**LOCAL PLAN – FINAL CONSULTATION DRAFT (REGULATION 19)**

Report of the Head of Forward Planning and Economy

Recommendation: **That Members:**

- (i) Agree to publish the draft Local Plan (Regulation 19) for consultation (Appendix 1 – printed for Members only),**
- (ii) Note the appraisal reports (SA/SEA, HRA, EqIA) (Non-technical Summary at Appendix 2),**
- (iii) Endorse the Duty to Co-operate Statement (at Appendix 3), and**
- (iv) Delegate to the Chief Executive, in consultation with the Chair, authority to make minor changes to the above documents if considered necessary prior to their publication.**

**Introduction**

- 1.1 This Report seeks that the Authority agrees to publish the final draft Local Plan (Regulation 19) for public consultation.
- 1.2 The Local Plan is the starting point for all planning decision made in the National Park. The review of the Local Plan started in 2016. The development plan is being reviewed in its entirety, leading to a single local plan covering strategic, local and site specific policies, as well as minerals and waste.
- 1.3 The Local Plan will, in time, replace the Core Strategy (2008) and Development Management and Delivery DPD (2013). It is written to be consistent with national policy (the National Planning Policy Framework) and reflects a range of other relevant legislation and guidance, in particular that specific to National Park designation. Most crucially, the Local Plan is a key way in which we pursue National Park purposes, and the duty. The Local Plan sits alongside the National Park Management Plan, which is a key document setting out how joint strategy and partnership working will shape Dartmoor in the future. It is local to Dartmoor, responding to its issues and protecting its uniqueness.

- 1.4 The overall strategy, and the policies contained within the Local Plan must strike a careful balance between:
- pursuing National Park purposes;
  - supporting the duty to foster social and economic wellbeing of communities;
  - delivering sustainable development and mitigating and adapting to climate change;
  - meeting the aims of government policy and guidance; and
  - supporting and engaging local communities and all with an interest in Dartmoor, in how decisions are made and places change to meet their needs.

## **2 The Review Process**

- 2.1 The review process has been supported by a Local Plan Member Steering Group. This Group initially considered a project plan and the programme for the Local Plan Review. It has met regularly and provided overview and scrutiny of the evidence and research prepared, and discussed potential options and alternatives around strategy and policy response. It has served as a sounding board prior to consideration of documents by the full Authority, including the Issues consultation, the Direction of Travel paper, this and the previous draft (Regulation 18) Local Plan for consultation.

### **Issues consultation (Autumn 2016)**

- 2.2 The Issues paper gave stakeholders, including local communities, organisations, and Members, the opportunity to identify issues early in the process, and confirm the scope of the Local Plan. A report of that consultation is published online.

### **Evidence gathering**

- 2.3 A local plan must be founded on robust and appropriate evidence. Government recognises evidence should be 'proportionate', though evidence is critical to the understanding of issues, locally, and the way in policy responds to this.
- 2.4 The range of evidence which supports this Local Plan is considered the most comprehensive DNPA has produced. Key areas of evidence include:
- A series of Topic Papers, produced largely in-house, and including Design, Settlement Strategy, Natural Environment, Historic Environment, Open Space, and Minerals and Waste. These are updated as the review moves forward.
  - Detailed housing evidence provided by professional consultant support on housing numbers and projections, viability, and policy support.

- An economy Topic Paper informed by professional consultant support through an Economic Development Needs Assessment, Employment Land Review and local economic analysis.
  - Landscape Character Assessment and Landscape Sensitivity Assessment
  - Strategic Flood Risk Assessment
  - Infrastructure Delivery Plan
  - Land Availability Assessment – including a call for sites alongside the Issues consultation, which provided a list of available sites from which to consider potential site allocations
- 2.5 Evidence has been published as it has been completed, made available online and publicised through the Newsletter and the evidence ‘quick guide’. This enabled those interested to provide feedback.
- 2.6 In April 2019 we were a Pilot Authority for a piece of work by PAS (the Planning Advisory Service) on behalf of Government, which is developing guidance on local plan ‘proportionate evidence base’. A former Principal Planning Inspector reviewed the Local Plan evidence base and reported the “current evidence base was largely good, and in many respects, very good, with numerous examples that could be recommended for inclusion in the PAS Evidence Base Note [national guidance], and just a few examples where additional data would be helpful in moving towards the Plan being found sound”.

### **Community involvement**

- 2.7 From the outset, Officers have sought to promote a Local Plan which is clear, concise and accessible, with a focus on good presentation, clear graphics and online availability. Feedback on this new approach to writing and presenting the Local Plan Review has been overwhelmingly positive. Evidence has been published online, and a series of ‘Quick Guides’ and Local Plan Newsletters have been well received. The final draft Local Plan continues this approach, reducing the development plan as a whole by around 100 pages, the number of policies from 72 to 59, and providing simple diagrammatic summaries of more complex policy areas, and an upfront ‘user guide’.
- 2.8 The Statement of Community Involvement (SCI) sets out DNPA’s approach to engagement with communities and other stakeholders on planning matters, and this approach has been followed throughout the Local Plan Review process.
- 2.9 Informal community consultation began with the Issues consultation in autumn 2016, which asked consultees to tell us what issues there are for future development on Dartmoor and how the Local Plan should address these. Then in summer 2017, we invited Parish and Town Councils to comment on draft Settlement Profiles. Finally in autumn 2017 we ran a sites consultation, which saw us meet with our larger communities in the 8 Local Centres across Dartmoor to talk about development site options.

- 2.10 The Regulation 18 consultation in winter 2018 marked the first formal consultation as part of the Local Plan Review process, and was also the first time the draft plan was published in its entirety. Residents, communities, visitors, businesses and other organisations shared their views on whether the draft plan appropriately responded to the issues. We met more than 260 people across nine events, generating 917 responses from 160 people and organisations. An overview of the responses is published online. All of the comments received have been considered, and many have influenced this final draft of the Local Plan. Key changes between the first and final draft are summarised in Section 4.
- 2.11 A strategy for the Regulation 19 consultation in autumn 2019 has been shared with Members at the Steering Group, and mirrors the approach taken at Regulation 18, with emphasis on public awareness raising events and focussed workshops. As with Regulation 18, documents will be available online and responses through our online form encouraged, something which Members have previously endorsed. However paper copies of the draft Local Plan will also be available at key locations across Dartmoor.
- 2.12 A number of communities are pursuing a Neighbourhood Plan for their area, which once ‘made’ become a material planning consideration. Though an effective way for communities to influence planning decisions in their areas, many are recognising the significant time and resources which go into creating a Neighbourhood Plan. Officers have therefore sought to work with Neighbourhood Plan groups to understand the issues they are seeking to address, and include these where possible within the Local Plan.

### **Duty to co-operate**

- 2.13 The Duty to Cooperate is a legal test that requires co-operation between local planning authorities and other public bodies to maximise the effectiveness of strategic policies in local plans. The Local Plan has been prepared taking into account the Duty to Co-operate, with strategic cross-boundary issues considered jointly with neighbouring Local Planning Authorities. We also seek to influence adjoining Authorities in pursuit of National Park purposes through the Local Plan, and leveraging the ‘Section 62 Duty’ for Authorities to have due regard to National Park purposes.
- 2.14 A revised Duty to Co-operate ‘Statement of Common Ground’ has been prepared. At this later stage in plan-making, we would seek formal agreement of this statement with partners. Members are asked to endorse this Statement, so that officers can proceed with seeking agreement from relevant signatories.

## **3 Appraisal and Assessment**

- 3.1 The Local Plan has been the subject of a number of appraisal/assessments. Whilst these may be viewed simply as technical or legal requirements, they are genuinely useful and important assessments in adding value to the plan-

making process, ensuring specific issues are taken into account in the drafting of policy. The use of external consultants for this process also adds value through independent third party scrutiny by professionals in their field. The following areas of appraisal have been completed:

### **Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)**

- 3.2 SA is an iterative and ongoing process that informs plan-making by assessing developing elements of the plan, evaluating and describing the 'likely significant effects' of implementing the plan, and suggesting possibilities for mitigating significant adverse effects and enhancing positive effects.
- 3.3 A non-technical summary, revised for the Final Draft, is appended to this report. Members are invited to note this report. It provides an outline of the SA process and findings, including how the SA has influenced the development of the Plan, and in accordance with the requirements of the NPPF, the European SEA Directive, and UK guidance on SA/SEA. The SA report incorporates Strategic Environment Assessment, Equalities Impact Assessment, Health Impact Assessment and the conclusions of the Habitats Regulations report.
- 3.4 Overall, the implementation of the policies and proposals presented in the draft Local Plan were found to have significant positive sustainability benefits. Alongside the positive effects, some minor negative effects were identified - as a result of the overall, cumulative effect of increased housing, employment and associated infrastructure development on the outskirts of the plan area. Potential negative effects have been mitigated through strong policies that protect the natural environment and promote sustainable communities, whilst managing the Special Qualities of the National Park.

### **Habitats Regulations Assessment (HRA)**

- 3.5 Habitats Regulations Assessment (HRA) is required to consider whether a plan or proposal will impact on the integrity of European habitat. The HRA screening identified that there were no Likely Significant Effects for air quality changes, disturbance, changes to water quality or levels, or habitat loss/fragmentation – alone or in-combination with other plans. However it identified uncertainty with regard to the potential for Effects associated with air quality, disturbance and habitat loss or fragmentation on the three Special Areas of Conservation (SACs) located within the DNPA boundary.
- 3.6 This was investigated further through Appropriate Assessment. This determined that due to the small size and location of the proposed new development, together with policy mitigation, significant adverse impacts on air quality and habitat loss or fragmentation can be avoided, alone or in-combination with other plans.
- 3.7 However, due to the extensive new development planned around the outskirts of the National Park through the Plymouth & SW Devon Joint Local Plan and the emerging Greater Exeter Strategic Plan (GESP), the HRA concluded that



there is some uncertainty regarding in-combination effects on the integrity of SACs from recreational disturbance. This has been informed by the research undertaken by Exeter University into the recreational impacts arising from development outside the National Park. Further work will be required to better understand the scope of the issue and to develop a strategic mitigation approach. This has been incorporated into the draft Plan, and the Duty to Co-operate Statement, to ensure this area of work is progressed and any necessary mitigation measures brought forward to protect SAC sites.

### **Equality Impact Assessment (EqIA) Screening**

- 3.8 The equalities screening assessment has found that the draft Local Plan is unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010 and thus a full EqIA will not be required. Overall, effects were compatible and positive, or not applicable, with regard to protected persons no negative effects were identified.

## **4 Key Issues and Policy Areas**

- 4.1 Members will now be familiar with the key strategic issues which the Local Plan is seeking to respond to, in particular:
- Fundamental legislative context around National Parks
  - A nationally and internationally important natural and historic environment
  - Sustainable development and how to minimise our impact on climate change
  - That we have an older, and ageing population
  - Average house prices are >12x average household income
  - If housing delivery falls below the current rate, the population will fall
  - There is increasing pressure on the National Park from development outside its boundary
  - We need to maximise development opportunities and recognise the significance of our existing stock
  - There are significant viability pressures on development to provide for a wide range of planning gain
  - There are opportunities to move fast on emerging government policy, including net gains in biodiversity, and sustainable construction
- 4.2 There was extensive support for many elements of the Plan, including the focus upon affordable housing, the settlement strategy and opportunities in Rural Settlements, the Biodiversity Enhancement Policy, Electric Vehicle Charging, and our robust approach to landscape and the protection of Dartmoor's Special Qualities.

4.3 There are a number of changes which have been made following consultation on the First Draft (Regulation 18) described in paragraph 2.4, above. This is not an exhaustive list of points raised on the first draft. A Summary of the Consultation is available online, as is a tracked changes version of the Final Draft (Regulation 19) Local Plan, in order to ensure changes can be clearly identified.

<b>Subject</b>	<b>Issue raised during consultation</b>	<b>Outcome/change</b>
<b>Major Development</b>	Confusion around the scope.	Amended policy, clearer supporting text
<b>Sustainable construction</b>	Opportunity now opened in government policy	Requirement for improved building efficiency
<b>Flood risk</b>	Policy could encompass broader water environment	Policy expanded and moved to Environment chapter
<b>Biodiversity Net Gain</b>	Emerging government policy and guidance	Biodiversity Enhancement policy developed into Net Gain policy
<b>Affordable Housing</b>	Concern as to what is 'genuinely affordable'	Local Housing Allowance cap, and % discount range introduced
<b>House extensions</b>	Some concern the policy was difficult to manage, and overly restrictive	Definition of 'original dwelling' moved to 1995
<b>South Hams SAC</b>	SPD not formally progressing	Sustenance Zone and Landscape Connectivity Zone expressed in Local Plan
<b>Transport</b>	Local Plan not positively approaching sustainable transport opportunities	New transport policy
<b>Technical Housing (space) standards</b>	Concern the policy is too onerous	Policy wording altered
<b>Housing Needs on allocated sites</b>	Views that needs assessments should not be required if a site is allocated	Not changed – policy supports meeting local affordable needs and ensuring sites are only brought forward where there is a genuine community need.
<b>Recreational impacts from new development</b>	Evidence identifies need to mitigate recreational impact of future housing development	Policy 'hook' inserted in access policy
<b>Detailed applications for allocated sites</b>	Concerns that it should be allowed to submit an outline application on an allocated site	Moved from policy to supporting text and changed to 'encourage'

4.4 The following table summarises the *overall* key issues or areas of policy change from the *current adopted Plan*. Again this is not an exhaustive list, but

serves as a helpful overview of the key ways in which the Local Plan is responding to the above issues.

<b>Policy Area</b>	<b>Changes/Issues</b>	<b>Ref</b>
<b>Spatial Strategy</b>	The Plan is moving to a 3 tier settlement hierarchy with the same 8 Local Centres, a new middle tier, where there will be more opportunity for small scale development than currently, and a lower tier which is similar to the current approach in smaller villages. The list is based upon the current (adopted) classified settlements, with the addition of Teign Village.	<b>Policy 1.4</b>
<b>Major Development</b>	A new and clearer Major Development policy is included, more clearly describing what Major Development in the National Park sense is, how a proposal is assessed to be Major Development, and the tests then applied.	<b>Policy 1.5</b>
<b>Design</b>	The design policy provides clearer and stronger language on design, in order to seek to achieve higher quality design and enable us to prevent poor quality development.	<b>Policy 1.6</b>
<b>Sustainable development and climate change</b>	Sustainable development and the policy response to climate change is woven through the Local Plan, and in particular reflected in the spatial strategy (1.4), sustainable construction (1.7), biodiversity and geodiversity (Section 2.3 and policy 2.2), water environment (2.9), sustainable transport (4.3), electric vehicle charging (4.5),	<b>Multiple</b>
<b>Sustainable Construction</b>	A <i>requirement</i> for sustainable construction is added, reflecting our ability to now require a level of energy efficiency above that of Building Regulations, helping to minimise our impact on climate change. The % requirement is not yet included in the draft Plan. Officers are seeking to maximise this figure through viability testing. The final % to be agreed by delegated authority.	<b>Policy 1.7</b>
<b>Landscape</b>	The policy for the protection of landscape character and quality remains robust, and the Landscape Character Assessment has been updated to ensure we continue to successfully defend important decisions.	<b>Policy 2.1</b>
<b>Biodiversity Net Gain</b>	A trailblazing policy responding to very recent government consultation. For small scale development a floorspace calculation and a number of enhancement options to keep a complex issue more simple. For larger proposals the Defra Net Gain Metric will be used to calculate a 10% net gain requirement.	<b>Policy 2.3</b>
<b>Water Environment and Flood Risk</b>	Following discussions with the Environment Agency a broader approach to the water environment is now included in a policy in the Environment chapter.	<b>Policy 2.9</b>

<b>Policy Area</b>	<b>Changes/Issues</b>	<b>Ref</b>
<b>Size and Accessibility of new housing</b>	The nationally described space standards are used to ensure homes are fit for purpose, but not excessive in size. A requirement for all homes to meet higher accessibility and adaptability standards reflects the need to respond to Dartmoor's ageing population needs.	<b>Policy 3.2</b>
<b>Definition of 'Local'</b>	In response to the projected loss of working age people, the new definition of 'Local' gives more weight to employment. It also extends the time for which people may have moved away from the National Park and still be considered 'Local' from 3 to 5 years.	<b>Section 3.3</b>
<b>Definition of Affordable Housing</b>	The definition of 'Affordable Housing' is amended to reflect the 2018 NPPF, but does make clear that in the National Park context we see affordable housing as, in principle, being retained in perpetuity. A relaxation on 80% staircasing restrictions for shared ownership housing is allowed in Local Centres and Rural Settlements, in order to support delivery.	<b>Section 3.4 &amp; Policy 3.1</b>
<b>Affordable Housing %</b>	45% affordable housing on allocated sites and sites within settlements. A contribution-in-lieu is acceptable in certain circumstances. 100% affordable housing on exception sites, which may be reduced to 45% to provide necessary community infrastructure or employment space. Increased consideration of discount rates is now described, to ensure properties for discount sale are truly affordable.	<b>Policy 3.3 – 3.5</b>
<b>Indicative Housing Number</b>	The Plan sets an indicative number of 1,125 over the Plan period (65 per year) across the National Park. This is a small increase in response to strong demographic messages around the ageing population, falling household sizes, and the projected loss of working age people.	<b>Policy 3.1</b>
<b>'Local needs' self and custom build housing</b>	This is a new approach, separating 'local' needs housing from 'affordable' housing for the first time. The Plan will allow for small scale infill development of custom/self-build homes, where they are restricted to local occupancy only (not Affordable Housing). Custom/self-build can also come forward on other sites, with some allocated sites requiring an element of this type of housing.	<b>Policy 3.6</b>
<b>Extensions and replacement dwellings</b>	In order to prevent the housing stock becoming large and less affordable and to encourage churn in the housing market, cumulative extensions are not allowed. Policy limits total extensions to a 30% increase from the original house (or the house as it existed in 1995). This means homes which have already had a large extension(s) will not be able to extend further. The 30% limit also applies to replacement dwellings, making our approach on householder development consistent.	<b>Policy 3.7 &amp; Policy 3.8</b>
<b>Anti-severance for rural workers</b>	In response to the sustained issue of farm holding break up, and subsequent applications for inappropriate new barns and dwelling, policy will now require that new rural workers dwellings are tied to the land	<b>Policy 3.9</b>

<b>Policy Area</b>	<b>Changes/Issues</b>	<b>Ref</b>
<b>Policy Area dwellings</b>	through a legal agreement.	
<b>Size restriction for rural workers dwellings</b>	Some proposals for rural workers' dwellings significantly exceed typical house size, and impact on whole farm viability and make future conversion to affordable housing impossible. New rural workers dwellings are therefore restricted to 106m <sup>2</sup> in line with government space standards	<b>Policy 3.9</b>
<b>Barn conversions and residential annexes to support farming</b>	Two new policies allow creation of new homes on a farm. Conversion of a historic building (often a barn) to local needs housing, to support diversification, OR a new annex to a farmhouse for rural worker accommodation. To prevent severance the accommodation will be tied to the farm holding	<b>Policy 3.10 &amp; Policy 5.8</b>
<b>Gypsy and Traveller, and Low Impact Development</b>	The Plan retains the approach of a criteria based Gypsy and Traveller policy, but removes the complex scoring matrix. A policy for Low Impact Development is retained, and revised to relate it better to settlements, and make clear expectations on sustainability.	<b>Policy 3.11 &amp; Policy 3.12</b>
<b>Enabling Sustainable Transport</b>	A new policy positively supports sustainable transport options, protects potential sustainable transport routes and requires applications to be informed by appropriate survey work	<b>Policy 4.3</b>
<b>Electric Vehicle Charging Points</b>	A new policy requires a proportion of electric vehicle charging points alongside off street parking on residential and commercial development, helping to support transition to a low carbon economy and minimise impact upon climate change	<b>Policy 4.5</b>
<b>Access Network</b>	Responding to the research carried out on the recreational impacts of new development outside the National Park, a new dimension to the access policy provides a 'hook' for cross boundary working towards mitigation (as described under Habitats Regulations Assessment, above)	<b>Policy 4.9</b>
<b>Non residential Business and Tourism Development</b>	The strategic policy for business and tourism development allows for greater opportunity for new businesses in the new middle settlement tier. In the lower tier and open countryside there are new opportunities for small-scale businesses to establish themselves in redundant buildings.	<b>Policy 5.1</b>
<b>Shops and other active uses</b>	In the shopping areas of Local Centres policy allows flexible change of use between shops, cafes, restaurants, and professional services. In all settlements the last shop, general store, or public house is protected.	<b>Policy 5.3</b>
<b>Staff accommodation for serviced accommodation</b>	In response to consultation and the need to support local employers in the light of a falling working-age population, this policy enables serviced accommodation businesses, to provide accommodation for their staff.	<b>Policy 5.5</b>

<b>Policy Area</b>	<b>Changes/Issues</b>	<b>Ref</b>
<b>business</b>		
<b>New or extended minerals operations</b>	An update to the previous 2004 Minerals Plan, this policy (and the Major Development Policy 1.5) will be critical in considering future minerals proposals.	<b>Policy 6.1</b>
<b>Renewable Energy development</b>	Consistent with the sustainable construction policy, the principle of reducing energy consumption first and then generating from renewable sources is reinforced, then small scale renewable energy development is encouraged where it does not harm the National Park's Special Qualities	<b>Policy 6.6</b>
<b>Settlement Boundaries</b>	Building on the success of Settlement Boundaries in Local Centres, the Local Plan includes boundaries for middle tier settlements to help policy interpretation.	<b>Policy 7.1</b>
<b>Site allocations</b>	The Plan allocates sites in Local Centres in order to provide communities with certainty, and ensure we are positively delivering the strategy. These typically require 45% affordable housing. Some other requirements may also be in place (such as highway work, or open space contributions). Sites should only come forward when there is an identified local need. Policy 7.1 describes 'site briefs' which we are preparing as an overview of the requirements for each allocated site.	<b>Section 7</b>

4.5 The changes made between the First and Final Draft, are considered to be a positive response to the consultation comments received and any new evidence or national policy change which has come to light during that time. The National Planning Policy Framework sets out that for a Plan to be sound, and therefore suitable for adoption it should be:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

4.6 The Final Draft (Regulation 19) Local Plan is considered to be sound.

## **5 Financial implications**

5.1 The review of the Local Plan is a significant project for DNPA. It is budgeted for within the earmarked reserves. This is on the basis of the project plan which provides for a single draft (Regulation 18) and then final draft (Regulation 19) consultation leading to submission. The timescales for the examination and associated costs are estimated.

5.2 The project plan includes a risk assessment which considers costs. Significant alterations arising from consultation, procedural failures, national policy or legislative change could lead to variation from the expected programme. This could cause extension of timescales, resulting in additional officer resource requirements, and costs associated with the updating of evidence.

5.3 Whilst the risk cannot be fully mitigated, the project plan included early public engagement with the non-statutory Issues consultation, Member engagement through the Steering Group, workshop, and Direction of Travel paper, and careful programming through upcoming procedural stages.

5.4 The policies within the Local Plan have implications in respect of resourcing. Some policy areas such as Biodiversity Net Gain, Sustainable Construction, and Electric Vehicle Charging Points are new, and may require officer training, and take more time in considering and negotiating applications.



## **6 Next steps**

- 6.1. The Planning and Compulsory Purchase Act (2004) and Local Plan Regulations (2012) set the principal framework for the preparation of a development plan document.
- 6.2. The Statement of Community Involvement (SCI) and Local Development Scheme (LDS) set the local programme for preparing the Local Plan and how we engage with stakeholders through that process.
- 6.3. Members are asked to agree to publish this Final Draft (Regulation 19) Local Plan for consultation. Comments received will be treated as formal representations on the Plan, they must be made in writing and when considered, comments may be given appropriate weight according to their relevance and any evidence or information supporting those views. Following this consultation we will consider the representations received.
- 6.4. Subject to officers' continued confidence in the soundness of the Local Plan, Members will then be asked to agree to submit the Local Plan to the Secretary of State. The Local Plan, together with the consultation comments received, and the supporting evidence base, will then be considered by an Inspector, who will hold an Examination In Public to consider the soundness of the Plan.
- 6.5. Only once the Plan is examined and found sound (subject normally, to recommended changes) by an Inspector, may it be adopted. It is currently expected that the Plan would be adopted in early 2021.

## **7 Status of the Draft Local Plan**

- 7.1. The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework.
- 7.2. On this basis the final draft Local Plan (Regulation 19) would carry little weight at this stage. The adopted Core Strategy and Development Management DPD must remain the principal policies for the consideration of planning applications. Following the completion of the consultation (and more so after submission), some policies with clear alignment with national policy, and without noteworthy objection, may begin to carry some weight.

## **8 Conclusions**

- 8.1. The Local Plan has been prepared taking into account government guidance and the necessary procedural framework set nationally. Authority Members have been involved throughout the process. A comprehensive suite of evidence supports an understanding of the issues to be addressed through planning policy, and informs the policy response. Informal consultation with the Dartmoor community, as well as internal specialists, and other authorities and

stakeholders has been completed in order to reinforce our understanding and inform our response.

- 8.2. Members are invited to agree to publish the draft Local Plan for a period of public consultation, to note the associated appraisals, and to endorse the Duty to Co-operate Statement. It is requested that Members delegate authority to the Chief Executive in consultation with the Chair, to make minor changes to the documents, as may be necessary prior to their publication

DANIEL JANOTA

**Background Papers:**

**Attachments:**    **Appendix 1 – Draft Local Plan (Hard Copy to Members Only)**  
                          **Appendix 2 – Appraisal Reports**  
                          **Appendix 3 – Draft Statement of Common Ground**



# **DARTMOOR NATIONAL PARK AUTHORITY LOCAL PLAN REVIEW 2020-2036**

**SUSTAINABILITY APPRAISAL (SA)  
(integrating Strategic Environmental  
Assessment; Health Impact Assessment &  
Equality Impact Assessment)**

**NON-TECHNICAL SUMMARY**

**June 2019**

enfusion 

# DARTMOOR NATIONAL PARK AUTHORITY LOCAL PLAN REVIEW 2020-2036

## SUSTAINABILITY APPRAISAL (SA) [Incorporating Strategic Environmental Assessment (SEA); Health Impact Assessment (HIA); Equality Impact Assessment (EqIA)]

### SA Report NON-TECHNICAL SUMMARY (NTS) June 2019

<i>date:</i>	October 2018 Draft v01 June 2019 Draft & Final	
<i>prepared for:</i>	Dartmoor National Park Authority	
<i>prepared by:</i>	Owen Jeffreys Barbara Carroll	Enfusion
<i>quality assurance:</i>	Barbara Carroll	Enfusion

## SA NON-TECHNICAL SUMMARY (NTS)

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The Dartmoor Local Plan Review (DLP) 2020-2036  
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Sustainability Characteristics of the Dartmoor National Park area & likely evolution without the Local Plan  
Key Sustainability Issues, Problems and Opportunities  
How has the DLP been assessed?  
What reasonable alternatives have been considered & addressed?  
What are the likely significant effects of the draft DLP?  
How could negative effects be mitigated?  
EqIA & HRA  
Consultation  
Monitoring Proposals  
Next Steps

### This is the NTS of the Sustainability Appraisal Report

1. This is the Non-Technical Summary of the Sustainability Appraisal Report documenting the processes of Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) within an integrated appraisal for the draft Dartmoor Local Plan (DLP). This summary is an integral part of the SA Report that accompanies the Regulation 19 Pre-Submission draft DLP for public consultation during September to October 2019. It provides an outline of the SA process and findings, including how the SA has influenced the development of the draft Plan, and in accordance with the requirements of the National Planning Policy Framework (NPPF), the European SEA Directive, and UK guidance on SA/SEA.

### The Dartmoor Local Plan (DLP)

2. The Dartmoor National Park Authority is undertaking a review of the Dartmoor Local Plan. The previous Core Strategy was adopted in 2008, with the Development Management and Delivery DPD adopted in 2013. A Minerals Plan was also included within the previous Local Plan. The New Local Plan will replace these separate Plans with a single document, including waste and minerals policies.
3. Fundamental to the review of the Local Plan are the two statutory purposes of the National Park designation:
  - to conserve and enhance the natural beauty, wildlife and cultural heritage
  - to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public

Also, the duty of National Park Authorities in pursuing National Park purposes:

- to seek to foster the economic and social well-being of local communities (within the National Park) by working closely with the agencies and local authorities responsible for these matters
4. The DLP has been prepared in accordance with national planning requirements and informed by various technical studies, the Sustainability Appraisal, and consultation with the public, stakeholders and the regulators. The DLP sets out the key challenges for the National Park area with the Vision for new development until 2018-2036. The Plan further comprises the Strategic Policies, including the Spatial Strategy appropriate to planning and caring for the National Park and meeting with its purpose and duty.
  5. The draft DLP is structured into 7 chapters with policies as follows:
    - 1 Vision, Spatial Strategy & Planning Applications [Policies 1.1-1.9]
    - 2 Environment [Policies 2.1-2.9]
    - 3 Housing [Policies 3.1-3.13]
    - 4 Communities, Services and Infrastructure [Policies 4.1-4.9]
    - 5 Economy [Policies 5.1-5.9]
    - 6 Minerals, Waste and Energy [Policies 6.1- 6.6]
    - 7 Towns, Villages and Development Sites [Policies 7.1-7.2 & Site Proposals 7.3-7.12, 7.14-7.19, 7.21- 7.23 with Site Policies 7.13, 7.20 & 7.24]

### **Sustainability Appraisal: SA, SEA, HIA, EqIA and HRA**

6. The purpose of Sustainability Appraisal is to promote sustainable development through the integration of environmental, social and economic considerations in the preparation of Local Plans. This requirement for SA is in accordance with planning legislation and paragraph 32 of the National Planning Policy Framework. Local Plans must also be subject to Regulations for Strategic Environmental Assessment (SEA) and Government advises that an integrated approach is taken so that the SA process incorporates the requirements for SEA – and to the same level of detail.
7. For the Sustainability Appraisal of the DLP, an integrated process has been undertaken that also addresses health and equality issues (to demonstrate compliance with the Equality Act, 2010), alongside the requirements of the Habitats Assessments Regulations. The summary findings of the health, equality, and habitats assessments have been integrated into the Sustainability Appraisal. The Dartmoor National Park Authority commissioned independent specialist consultants Enfusion to progress the appraisal work commencing in April 2017.
8. SA is an iterative and ongoing process that informs plan-making by assessing developing elements of the plan, evaluating and describing the likely significant effects of implementing the plan, and suggesting possibilities for mitigating significant adverse effects and enhancing positive effects. UK Guidance suggests a staged approach to SEA. Initially the scope of the SA is

determined by establishing the baseline conditions and context of the area by considering other relevant plans and objectives, and by identifying issues, problems and opportunities. From this the scope of the SA is prepared and includes an SA Framework of objectives for sustainable development relevant to the Dartmoor National Park area and which forms the basis against which the draft DLP is assessed.

### **Sustainability Characteristics of the Dartmoor National Park area and likely evolution without the Local Plan**

9. The National Park is defined by the characteristics that contributed to its designation – special landscape, wildlife and historical features. The extensive upland moorland supports internationally important blanket bogs; deep-cut valleys steeped in woodland with rivers are a notable landscape feature, together with distinct granite tors. A large amount of the land is used for grazing of cattle, sheep and ponies. Dartmoor is considered to have a high level of tranquility and dark night skies. The built environment is largely limited to small settlements and individual dwellings with settlement characters varying between those on the High Moor and those on the periphery.
10. Within the National Park there are three European designated Special Areas of Conservation (SACs) as well as others outside the boundary but within Devon. There is a further rich variety of biodiversity that ranges in designation from nationally to locally important; however, the significance of this may extend far more than the known resource and is important to the wider network of green infrastructure of Devon and the South West. Visitors, recreational use, and farming practices can all have detrimental effects on key habitats and wildlife.
11. Dartmoor has a very rich variety of designated heritage assets, and the archaeological landscape of Dartmoor is extensive. Dartmoor has more Scheduled Monuments than any other National Park in England. Many of the historical features are integral parts of the landscape and may have local significance to communities and individuals, together with contributing to the character of places.
12. The granite on Dartmoor has been quarried for centuries and mining has also been a feature of Dartmoor landscape. The soils on Dartmoor are peat on the higher moors, and thin soils in the surrounding area. Most of the land is designated as Grade 5, least fertile, and horticulture, arable farming and dairy farming are constrained to small areas. However, the soil resources of Dartmoor are still important, for non-intensive grazing and biodiversity.
13. Dartmoor is a major water catchment in the south west, supplying much of the water to Devon and Plymouth and with a surplus of water anticipated until 2040. Most waterbodies in the National Park are good-moderate ecological status; quality is mostly affected by pollution from agricultural run-off. Areas of medium to high flood risk (Zones 2-3) are largely located in steep sided valleys.

14. The population of Dartmoor is considered to be stable with little change since 2001. The National Park has a higher old age dependency ratio than the national average, creating issues for adaptable housing, pressures on local health services, and public transport. Each settlement on Dartmoor has its unique features and identity, and therefore each settlement has its own set of issues that are important to that specific community. Common issues across communities include access to local services/facilities, employment in settlements and rural areas, public transport and traffic. The fewer employment opportunities has resulted in people out-commuting for employment, a lack of opportunity for young people and weaker economies for local settlements.
15. The area is characterised by the housing vacancy rate, which is higher than both the Devon and England average, and is attributed to the number of second homes and holiday lets within Dartmoor. The ratio between average house prices and average earnings in the National Park is high. Young people, seasonal staff and part time workers, and other key workers are priced out of Dartmoor as they cannot afford accommodation. Enabling people to continue to farm whilst providing the highest status of protection to the landscape remains a key issue for the review of the Local Plan.
16. A number of key health statistics in Devon are below or in line with the national averages; Dartmoor also has a lower than average Index of Multiple Deprivation score. Overall, 48% of Dartmoor National Park is designated as Access Land for the public, and therefore all residents and visitors have access to this land to use for recreational purposes.
17. Employment has been growing at around 2.8% per annum and the local economy is remaining resilient and benefitting from a diverse economic base. Many of the jobs in Dartmoor are in agriculture, forestry and fishing. There is net out commuting for work from Dartmoor for about 23% of workers and a key factor is to increase opportunities for home working. In 2015, over 2.3 million tourists visited the National Park, of which 2.05 million were day visitors and 263,000 were staying visitors (a 17% increase on 2009 indicating a growing trend).
18. Dartmoor is bordered to the north by the A30, to the south by the A38 and to the west by the A386. The A30 and A38 to the east provide access to the M5 at Exeter. The main A roads such as the A386 suffer from congestion; and the mode of transport for local people is private vehicles such as cars and vans. The public rights of way network is extensive with footpaths, bridleways and byways located across the National Park.
19. Transport is the highest source of energy consumption due to the rural nature of the area. Overall the climate of Dartmoor is changing, becoming warmer and wetter with a longer growing season – affecting biodiversity and farming. Whilst almost 50% of waste within Dartmoor was sent to reuse, recycling or compost (higher than the national average), rubbish can be an issue as a result of increased visitor numbers.



20. Without the Dartmoor Local Plan to guide and manage new development, pressures on important landscape, heritage and biodiversity assets may cause adverse effects that are difficult to mitigate; housing and employment will not be located in the most sustainable locations with accessibility to transport and community services.

### Key Sustainability Issues, Problems and Opportunities

21. Key sustainability issues, problems and opportunities include the following:

#### Key Sustainability Issues

- New development has the potential for an unacceptable effect on the landscape or settlement character & their settings; high quality design is needed
- Farming practises and forestry activities should not result in landscape deterioration
- Light pollution from peripheral towns and cities, and development within the National Park, threatening the dark night skies, should be minimised
- Change of farmsteads to residential or holiday lets can harm the integration of farmsteads with the landscape
- Need to protect the internationally, nationally and locally designated biodiversity and geodiversity that covers much of the area
- Managing access so that designated sites, priority habitat and priority species are not negatively affected by recreational activities, whilst sustaining positive effects for the economy
- Encouraging sustainable farming and forestry practises
- Need to protect the range of extensive historical and archaeological features, both designated and undesignated
- Protecting historic farmsteads and farm buildings, and promoting the reuse of derelict or abandoned buildings without adverse effects on the character and cultural heritage
- New proposals for mining or quarrying operations should not negatively affect the special qualities
- Contributing to water quality improvement & more sustainable management of water; avoiding development in areas of flood risk
- An ageing population
- The decline of some rural settlements due to limited opportunities for appropriate full-time employment
- New development should be focussed in areas that are the most sustainable and have the capacity for change
- Net out-commuting for work, which may increase as peripheral towns and cities grow
- Relatively low wages and high house prices which may deter/prohibit young workers living in the National Park

- Almost half of businesses are small or micro, and there is a high level of self-employment
- Relatively high employment in agriculture, but this is forecast to fall
- 20-30% of employment is in tourism, with large-scale expenditure in the local economy by tourists, dominated by day visitors
- High dependence on private vehicle use with poor and infrequent public transport services – a common feature in rural Devon
- Risk of congesting road network in vicinity of new major developments on outskirts of National Park area
- Promote sustainable transport in the National Park
- Mitigating and adapting to the effects of Climate Change through appropriate design and siting of development
- Avoid inappropriate waste management facilities in the National Park

## How has the DLP been assessed?

22. The proposed scope of the Sustainability Appraisal was set out in the SA Scoping Report, including details of how the draft plan would be assessed. An SA Framework was compiled, including SA Objectives that aim to resolve the issues identified for development planning in the DLP area. This SA Framework, together with the baseline information, comprised the basis for assessment, and is summarised in the following table:

No.	SA Objective
1	To conserve and enhance the <b>landscape and settlement character</b> of Dartmoor National Park
2	To conserve & enhance the character, safety & sustainability, of the <b>built environment</b> by raising the <b>quality</b> of design and construction
3	To protect, enhance and manage <b>biodiversity &amp; geodiversity</b> for net gain
4	To ensure the protection, conservation, and enhancement of the <b>historic environment</b> & its setting
5	To protect and conserve <b>soil, land and minerals</b>
6	To promote efficient <b>water</b> use and improve water quality
7	To reduce the risk of flooding from all sources and manage <b>flood risk</b> more sustainably
8	To maintain and enhance <b>community and settlement identities</b> distinctive to Dartmoor
9	To support the provision & accessibility of <b>services &amp; facilities</b>
10	To ensure that the <b>housing</b> needs of all National Park residents are met
11	To improve the <b>health and wellbeing</b> of communities and reduce inequalities
12	To promote & support the <b>economy</b> , especially key business sectors of tourism, agriculture, leisure/recreation & small businesses
13	To help <b>reduce congestion</b> , particularly on outskirts of the National Park, and reduce associated indirect impacts on <b>air quality</b> and <b>greenhouse gas emissions</b>

14	To encourage a change to <b>sustainable transport</b> modes and to reduce the need to travel
15	To reduce <b>waste</b> & promote reuse & recycling

23. Each developing element of the draft DLP, including potential site options and policies to manage proposed development, was subject to SA. Using the SA Framework of Objectives and decision-aiding questions, the baseline information, and professional opinion, the likely effects of the emerging draft DLP were assessed. The SA considered positive/negative, short/long term, and cumulative effects where possible, and according to categories of significance as set out in the following table:

<b>Categories of Significance for SA</b>		
<b>Symbol</b>	<b>Meaning</b>	<b>Sustainability Effect</b>
- -	Major Negative	Problematical & improbable because of known issues; mitigation likely to be difficult and/or expensive
-	Minor negative	Potential sustainability issues: mitigation and/or negotiation possible
+	Minor positive	No sustainability constraints and development acceptable
++	Major Positive	Development encouraged as would resolve existing sustainability problem
?	Uncertain	Uncertain or Unknown Effects
0	Neutral	Neutral effect

24. The SA made suggestions to the plan-making team for mitigating any significant negative effects identified, where possible, and any possibilities for enhancement, where relevant. Sustainability Appraisal is informed by the best available information and data. However, data gaps and uncertainties exist and it is not always possible to accurately predict effects at the plan level. For example, specific significance of effects on biodiversity, heritage assets, or changes to local level traffic flows may depend on more detailed studies and assessments that are more appropriately undertaken at the next stage of planning - at the site level. Climate change impacts are difficult to predict as the effects are most likely to be the result of changes at a cumulative and regional or national level, and therefore a precautionary approach that seeks to deliver best practice mitigation and adaptation is the most appropriate approach.

### **What reasonable alternatives have been considered and assessed?**

25. The SA investigated four options for the Spatial Strategy, as follows:

Option 1: Current Two-Tier approach with 8 Local Centres; 34 Rural Settlements; everywhere else defined as Open Countryside – based on current services & facilities

Option 2: Two-Tier approach based more upon size, overall role, & capacity/sensitivity to growth, as well as an element of settlement services & facilities

Option 3: As Option 2 but splitting into Three Tiers – Local Centres, Rural Settlements, and Villages & Hamlets, plus the remaining Open Countryside

Option 4: A Spatial or Clustered approach recognising 10 clusters: East Dartmoor 1 & 2; South East Dartmoor; South West Dartmoor; Teign Valley; Bovey Valley; Upper Teign; North East Dartmoor; West Dartmoor; High Moor

26. Potential options for housing and employment land were investigated through plan-making and the SA tested those options that were considered to be reasonable alternatives – suitable and deliverable. The SA considered cumulative effects and the inter-relationships between sustainability topics and made comments with regard to any significant effects identified, where possible. The outline reasons for selection or rejection of site options and progression as proposals was set out in the SA Report. The findings of the SA informed this selection but they are not the sole source of information to inform decision-making as part of the plan preparation.

### **What are the likely significant effects of the draft DLP? How has the SA influenced the draft DLP?**

27. Overall, the implementation of the policies and proposals presented in the draft DLP were found to have significant positive sustainability benefits, reflecting the iterative and ongoing inputs from the SA, the wider evidence base, and comments received through public and community consultations. The key positive effects are as follows:
- Major long term and cumulative positive effects through seeking to meet the special housing needs of the Dartmoor area - will also support economic objectives through supporting local people to live and work in the National Park; good quality housing will have direct cumulative positive effects on health and well-being
  - Ensuring that new development is located where supported by community services and facilities will promote positive effects
  - Support for the economy and employment – will also have further positive effects for health and wellbeing; also, for the character and vitality of settlements and the wider countryside
  - Landscape, character, biodiversity and historic/cultural assets and their settings are protected with at least neutral effects and no major significant negative effects predicted
28. Alongside the positive effects, some minor negative effects were also identified - as a result of the overall, cumulative effect of increased housing, employment and associated infrastructure development on the outskirts of the plan area through the Plymouth & SW Joint Core Strategy and the emerging Greater Exeter Strategic Plan. The key potential negative effects are summarised as follows:

- Cumulative negative effects on biodiversity through increased recreational disturbance – on internationally designated sites; also, on the wider biodiversity network and assets

### How could negative effects be mitigated?

29. A key aspect of the SA process is to provide advice and recommendations to help mitigate identified negative effects - and to suggest possibilities to enhance positive effects. The policies and proposals presented in the draft DLP include findings arising from SA work undertaken. The findings of the SA helped the selection of potential site allocations by avoiding locations that might have significant negative effects, for example on internationally protected biodiversity, and also suggesting some site-specific recommendations that could provide mitigation measures.
30. Potential negative effects have been mitigated through strong policies that protect the natural environment and promote sustainable communities, whilst managing the Special Qualities of the National Park. The potential for increased recreational access and use may result in negative effects on the landscape, biodiversity and historic environment that provides the very attributes and attraction for visitors. The SA raised some concern over the potential cumulative effects of the extensive new development proposed by other plans around the outskirts of the National Park. The SA suggested that a Strategic Mitigation Plan could be considered with others that seeks to address such potential cumulative negative effects through a shared and equitable approach. The Dartmoor National Park Authority has confirmed that it will continue to liaise with relevant other local planning authorities and Natural England with regard to cumulative effects of recreational impacts arising from new development outside the Park, particularly for internationally designated sites.

### EqIA & HRA

31. The equalities screening assessment has found that the draft DLP is unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010 and thus a full EqIA will not be required. Overall, effects were compatible and positive, or not applicable, with regard to protected persons; no negative effects were identified.
31. The HRA screening identified that due to the small size and location of proposed new development in the DLP, and the limited potential environmental pathways for impacts to the European sites outside of the National Park, there were no Likely Significant Effects (LSEs) for air quality changes, disturbance, changes to water quality or levels, or habitat loss/fragmentation – alone or in-combination with other plans.
32. The screening assessment identified uncertainty with regard to the potential for LSEs associated with air quality, disturbance and habitat loss or fragmentation on the three SACs located within the DNPA boundary. This was

investigated further through appropriate assessment that determined that due to the small size and location of the proposed new development, together with policy mitigation, significant adverse impacts on air quality and habitat loss or fragmentation can be avoided, alone or in-combination with other plans. However, due to the extensive new development planned around the outskirts of the National Park through the Plymouth & SW JLP and the emerging GESP, the HRA concluded that there some uncertainty regarding in-combination effects on the integrity of SACs from recreational disturbance. The HRA recommended continuing liaison between the DNPA and neighbouring local planning authorities to develop further strategic mitigation measures.

### **Were there any difficulties encountered?**

33. There were no significant technical difficulties encountered during the preparation of this SA. There are inherent difficulties in predicting the likely future baseline and assumptions were made using professional judgment. Some data gaps were identified – in particular for the significance of the wider biodiversity and historic resources.

## **Consultation**

34. The proposed scope of the SA was consulted formally at the scoping stage in August 2017 with the statutory bodies (Historic England, Environment Agency, and Natural England) and through the DNPA's website for wider consultation with stakeholders and the public. Representations were received and minor amendments were made to the SA Scoping Report, including additional information for the baseline.
35. The Vision & Spatial Strategy Paper with the accompanying Initial SA Report (November 2017) were provided for consultation through the website in late 2017 for people to comment on if they wished. No specific comments on the SA, HRA or EqIA were received at this time. Consultation is a vital ongoing and iterative element of both the plan-making and the SA processes. The draft DLP and the accompanying SA Report (October 2018) were provided for consultation through the website in late 2018/early 2018. Comments received have been considered in the development of the Pre-Submission Draft Plan and the SA Report (June 2019).

## **Monitoring Proposals**

36. Local planning authorities are required to produce Monitoring Reports (MRs) including indicators and targets against which the progress of the Plan can be assessed. There is also a requirement to monitor the predictions made in the SA and Government advises Councils to prepare a monitoring strategy that incorporates the needs of the two processes to make best use of shared information and resources. Monitoring proposals will be progressed, including

consultation, as the draft DLP progresses. The DNPA will prepare a monitoring strategy for the Local Plan that will include consideration of any specific requirements from the SA process.

## Next Steps

37. The draft Dartmoor Local Plan to 2036 and this accompanying Sustainability Appraisal Report will be available for consultation during September to October 2019. Documents are available to download from the DNPA's website <https://www.dartmoor.gov.uk/living-and-working/planning/planning-policy/local-plan-review>. Any comments received on the SA will be submitted with the Regulation 19 Local Plan and supporting evidence to the Secretary of State. An independent examiner will be appointed in due course and hearing sessions will be undertaken at which the public and other interested stakeholders can attend.



**DARTMOOR LOCAL PLAN**  
guiding planning applications in Dartmoor National Park

APPENDIX 3 OF REPORT NO NPA/19/024

# Duty to Co-operate

## Statement of Common Ground

Regulation 19

July 2019





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# Dartmoor National Park Local Plan

## DRAFT Statement of Common Ground

### 1 Introduction and context

#### 1.1 Purpose of this Document

- 1.1.1 This document has been produced in response to the requirement in the National Planning Policy Framework (NPPF) that authorities ‘should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these’ (para 27).
- 1.1.2 Dartmoor National Park Authority is preparing a new Local Plan. At the start of the process, the Authority carried out a review of the strategic matters for co-operation under the Duty to Co-operate for the Dartmoor National Park Local Plan. This was documented in the Duty to Co-operate Scoping Report (May 2017) which identifies who the Authority expects to engage with throughout the development of the new Local Plan, on what matters, and the ways the Authority will work with Duty to Co-operate partners. The Authority consulted Duty to Co-operate partners on the Scoping Report to confirm that the relevant strategic matters for co-operation had been identified. A few comments were received and the report was updated in the light of comments received.
- 1.1.3 A Draft Statement of Common Ground was produced to inform the consultation on the draft Plan (Regulation 18) in the autumn of 2018, sent to relevant partners and published on the Authority’s website. This provided a record of progress in addressing the cross-boundary issues affecting the Dartmoor National Park Local Plan.
- 1.1.4 This document is an updated version prepared for the submission of the Local Plan (Regulation 19) and as such, a formal signed off by partners is sought.
- 1.1.5 The Statement of Common Ground is a new process within the more established Duty to Co-operate framework, and the process is little tested. It is clear that the Duty to Co-operate is an ongoing process through plan preparation and the Statement should be “made publicly available through the plan process” (NPPF para 27). The assessment of strategic matters for co-operation has been kept under review and updated throughout the plan preparation process.
- 1.1.6 Updated Planning Practice Guidance (Revision 15/03/2019) provides guidance on what should be included in the Statement of Common Ground:

*“a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);*

*b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;*

*c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);*

*d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;*

*e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;*

*f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;*

*g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and*

*h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.*

*The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites".*

## 1.2 Context

1.2.1 Dartmoor National Park was established in 1951 under the National Parks and Access to the Countryside Act 1949. The purposes of National Park designation are enshrined in national legislation. First set out in the National Parks and Access to the Countryside Act 1949, and amended by the Environment Act 1995, the two statutory purposes of National Park designation are:

- to conserve and enhance the natural beauty, wildlife and cultural heritage; and
- to promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

1.2.2 When National Parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the National Parks.

1.2.3 Section 62 of the Environment Act 1995 requires Local Planning Authorities and other public bodies to have regard to the purposes for which National Parks are designated.

1.2.4 At 954 square kilometres (368 square miles), Dartmoor is the largest open space in southern England. It has wild open moorland, granite tors and wooded river valleys. Dartmoor is an internationally renowned landscape, which has been shaped by thousands of years of human interaction with its demanding environment. It has a

rich diversity of habitats resulting in part from non-intensive husbandry and land management.

- 1.2.5 The national status of the National Park is given great weight in national planning policy and para 172 of the NPPF (2019) states *'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.'*

## 2 Location and administrative areas covered by the statement Statement of Common Ground

- 2.1.1 Dartmoor National Park Authority is the local planning authority and the minerals and waste planning authority for the whole of the National Park. It is not responsible for other matters, such as transport, education, health or flood risk planning which are undertaken by Devon County Council. District Councils are responsible for other functions, such as economic development, housing, and environmental health.



**Figure 1.** Map showing Dartmoor National Park and adjoining authority areas

### 3 Key Strategic Matters

3.1.1 The Statement of Common Ground is expected to contain the key strategic matters which require cross-boundary cooperation to address. In providing guidance on how to identify strategic matters National Planning Practice Guidance advises that *'Paragraphs 20-23 of the NPPF (Feb 2019) sets out the matters that the strategic policies should make provision for, this is not an exhaustive list and authorities will need to adapt this to meet their specific needs. For local planning authorities this is linked to matters set out in sections 33A(4) and 19(1B) to 19(1E) of the Planning and Compulsory Purchase Act 2004.'* NPPF (2019) paragraph 20 states:

*"Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>3</sup> for:*

*(a) housing (including affordable housing), employment, retail, leisure and other commercial development;*

*(b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*

*(c) community facilities (such as health, education and cultural infrastructure); and*

*(d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation".*

3.1.2 NPPF (2019) paragraphs 21 and 22 state plans should include strategic policies to cover relevant cross-boundary issues (para 21) and that plans should look ahead a minimum of 15 years from adoption, to take account of long term requirements and opportunities (para 22).

3.1.3 The NPPF also highlights the importance of joint working to meet development requirements that cannot be wholly met within a single local planning area – for instance, because of a lack of physical capacity or because to do so may cause significant harm to the principles and policies of the NPPF. This is particularly relevant to the National Park.

3.1.4 The Strategic Matters for the Dartmoor National Park Local Plan review are described in section 6, below.

### 4 Signatories to the Statement of Common Ground

4.1.1 The following partners are signatories to this Statement of Common Ground. The particular matters relevant to each Authority are noted in Appendix 2.

- Devon County Council
- Mid Devon District Council
- South Hams District Council

- Teignbridge District Council
- West Devon Borough Council
- Exeter City Council
- Plymouth City Council
- Torbay Council

4.1.2 Dartmoor National Park is located wholly within Devon County, and is split between Teignbridge District Council, South Hams District Council, West Devon Borough Council, and a small part of Mid Devon District Council. These Authorities are therefore important partners for the preparation of the Local Plan.

4.1.3 Plymouth City Council, Torbay Council and Exeter City Councils are nearby Authorities which are responsible for significant growth areas that will have important implications for the National Park, and as such are also important partners for the preparation of the Local Plan.

## **5 Other Duty to co-operate partners**

5.1.1 The other bodies subject to the Duty to Co-operate are listed in the legislation or Guidance as:

- the Environment Agency
- Historic England (the Historic Buildings and Monuments Commission)
- Natural England
- the Civil Aviation Authority
- Homes England (formerly the Homes and Communities Agency)
- each Clinical Commissioning Group established under section 14D of the National Health Service Act 2006
- the National Health Service Commissioning Board
- the Office of Rail and Road (formerly the Office of Rail Regulation)
- each Integrated Transport Authority
- each Highway Authority within the meaning of section 1 of the Highways Act 1980 (including the Secretary of State, where the Secretary of State is the highways authority)
- the Aggregate Working Party
- the Mayor of London
- Transport for London
- the Marine Management Organisation

5.1.2 A number of these organisations are not considered relevant to the Dartmoor National Park Local Plan, namely the Mayor of London, or Transport for London. Dartmoor does not have a coastline and no strategic matters for co-operation with the Marine Management Organisation have been identified.

5.1.3 Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are not subject to the requirements of the duty to cooperate, but local planning authorities must cooperate with them and have regard to their activities when they are preparing their Local Plans, so long as those activities are relevant to local plan making. DNPA

is actively involved in working with both the Heart of the South West LEP and the Devon Nature Partnership on areas of mutual interest.

- 5.1.4 The South West Aggregate Working Party (SWAWP) is an 'additional signatory' with regard to the Minerals Plan. Cornwall Council can be relevant in respect of strategic minerals provision, and is engaged through the SWAWP, as well as being invited to comment or contribute to the consideration of strategic cross boundary issues.
- 5.1.5 A much wider range of bodies, not covered by the Duty to Co-operate, have an interest in the development of the Local Plan. Details of how DNPA engages with them are set out in the [Statement of Community Involvement](#).

## 6 Strategic Matters for Co-operation

- 6.1.1 Dartmoor National Park Authority has undertaken a review of the strategic matters where co-operation may be required during the preparation of the Local Plan. This has been informed by the statutory purposes and duty of the National Park along with the Devon-wide Duty to Co-operate Protocol.
- 6.1.2 The table in **Appendix 1** lists the strategic matters and provides an assessment of those where co-operation is required. **Appendix 2** provides a summary of which topics are relevant to each of the Duty to Co-operate partners.
- 6.1.3 In summary, the key strategic matters we have identified are:
- Conserving and enhancing the **natural beauty and cultural heritage** of the National Park and its setting (including landscape character and tranquillity);
  - Conserving and enhancing **biodiversity** (including ecological and green infrastructure networks);
  - The **spatial strategy** for managing development in the National Park and surrounding areas;
  - The delivery of new **homes**, including affordable homes, pitches for Gypsies and travellers and the needs of an ageing population including residential care;
  - Support for the **rural economy** including the agricultural and forestry sectors and the promotion of sustainable **tourism**;
  - The sustainable management of **recreation** and associated infrastructure, with regard to demand arising from development in areas surrounding the National Park;
  - Provision of **community services** and **infrastructure** required to support sustainable development in Dartmoor (including education, health, transport, telecommunications, flood risk management) where compatible with National Park purposes; and
  - The sustainable management of **waste** and **minerals** development, bearing in mind the status and purposes of the National Park.
- 6.1.4 The Strategic Environmental Assessment / Habitats Regulations Assessment screening and scoping was also used to inform the strategic issues for co-operation. This did not identify any new issues, but highlighted in particular the cross-boundary issues arising from predicted increases in recreation arising from planned growth in

the region, and the potential effects on Dartmoor's environment (including SACs) and local communities. This is considered in more detail in section 7.5. Other evidence base studies were also used to inform discussion on strategic matters as preparation of the Local Plan progressed.

## **7 Strategic Priorities**

7.1.1 The following topics have been identified as the emerging strategic priorities for the Local Plan, and an Issues Consultation was carried out on these topics during October 2016 to January 2017:

### *7.2 National Park Purposes, Natural and Historic Environment*

7.2.1 The protected status of the National Park and the great weight given to this in national planning policy is a significant factor in the development of the local plan, and cross-boundary discussions regarding the scale and distribution of development. National Park status and statutory purposes constrain the scale and type of development that is appropriate within the National Park, meaning that this needs to be accommodated in adjoining areas. Local Planning Authorities have a duty under section 62 of the Environment Act 1995 to have regard to National Park purposes when coming to decisions or carrying out their duties which includes potential impacts on the setting of the National Park or historic environment designations from development outside the National Park.

7.2.2 The Environment section of the draft Local Plan considers the Natural and Historic environment, identifying the most appropriate policy approaches to protecting Dartmoor's nationally and internationally important landscapes, cultural heritage, biodiversity and water environment.

7.2.3 Strategic Policy 2.1 seeks to ensure development in the National Park respects Dartmoor's landscape character. Evidence has been prepared which is consistent with the overarching and adjoining Landscape Character Assessments. This area of policy is largely unchanged.

7.2.4 Strategic Policy 2.1 also requires the Authority to seek to ensure that proposals coming forward outside the National Park, in its landscape setting, respects Dartmoor's landscape character. Reflecting our existing working relationship, this puts a requirement on the Authority to work with its neighbouring County, Unitary and District Authorities and ensure that due regard is given to National Park purposes under Section 62 of the Environment Act.

7.2.5 Dartmoor National Park contains extensive habitats of international, national, regional and local importance. Habitats and ecological networks cross boundaries and co-operation is needed to protect and enhance healthy, functioning ecosystems. There are opportunities to strengthen connectivity between habitats across boundaries, guided by Living Dartmoor (the National Park biodiversity strategy) and as part of green infrastructure networks. Living Dartmoor is developed from the Strategic Nature Areas of the South West Nature Map and is consistent with neighbouring Authorities' identified cross-boundary habitat links. Strategic Policy 2.2 and its



supporting text present a stronger emphasis on local natural networks (which incorporates green and blue infrastructure) and the value of cross-boundary connectivity.

- 7.2.6 The Authority identified the three European sites (Special Areas of Conservation) on Dartmoor (the Dartmoor SAC, South Hams SAC and South Dartmoor Woods SAC) as a strategic matter where co-operation is required regarding potential impacts on the SACs. The Authority has been working with Devon County Council, South Hams District Council, Teignbridge District Council and Torbay Council, in association with Natural England, on the preparation of guidance for the South Hams SAC and specifically the greater horseshoe bats for which the site is in part designated. This aims to ensure a consistent approach amongst the authorities in relation to the SAC, to ensure that development plans (including the Dartmoor National Park Local Plan) and planning decisions, meet requirements relating to the protection of the SAC. The guidance was consulted on as an Supplementary Planning Document (SPD) during Spring 2018. It is currently being progressed as guidance by each of the Authorities it affects.
- 7.2.7 Strategic Policy 2.2 seeks to ensure that new development sustains and enhances Dartmoor's designated and priority habitats and species, and the ecological networks which support them. Following the Regulation 18 consultation, DNPA has amended the Local Plan to include specific reference to the South Hams SAC, and particularly its importance for Greater horseshoe bats. If there is potential for development to have a likely significant effect on the SAC's greater horseshoe bat population, a Habitats Regulations Assessment (HRA) should be carried out. The Local Plan policies map and Map 2.1 have been amended to show the greater horseshoe bat flyways and sustenance zones. Following the Habitats Regulations Assessment, and advice from Natural England, the draft Local Plan allocations also identify where further HRA and detailed bat surveys will be required.
- 7.2.8 The draft Local Plan has also been amended to reflect the Government's recent proposals on biodiversity net gain and the Natural Environment Topic Paper 1 sets out the evidence to support the approach taken. The policy recognises that off-site biodiversity enhancement should occur where it is most environmentally beneficial and this should not be limited by administrative boundaries.

### 7.3 *Spatial Strategy*

- 7.3.1 The draft Local Plan sets out the spatial strategy which describes where different types of development are acceptable in different areas of the National Park. It aims for most new development, such as housing and new business premises, to go in the 8 largest towns and villages. There is then more of a focus on local needs housing and expansion of existing businesses in smaller villages, which are split into two categories to reflect their function and ability to support development both in the context of infrastructure, and environmental effects. Outside of these towns and villages opportunities for new development are more limited, and focussed on farming or other rural activities and development which need to be in the open countryside. DNPA has also taken into account housing, employment, services,

facilities and other infrastructure outside of the National Park in considering the spatial strategy.

- 7.3.2 DNPA has worked with adjoining authorities to ensure a consistent policy approach for settlements / parishes which are split between two Local Plan areas or closely linked in terms of role and function. These settlements are Yelverton (WDBC), South Brent (SHDC), Ashburton and Buckfastleigh (TDC) and Cheriton Bishop (MDDC).
- 7.3.3 In relation to Yelverton, South Brent, Ashburton and Buckfastleigh, the settlements fall within DNPA although the parishes themselves are split, and the spatial strategy for the settlements is set by the Local Plan policies. All four settlements are identified as Local Centres in Strategic Policy 1.4 Spatial Strategy where development intended to serve the needs of the settlement and its rural hinterland will be acceptable in principle including to meet identified local housing needs; maintain and improve employment development where appropriate opportunities exist; and maintain or enhance a range of services which serve the settlement and its wider rural hinterland. Sites are allocated in these settlements. Strategic Policy 3.1 sets out the housing need required to support residential development in these settlements will be derived from the entire parish and the adjoining parishes which are wholly or substantially within the National Park.
- 7.3.4 The majority of the settlement of Cheriton Bishop is outside the National Park but there is a small area south of the A30 which is within the National Park. The policy approach is consistent. The MDDC Submission draft Local Plan Policy S13 Villages identifies Cheriton Bishop as a rural settlement suitable for limited development including small scale housing, employment, tourism and leisure; services and facilities serving the locality; and other limited development which enhances community vitality or meets a local social or economic need. This is consistent with the draft Dartmoor National Park Local Plan Strategic Policy 1.4 Spatial Strategy which identifies Cheriton Cross/ Bishop as a Rural Settlement where development intended to meet the needs of the settlement and its parish will be acceptable in principle including meeting identified local housing needs; opportunities for small scale employment development; and to maintain or enhance a range of services and facilities which serve the settlement. Strategic Policy 3.1 sets out the housing need required to support residential development in this settlement will be derived from the entire parish and the adjoining rural parishes which are wholly or substantially within the National Park.

#### 7.4 *Housing*

- 7.4.1 The 2019 NPPF refers to National Parks in paragraph 172 where it states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. It does not however exclude National Park Authorities from other requirements, including those relating to the provision of housing which are set out in Section 5:

Delivering a sufficient supply of homes. The requirements in this section provide the underpinning framework for the housing policies in Local Plans, including in paragraphs 77 to 79, for its delivery in rural communities.

- 7.5 *The National Parks Circular 2010 requires that in furthering their statutory purposes the Parks give sufficient weight to socio-economic interests to fulfil their duty to sustain strong rural communities. This requires that they provide clear and consistent advice on what are acceptable forms of development. It states that:*

*Para 78. The Authorities have an important role to play as planning authorities in the delivery of affordable housing. Through their Local Development Frameworks they should include policies that pro-actively respond to local housing needs. The Government recognises that the Parks are not suitable locations for unrestricted housing and does not therefore provide general housing targets for them. The expectation is that new housing will be focused on meeting affordable housing requirements, supporting local employment opportunities and key services.*

*Para 79. The Government expects the Authorities to maintain a focus on affordable housing and to work with local authorities and other agencies to ensure that the needs of local communities in the Parks are met and that affordable housing remains so in the longer term.*

- 7.5.1 The Circular remains the extant government position. This position has been reinforced recently by the exclusion of National Parks from the Standard Methodology for calculating housing needs. This confirms that government still considers National Parks to occupy a unique position as Local Planning Authorities in respect of housing supply.
- 7.5.2 This national policy context forms the foundation for the Housing Strategy in the Local Plan. This strategy is to seek to meet the identified local affordable housing need in the National Park, in those communities where it arises, and to do so with a mix of market housing that itself is meeting local need and responding to the demographic trends identified. But that the National Park does not seek to influence the affordability of housing by significantly increasing supply, nor is it appropriate for it to meet needs arising from outside of its area.
- 7.5.3 There are four separate Housing Authorities covering Dartmoor. The National Park sits within two Housing Market Areas (HMAs) – the Plymouth HMA which includes the parts of West Devon and South Hams inside the National Park, and the Exeter HMA which includes the parts of Teignbridge and Mid Devon inside the National Park. The scale and distribution of housing across the Housing Market Areas is an important element of Duty to Co-operate discussions. DNPA has worked together with its partner authorities within the respective HMAs to understand the housing needs of the National Park within the context of the two HMAs. The revised NPPF (2018) introduced a standard methodology for assessing housing need. There is no methodology for National Parks but instead the Authority “*may continue to identify a housing need figure using a method determined locally, but in doing so will need to consider the best available information on anticipated changes in households as well as local affordability levels.*” (Reference ID: 2a-014-20190220)
- 7.5.4 Both HMAs have joint / strategic plans in preparation outside the National Park. DNPA was invited to consider joint plan making arrangements but, in the context of the special purpose of the National Park, the Authority took the decision to produce a

standalone Local Plan for the National Park. The Plymouth and South West Devon Joint Local Plan was adopted by the constituent authorities in March 2019 and covers the administrative areas of Plymouth City, South Hams District and West Devon Borough. DNPA responded to the draft Joint Local Plan and appeared at the Examination hearings. The Greater Exeter Strategic Plan (GESP) is not as advanced, with the draft Plan timetabled for 2019, although this timetable is under review. DNPA has been involved in discussions at officer level regarding the scale and distribution of housing and also the Habitats Regulations Assessment of the strategic site allocations. There has also been extensive joint evidence gathering and an ongoing dialogue at officer level.

- 7.5.5 The policy approach to National Parks and their statutory purposes sets out that the National Park is not generally a suitable location for unfettered market housing development; a stance established by the 2010 Government Circular and Vision for National Parks and the Broads. Dartmoor National Park's Local Plan policies therefore facilitate housing delivery in order to support local needs, subject to the landscape capacity to do so and the wider objectives of the National Park. Levels of need in the National Park are small compared to the overall housing needs of the HMAs. Importantly the NPPF also notes "*the scale and extent of development within these designated areas should be limited*" (para 172).

#### *Housing delivery*

- 7.5.6 The Dartmoor Local Plan continues the Authority's established local needs-led approach to housing delivery. However this has been developed at a point of flux in national policy in assessing housing need for plan-making purposes. The Authorities within the Plymouth and Exeter HMAs, which cover the National Park, have worked collaboratively to identify need, and development plans which meet the need in such a way as it respects Dartmoor's National Park status and the great weight to be applied to that in planning new development.

#### *Plymouth HMA*

- 7.5.7 The adopted Joint Local Plan (JLP) covers the city of Plymouth, and the areas of South Hams and West Devon which lie outside the National Park. The housing need for the HMA is met, largely through the JLP, but also taking into account an allowance of 600 dwellings over the JLP plan-period, which is expected to be delivered within the National Park. This figure was derived before the review of the Dartmoor Local Plan started, and is based upon the historic level of delivery within the South Hams and West Devon parts of the National Park. Within these areas, sites are allocated in Local Centres currently, and in the draft Local Plan, to meet locally identified affordable housing need, including an element of cross subsidy on sites to support delivery and create balanced communities. The overall figure for indicative housing delivery has in the draft Dartmoor Plan risen from 50 per year, to 65 per year, across the National Park, meaning that there will be likely a slightly higher number than anticipated arising from the Dartmoor 'allowance'.
- 7.5.8 The JLP Authorities (Plymouth City Council, West Devon Borough Council and South Hams District Council) made representations at the Regulation 18 Stage of the

Dartmoor Local Plan, setting out that they believed that the local plan should set out a housing requirement figure in order to provide certainty that the 'Dartmoor Allowance' set out in the Plymouth and South West Devon Joint Local Plan would be delivered, and would provide a clearer basis for setting out a housing trajectory, a 5 Year Land Supply, and monitoring housing delivery to ensure that the needs of the HMA are being met in full. Discussions have been undertaken to explore this issue in more depth, and DNPA recognises that the JLP Authorities would favour greater commitment to the delivery of the figure which is expressed in the Dartmoor Local Plan as an indicative housing delivery figure.

- 7.5.9 DNPA considers that the Dartmoor allowance is, in the HMA context, a small amount of housing. DNPA maintains that the approach taken is sound in the National Park context, and has confidence in the delivery of housing to meet identified needs within the South Hams and West Devon parts of the National Park. The key concerns of both DNPA and the JLP Authorities are to ensure that housing delivery takes place as set out in the JLP and the Dartmoor Local Plan. Therefore, in order to ensure that the Dartmoor Allowance is delivered in full over the plan period, DNPA commits to setting out a clear understanding of housing land supply and delivery, and a detailed monitoring and governance process in partnership with the JLP Authorities, which will be described in the revised Housing Topic Paper. If monitoring indicates clear under-delivery within these parts of the National Park such that the Dartmoor Allowance and local affordable housing need is not being met, and such that any under delivery impacts upon the meeting of need across the HMA, this may necessarily lead to a review in whole or part of the plan. Further detail on this will be included in the Housing Topic Paper. .

#### *Exeter HMA*

- 7.5.10 Within the Exeter HMA, Teignbridge has started to review its adopted Local Plan. Teignbridge and Mid Devon also form part of the Greater Exeter Strategic Plan (GESP) area, which will address strategic housing need across the Exeter HMA and identify strategic development sites. Subsequent local plans will identify other sites to meet remaining housing need. The Exeter HMA is considering need on the basis of the Standard Methodology, which provides for a need which includes the part of the National Park within Teignbridge and Mid Devon areas. The GESP team has indicated that a plan target for the GESP would therefore meet the entire HMA need, without the additional requirement for an apportionment or allowance for the small Dartmoor component. Any housing delivery within the National Park will focus upon meeting locally identified affordable housing needs in line with the National Park Local Plan.

#### *Key issues for housing*

- 7.5.11 In the Dartmoor National Park Local Plan review key issues for housing are: understanding local affordable housing need, development viability (at a strategic and site level), self-build/custom build housing, conversions and agricultural dwellings. DNPA has worked closely with district housing officers to inform the policy approach to these issues. This has included housing policy meetings and attendance at the viability workshop. DNPA has a Joint Advisory Committee (JAC) for housing on Dartmoor which has DNPA, Local Housing Authority membership at an officer and

Member level, as well as attendance of Housing Enablers and Homes England. Officers from the districts attended the consultation events on housing held during the Regulation 18 consultation.

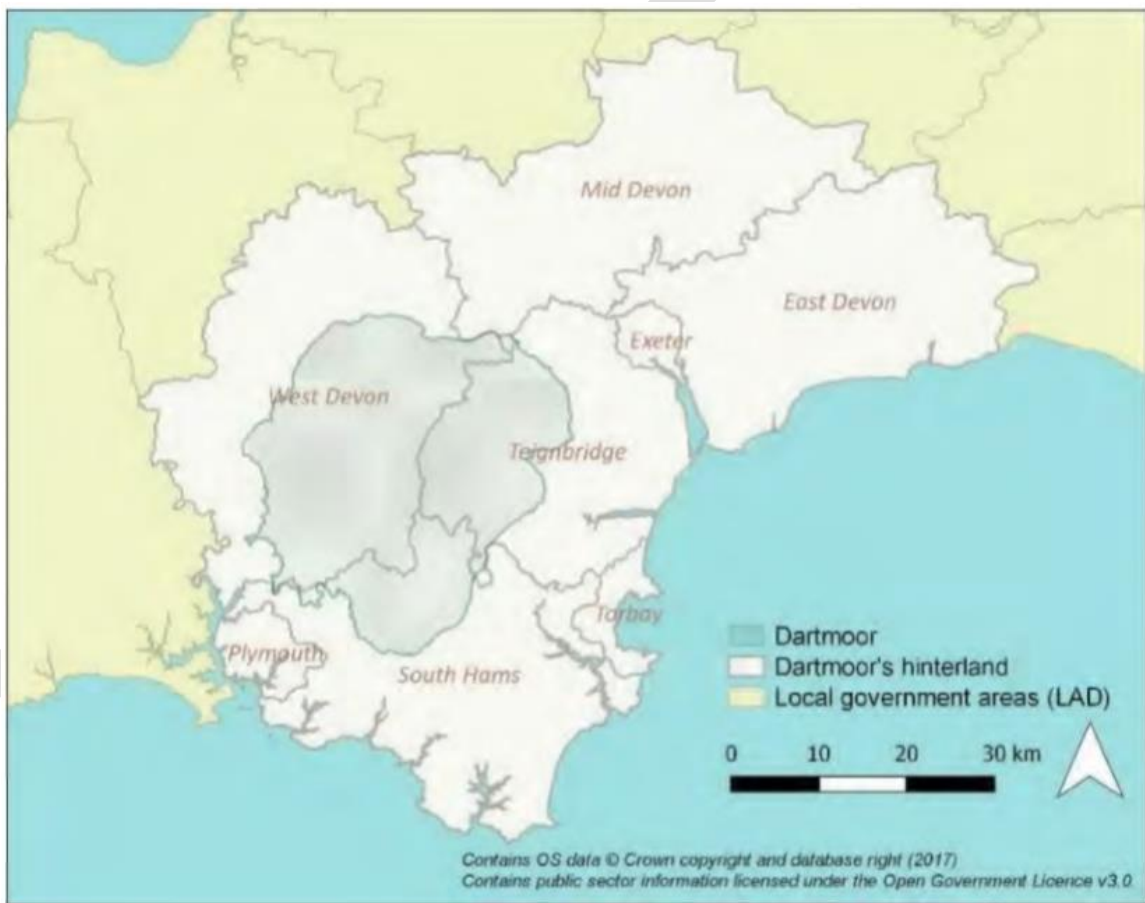
- 7.5.12 Strategic Policy 3.1 describes the Local Plan indicative housing delivery figure for Dartmoor. Further detail on the rationale behind this approach is set out in the supporting text, and in more detail in the Housing Topic Paper and evidence gathered jointly with relevant duty to cooperate partners. The distribution of this figure is set out broadly in the Local Plan, in respect of the settlement hierarchy, beyond this the distribution is responsive to local needs in line with the overarching strategy.
- 7.5.13 DNPA has also worked with Devon County Council and district councils on a joint Gypsy and Traveller Accommodation Assessment which indicated a very low level of need for Dartmoor National Park. Consequently, the Local Plan does not identify a pitch target for Gypsy and Traveller sites. Instead a criteria based policy is set out which enables suitable sites to come forward where a need is identified.

## 7.6 *Economy, Business and Leisure*

- 7.6.1 One of the key aims of the Local Plan review is to encourage a sustainable and diverse economic base for Dartmoor, which is both sensitive to the environment, and the needs of local communities. Key issues identified for the Local Plan include support for existing businesses to thrive and expand within the National Park, opportunities for new businesses appropriate for Dartmoor, tourism development and support for the agricultural sector, and home working. DNPA is not an economic development authority and so co-operation is required to help deliver strategic economic priorities in the National Park. As part of developing the evidence base for the economy policies in the Local Plan, DNPA held a workshop with key partners including officers from Devon County Council, South Hams, West Devon, and Teignbridge District Councils. This did not identify any specific cross-boundary issues.
- 7.6.2 Tourism and recreation are a major part of Dartmoor's economy, and rely heavily on Dartmoor's special qualities, beautiful landscape and picturesque towns and villages. Around 2.31 million people visit Dartmoor each year, spending around £139.5m (DNPA tourism statistics). Planning policy needs to carefully balance the protection of Dartmoor, with the need to respond to changing visitor trends and demands. The growth of surrounding areas will likely place additional pressures on Dartmoor such as more traffic on Dartmoor roads, or additional visitors to popular Dartmoor 'honey pot' sites. This can have an impact upon biodiversity, recreational infrastructure and/or tranquillity which are special qualities of the National Park. Cross-boundary co-operation will be important to consider these pressures and how they can best be managed.
- 7.6.3 The impact of large scale housing development close to the National Park has been subject of discussion in the context of the review of the National Park Management Plan. DNPA has worked with the South West Partnership for Economic and Environmental Prosperity (SWEEP) at Exeter University to better understand the scale of growth around the National Park, and the impacts this may have in terms of

increased recreational use. A report has been prepared which has been the subject of discussion with Duty to Co-operate partners.

- 7.6.4 The report highlights that Office of National Statistics population projections show that over the 25 years from 2014 to 2039, the overall population in the region (the eight local authority areas of East Devon District Council, Mid Devon District Council, Exeter City Council, Teignbridge District Council, West Devon Borough Council, South Hams District Council, Torbay Council and Plymouth Council) is projected to increase by 13% from around 1 million people in mid-2014 to 1.1 million in mid-2039. The areas predicted to see greatest growth are the main urban areas of Exeter and Plymouth and their associated new communities, as well as along the A30 and A38 corridors around Okehampton and Newton Abbot.



- 7.6.5 Modelling undertaken by Exeter University for the study estimates that Dartmoor currently receives around 7.8 million day visits over the course of a year. The majority of these (92%) come from the 8 neighbouring local authority areas, the remainder from the rest of England. Of all trips, 30% are 'new' visits, i.e. outdoor recreation would not take place anywhere else but in the National Park. When the additional growth predicted in the neighbouring local authorities is taken into account, the modelling suggests that by 2039, this will result in more than 870,000 additional annual visits to Dartmoor per year, a rise of around 12%. The study went on to consider the potential effects of this predicted increase in recreation, including the

value of these visits and the health and wellbeing benefits, as well as the potential costs in relation to path erosion, disturbance to wildlife and damage to habitats.

- 7.6.6 Given the majority of the recreational visits arise in the adjoining areas, DNPA considers that this is primarily an issue for adjoining Local Plans rather than the Dartmoor National Park Local Plan, and will be dealt with through the provision of green infrastructure, open space, sport and recreation facilities in the surrounding areas. Plans for managing the likely increase in recreational visits to Dartmoor, and mitigating any negative impacts, are being addressed through the review of the Dartmoor National Park Management Plan, which includes updating the Dartmoor Recreation Strategy. The Authority is continuing to work with neighbouring authorities through Duty to Co-operate discussions including by encouraging them to consider the implications of the likely increase in recreation in their local plans and to help DNPA develop a mitigation strategy to manage impacts into the future, including by supporting additional research if necessary.
- 7.6.7 Many of the areas where impacts are forecasted to increase are designated as or close to Special Areas of Conservation (SACs). The research indicates that there is some uncertainty over potential in-combination effects on the integrity of the Dartmoor, South Dartmoor Woods and the South Hams SACs from recreational disturbance arising from new development planned outside the Dartmoor Park boundary. It will be for these plans and new development to ensure that there are no adverse effects on the integrity of the SACs, including in-combination with the Dartmoor National Park Local Plan. These plans and any individual development proposals could therefore require Appropriate Assessment, in order to assess and satisfy that their plans and projects (either alone or in-combination) will not adversely affect the integrity of any European Site. Natural England did not comment on the HRA during the Regulation 18 consultation, but DNPA have met with them and confirmed the above approach is appropriate until further information and a mitigation strategy has been developed. The SWEEP report has also been made available to inform the HRA for the GESP, including cumulative effects.
- 7.6.8 The Local Plan includes policies to support public access and recreation but to ensure that associated development does not negatively impact on the National Park's special qualities. This includes policies in the Environment section to protect the landscape character, wildlife and cultural heritage of the National Park. Strategic Policy 4.9 The Access Network seeks to ensure that development within or outside the National Park which is likely to increase harmful recreational pressure on Dartmoor's Special Qualities, particularly biodiversity, cultural heritage and the access network, is appropriately mitigated. Although much of the increase in recreation pressure is predicted to arise outside the National Park, the Local Plan also includes requirements for developments to support public open space and sports facilities (Strategic Policy 4.2) which will provide alternative green spaces and play areas for residents, and will help to minimise the impact of new housing development on more sensitive areas of the National Park.



## 7.7 Sustainable Communities, Services and Infrastructure

- 7.7.1 Dartmoor is a challenging environment to support robust and vibrant communities. Isolated rural villages can rely heavily on the private car, young people can struggle to stay in their local communities with difficulties to access housing, education and employment, services and facilities face challenges to remain viable. The Sustainable Communities section of the draft Local Plan includes policies to enable communities to thrive and continue to be viable and sustainable places to live and work.
- 7.7.2 Many of the settlements on Dartmoor include local convenience stores, with some of the Local Centres having a wider range of shops. However the main retail offer is provided by the cities and larger settlements outside the National Park. Future retail requirements will be considered through district retail assessments and it is not anticipated that there will be any requirement for strategic retail development requiring cross-boundary co-operation.
- 7.7.3 Devon County Council (DCC) is the Local Education Authority and is responsible for the provision of schools and school places. DCC has identified capacity issues at primary and secondary schools which have catchments within the National Park. These include primary schools at Ashburton, Ilsington, Horrabridge, Meavy, South Tawton, and Widecombe-in-the-moor, and Okehampton secondary school, where investment may be needed over the plan period. DCC has an established policy approach for Section 106 contributions. Government funding to DCC does not cover new pupil places arising as a result of new development. The Local Plan recognises (including through viability assessment) that new development may attract a requirement to contribute towards the funding of educational facilities or transport. This does not require any further strategic co-operation and the need for developer contributions in respect of the locations identified above will be considered through development management on a site by site basis.
- 7.7.4 DCC states that its evidence demonstrates that affordable housing generates pupils, and therefore that it would request contributions for education from affordable housing where there is a lack of capacity. Historically, DCC has not requested education contributions from DNPA arising from affordable housing. Housing on rural exception sites would not be able to contribute towards education, as these are small sites through specific affordable housing funding routes, which would not be appropriate (and in most cases cannot be used) for education funding. On S106 sites within the National Park DNPA would normally provide for education contributions only from the market units, equally where an authority is a CIL charging authority, affordable units would not attract a charge. It is therefore an established principle that affordable housing should not attract additional planning gain burdens towards local infrastructure, including education. Within the National Park there is a clear focus upon affordable housing delivery, and the Local Plan states clearly that this is a strategic priority. DNPA accepts that DCC may request education contributions from affordable housing units, but is of the view that in the vast majority of cases, viability

modelling shows that an education contribution from affordable housing in the National Park will not be viable.

- 7.7.5 Pupil forecasts for at the Ashburton Primary School identify that pupil numbers will exceed the school's current capacity and that the school, in its current form, will be unable to meet the need arising from additional development in Ashburton. The existing school site also has limited scope for extension and the development planned in the Dartmoor Local Plan is not on its own sufficient to fund the school's relocation. DCC has held land in Ashburton in its ownership identified for a new primary school, but has recently released that land for housing development. DNPA is working closely with DCC and the South Dartmoor Multi Academy Trust to enable local education needs to be met by creating additional capacity at the existing primary school, nearby secondary schools and/or other schools in the area that pupils from Ashburton have traditionally attended. Discussions are ongoing.
- 7.7.6 The provision of facilities and services to support health and wellbeing will require co-operation including meeting the needs of an ageing population and the provision of residential care. It is important to establish a broad approach to housing suitable for older people which supports the draft Local Plan aim of supporting homes for a working age population, and limiting the increasing proportion of the population which is older people. The provision of green infrastructure may also support health and wellbeing. No specific strategic cross boundary issues requiring co-operation have been identified. However individual site specific proposals may come forward that require co-operation - these will be considered on a site by site basis.
- 7.7.7 Transport and communications is another area where co-operation is required including the approach to traffic management, freight transport, telecommunications and the provision of routes for more sustainable modes of transport including walking and cycling. Co-operation with Devon County Council as Highway Authority and Local Transport Authority currently takes place to cover these themes. The provision of infrastructure across boundaries for mobile phone coverage, and roll out of super-fast broadband will also need to be considered. Whilst the provision of infrastructure may include elements of partnership working on a case by case or project basis, there are currently no cross-boundary strategic issues. Policy 4.3 Enabling Sustainable Transport has been added to the draft Local Plan to encourage and enable sustainable travel by protecting, enhancing and providing new walking, cycling, and sustainable transport routes.
- 7.7.8 The management of flood risk will require co-operation with DCC as the lead local flood authority and the Environment Agency, including in particular any further revision or update of the evidence base to support the Local Plan including the Strategic Flood Risk Assessment and the Critical Drainage Areas identified on Dartmoor. No specific strategic cross boundary issues requiring co-operation have been identified. However, projects, or individual site specific proposals may come forward which require co-operation in relation to flood risk management - these will be considered on a site by site basis.
- 7.7.9 We do not usually see major infrastructure projects coming forward in Dartmoor National Park, however the Local Plan will consider the provision of infrastructure to

support sustainable development. The preparation of the Infrastructure Delivery Plan (IDP) included co-operation with prescribed bodies and infrastructure providers but has not identified any strategic cross-boundary infrastructure requirements required to support delivery of the Local Plan. The Regulation 18 consultation identified the capacity issue at Ashburton Primary School and the Regulation 19 Draft consultation will provide a further opportunity for prescribed bodies and providers to comment and inform any necessary update of the IDP.

## 7.8 *Minerals, Waste and Energy*

- 7.8.1 Dartmoor National Park Authority is the Mineral and Waste Planning Authority for the area. Minerals and Waste operations within the National Park are limited however, and the Authority does not have a specialist minerals team like many authorities. The Authority therefore works closely with the adjoining mineral and waste planning authority, Devon County Council (DCC), in particular with regard to evidence and reporting. As such there will need to be ongoing co-operation with DCC and other Minerals Planning Authorities regarding the assessments of minerals demand and production, and assessments of waste arisings and disposal, bearing in mind National Park purposes. No need for new mineral workings has been identified in the draft Local Plan. The Plan includes Minerals Safeguarding Areas some of which are cross boundary and consistent with the approach of the Devon Minerals Plan. Dartmoor National Park is included with the Devon Local Aggregate Assessment, and a member of the South West Aggregates Working Party. No new waste management facilities are needed within the National Park. Both the DCC Minerals Plan and the DCC Waste Plan are consistent with the approach set out in the Local Plan, that new larger scale development to meet minerals and waste needs will be met outside the National Park. There are therefore not considered to be any strategic cross-boundary minerals and waste issues.
- 7.8.2 The Minerals, Waste and Energy section of the draft Local Plan includes discussion and policy for energy, and in particular renewable energy development in the National Park. There is already co-operation regarding policy advice and evidence on renewable energy developments through the Devon Landscape Policy Group. The Authority will continue to work with this group and neighbouring authorities to avoid impacts of renewable energy schemes on the special qualities and setting of the National Park. No specific strategic cross-boundary issues requiring co-operation in relation to energy policies for the Local Plan have been identified. Any site specific issues will be dealt with on a case by case basis.

## **8 Adjoining Local and Strategic Plans**

- 8.1.1 The Plymouth and South West Devon Joint Local Plan was adopted in March 2019. It covers the administrative areas of Plymouth City, South Hams District and West Devon Borough and is a single strategic plan dealing with land use and

development. It sets out proposals that will balance the needs for housing, employment and the environment through to 2034.

- 8.1.2 The local authorities of East Devon, Exeter, Mid Devon and Teignbridge and Devon County Council are working together, engaging with stakeholders and communities, to prepare a Greater Exeter Strategic Plan. This formal statutory document will provide the overall spatial strategy and level of housing and employment land to be provided up to 2040.
- 8.1.3 DCC has an adopted Devon Minerals Plan (2017) and Devon Waste Plan (2014), which cover these matter outside the National Park. DNPA was a duty to co-operate partner in the preparation of the Plans.
- 8.1.4 At an early stage of these joint Plan processes there was discussion regarding the inclusion of Dartmoor National Park. A report (NPA/16/015) setting out the options was presented to the Dartmoor National Park Authority, which set out the rationale for not including the National Park within the Plymouth or Greater Exeter Strategic Plans and this was approved by members. The report proposed that instead, there would be positive engagement between the authorities in evidence gathering, and a clear position for each authority as a stakeholder in the preparation of the respective plans.

## **9 Governance arrangements and review of the cooperation process**

- 9.1.1 There are a number of existing mechanisms to support co-operative working across boundaries. The following key principles illustrate how engagement and cross authority working is embedded in DNPA's approach to both plan-making and decision-taking:
  - The National Park Authority comprises members of each of the key local authorities which cover the National Park area.
  - The National Park Management Plan, whilst led by DNPA is a shared plan for a range of stakeholders including; prescribed bodies such as Natural England, Environment Agency, Historic England, as well as local authorities and a range of other partners.
  - Section 62 of the Environment Act 1995 makes it a duty for all relevant authorities to have regard to national park purposes when coming to decisions or carrying out their duties. This duty means the DNPA has long established relationships with government departments and agencies and a range of other local and public bodies in delivering national park purposes.
  - The Authority's remit differs from a local authority, DNPA is a Local Planning Authority but does not have statutory responsibilities in, for example; housing, economic development, environmental health, education, and highways, beyond its planning role. This means we work closely with these local authority

departments in both plan-making and decision-taking. This enables strong connection with other authorities at an officer level.

9.1.2 Officers continue to engage with other local authorities and agencies on the duty to co-operate around strategic issues for the area; this includes:

- Specific work on a duty to co-operate protocol led by Devon County Council to which DNPA is a signatory;
- Involvement with the Plymouth, West Devon and South Hams Joint Local Plan;
- Involvement with the Greater Exeter Strategic Plan (Teignbridge District Council, Mid Devon District Council, East Devon District Council, Exeter City Council and in partnership with Devon County Council);
- Continued liaison with statutory bodies, for example with the Environment Agency, Natural England, Homes England, Defra and Historic England;
- Work with Devon County Council on economic development and infrastructure planning, and Minerals and Waste evidence base;
- Involvement in cross-Devon landscape policy through the Devon Landscape Policy Group;
- The Authority is an active member of the Devon Local Nature Partnership (LNP);
- Engagement with the Local Enterprise Partnership (LEP) including joint work with Exmoor National Park on a Rural Productivity Plan;
- Neighbourhood Planning support - liaison between officers supporting Neighbourhood Plans through the South West Neighbourhood Plans Officers network to support consistency and good practice; and
- DNPA are an active member of the Devon Climate Emergency Response Group working to address the climate emergency across Devon.

9.1.3 A Devon-wide duty to co-operate protocol<sup>1</sup> was agreed in 2014 to guide strategic planning across local boundaries. Dartmoor National Park Authority is a signatory to the protocol, along with the other local authorities and other partners including the LEP, LNP and statutory environmental agencies (Natural England and Environment Agency).

9.1.4 The protocol sets out a strategic framework to enable efficient, coordinated and consistent co-operation on agreed matters. This does not preclude co-operation arrangements between organisations on specific spatial issues as is appropriate. Such relationships will specifically operate between Authorities covered by the protocol and other neighbouring Councils. The protocol also identifies the topic areas which may require specific co-operation between some, or all, of the organisations listed.

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<sup>1</sup> <https://www.devon.gov.uk/planning/planning-policies/the-duty-to-co-operate>

## 10 Timetable

10.1.1 The timetable for the Local Plan review is set out below, along with an indication of how engagement with duty to co-operate partners will be undertaken.

Stage	Timeframe	Engagement
<b>Evidence gathering</b>	2016 onwards	Informal consultation Joint working on evidence base studies Officer liaison meetings
<b>Issues</b>	Winter 2016/17	Consultation
<b>Options</b>	Summer/Autumn 2017	Consultation Officer liaison meetings
<b>First draft Local Plan (Reg 18 consultation)</b>	Autumn/Winter 2018	Formal Consultation Follow up responses Officer liaison meetings
<b>Revised draft Local Plan (Reg 19 consultation)</b>	Autumn/Winter 2019	Formal consultation Follow up responses Officer liaison meetings
<b>Submission and Examination</b>	Spring 2020 onwards	Participate in Examination

## Appendix 1: Assessment of Strategic Matters for Duty to Co-operate

Topic	Strategic Priorities for Dartmoor National Park Local Plan	DtC Partners	Evidence base	Assessment of co-operation
<b>1. Population change/ demographic forecasting</b>	To co-operate on assessing population change and demographics including housing need	DCC TDC WDBC SHDC MDDC PCC ECC	Edge Analytics Understanding Data	Yes. Topics 1 & 2 require cross-boundary co-operation regarding the need for and distribution of housing
<b>2. Housing need and provision</b>	To provide a co-ordinated approach to the distribution of housing across the housing market area, including joint studies where appropriate.  To co-operate on meeting identified housing needs across the Housing Market Areas, including accommodating the needs arising from the National Park in adjoining authorities where appropriate.	DCC TDC WDBC SHDC MDDC PCC ECC HCA HA	SHMA (Plymouth) SHMA (Exeter) LAA Local Housing Needs Assessments Topic Paper 6: Housing Indirectly - Landscape Sensitivity Study	Yes. Topics 1 & 2 require cross-boundary co-operation regarding the need for and distribution of housing. See also No. 21 regarding Gypsy & Traveller provision and No. 19 health and wellbeing regarding the provision of housing needs for an ageing population.
<b>3. Spatial strategy / settlement strategy</b>	To ensure a consistent policy approach for settlements which are split between two Local Plan areas or closely linked in terms of role and function	TDC WDBC SHDC MDDC HA	Settlement strategy Topic Paper 4 Vision and Spatial Strategy	Yes. Co-operation is required regarding a number of settlements, particularly in relation to Yelverton (WDBC), Ashburton and Buckfastleigh (TDC) and Cheriton Bishop (MDDC)
<b>4. Economic development and employment strategy</b>	To co-operate on strategic issues across functional economic areas including the protection of existing employment land, support for key sectors including tourism and agriculture/forestry, and any	DCC TDC WDBC SHDC MDDC	GESP EDNA ELR SHLAA HoSW Strategic Economic Plan, Growth Plan	Yes. Support for key sectors and provision of an appropriate policy framework require cross-boundary / agency co-operation

Topic	Strategic Priorities for Dartmoor National Park Local Plan	DtC Partners	Evidence base	Assessment of co-operation
	<p>proposals for strategic retail, leisure, industrial or other economic development.</p> <p>To work with the LEP to ensure that Local Plan policy framework and Strategic Economic Plan are consistent and mutually supportive.</p>	<p>PCC ECC HoSW LEP HA</p>	<p>Dartmoor/Exmoor Rural Productivity Plan Topic Paper 8 Economy</p>	
<b>5. Transport and communications</b>	<p>To manage the impacts of transport and communications policy and provision of infrastructure across boundaries including the impact on the National Park of development in surrounding areas.</p> <p>To provide a consistent approach to traffic management, freight transport, telecommunications and the provision of routes for more sustainable modes of transport including walking and cycling.</p>	<p>DCC HoSW LEP ORR CAA HA</p>	<p>DCC LTP IDP Topic Paper 7 Transport</p>	<p>Yes. Transport policy and infrastructure provision including telecommunications and the promotion of sustainable transport require co-operation</p>



<b>Topic</b>	<b>Strategic Priorities for Dartmoor National Park Local Plan</b>	<b>DtC Partners</b>	<b>Evidence base</b>	<b>Assessment of co-operation</b>
<b>6. Education / skills</b>	To ensure the provision of necessary infrastructure for education and skills to support the needs of local communities and businesses	DCC HoSW LEP	DCC IDP	Yes. The provision of necessary educational facilities and infrastructure will be a matter for co-operation with DCC (see No.20). No specific strategic cross boundary issues requiring co-operation have been identified. However individual site specific proposals may come forward that require co-operation - these will be considered on a site by site basis.
<b>7. Recreation, Leisure, culture and sport</b>	To assess and avoid or mitigate impacts on the National Park from recreation and leisure pressure arising from housing development outside the National Park	DCC TDC WDBC SHDC MDDC PCC ECC TC	OSS District assessments and relevant strategies DNP Access and Recreation Strategy SWEEP Recreation Futures Topic Paper 8 Economy	Yes. Co-operation is needed to consider cross-boundary impacts of development leading to increased recreational pressure in the National Park. This could be the impacts of specific development proposals but also the cumulative impact of the scale of growth in surrounding areas given the growth ambitions of Plymouth and the Greater Exeter area.
<b>8. Green infrastructure</b>	To support climate change mitigation and adaptation measures across boundaries, including ecological networks and green infrastructure.	DCC TDC WDBC SHDC MDDC PCC ECC EA NE DLNP	IDP Living Dartmoor Topic Paper 1 Natural Environment	Yes. Cross-boundary co-operation on ecological networks and green infrastructure. See also Topic no.14.

Topic	Strategic Priorities for Dartmoor National Park Local Plan	DtC Partners	Evidence base	Assessment of co-operation
<b>9. National Park purposes, special qualities and setting of the National Park</b>	<p>To ensure that adjoining Local Plans include policies to protect designated areas, including the setting of the National Park and historic designations.</p> <p>To ensure that strategic allocations and planning proposals in adjoining areas are consistent with National Park statutory purposes through appropriate consultation, location, master-planning, design, and landscaping.</p>	All partners	<p>State of the Park Report</p> <p>National Park Management Plan</p> <p>Topic Paper 4 Vision and Spatial Strategy</p>	<p>Yes.</p> <p>Topic Nos. 10, 12 and 15 require co-operation as National Park status and statutory purposes constrain the scale and type of development that is appropriate within the National Park, meaning that this needs to be accommodated in adjoining areas. Local Planning Authorities have a duty under section 62 of the Environment Act 1995 to have regard to National Park purposes when coming to decisions or carrying out their duties which includes potential impacts on the setting of the National Park or historic environment designations from development outside the National Park</p>
<b>10. Coastal and marine planning</b>	Dartmoor National Park does not have a coastline and consequently does not have any direct responsibility for coastal and marine planning. The National Park covers the headwaters of several major river catchments and the majority of waterbodies are classified as 'good' or 'moderate' under the Water Framework Directive.	N/A	N/A	<p>No</p> <p>No strategic matters for co-operation have been identified relating to coastal and marine planning</p>

Topic	Strategic Priorities for Dartmoor National Park Local Plan	DtC Partners	Evidence base	Assessment of co-operation
<b>11. Landscape</b>	See Topic 10 above	DCC TDC WDBC SHDC MDDC PCC NE	National Park Management Plan Dartmoor Landscape Character Assessment Dartmoor Landscape Sensitivity Study Devon Landscape Character Assessment Devon Landscape Policy Group advice Topic Paper 1 Natural Environment	Yes. See Topic 10 above
<b>12. Energy conservation, renewable energy and low carbon development</b>	To support climate change mitigation and adaptation measures across boundaries, and to avoid impacts of renewable energy schemes on the special qualities and setting of the National Park.	DCC TDC WDBC SHDC MDDC	Topic Paper 1 Natural Environment Devon Landscape Policy Group Advice	No. This would be covered under Topic 10 above. No specific strategic cross-boundary issues requiring co-operation have been identified in relation to energy development. Any site specific issues will be dealt with on a case by case basis.
<b>13. Biodiversity, biodiversity networks and ecosystem services</b>	To ensure a consistent approach to the protection and enhancement of biodiversity across boundaries, including ecological networks and green infrastructure.	DCC TDC WDBC SHDC MDDC PCC TC NE DLNP	National Park Management Plan Topic Paper 1 Natural Environment Living Dartmoor	Yes. Habitats and ecological networks cross boundaries and co-operation is needed to protect and enhance healthy, functioning ecosystems. There are opportunities to strengthen connectivity between habitats across boundaries, guided by Living Dartmoor (the National Park biodiversity strategy). Co-operation is also needed to ensure a consistent approach to statutory designations including SACs and protected species.

<b>Topic</b>	<b>Strategic Priorities for Dartmoor National Park Local Plan</b>	<b>DtC Partners</b>	<b>Evidence base</b>	<b>Assessment of co-operation</b>
<b>14. Heritage considerations</b>	See Topic 10 above	DCC TDC WDBC SHDC MDDC HE	National Park Management Plan Topic Paper 2 Historic Environment Conservation Area Appraisals	Yes. See Topic 10 above
<b>15. Minerals</b>	To ensure that a co-ordinated strategic approach is adopted to minerals and that strategic planning policies and proposals for minerals development are consistent with National Park purposes.  Given the limited scope for minerals exploitation within Dartmoor National Park, DNPA and Devon County Council will work together to co-ordinate local assessments of aggregate production.	DCC	Devon Minerals Plan 2017 LAA (annual) Minerals research/topic papers (DCC) Topic Paper 5 Minerals and Waste Development	Yes. Dartmoor National Park Authority is the Minerals Planning Authority for the National Park and the local plan will include policies relating to minerals for the whole of Dartmoor National Park. As such there will need to be co-operation with DCC and other Minerals Planning Authorities regarding the assessments of demand and production, bearing in mind National Park purposes.
<b>16. Waste</b>	To ensure that a co-ordinated strategic approach is adopted to waste and that strategic planning policies and proposals for waste management are consistent with National Park purposes.	DCC	Devon Waste Plan 2014 Topic Paper 5 Minerals and Waste Development	Yes. Dartmoor National Park Authority is the Waste Planning Authority for the National Park and the local plan will include policies relating to waste for the whole of Dartmoor National Park. As such there will need to be co-operation with DCC and other Waste Planning Authorities regarding the assessments of waste arisings and disposal, bearing in mind National Park purposes

<b>Topic</b>	<b>Strategic Priorities for Dartmoor National Park Local Plan</b>	<b>DtC Partners</b>	<b>Evidence base</b>	<b>Assessment of co-operation</b>
<b>17. Flood risk management</b>	To manage flood risk particularly the cross-boundary upstream and downstream impacts of strategic planning and development	DCC EA	Dartmoor SFRA update Catchment Flood Management Plans	Yes. The preparation of the evidence base to support the Local Plan including the SFRA update and Critical Drainage Areas designated on Dartmoor will require co-operation with the Environment Agency and Devon County Council as the Lead Local Flood Authority. No specific strategic cross boundary issues requiring co-operation have been identified. However individual site specific proposals may come forward that require co-operation - these will be considered on a site by site basis.
<b>18. Health and wellbeing</b>	To ensure a consistent approach to considering health and wellbeing in the development of planning and infrastructure related policy	DCC Clinical Commissioning Groups National Health Service Commissioning Board	IDP SA/SEA DLNP Naturally Healthy initiative Devon Joint Strategic Needs Assessment Devon Joint Health and Wellbeing Strategy 2016 Devon transforming Care Partnership Plan 2016	Yes. The provision of facilities and services to support health and wellbeing will require co-operation including meeting the needs of an ageing population and the provision of residential care. The provision of green infrastructure which may support health and wellbeing is covered in No. 9, and the impacts of increased recreational pressure arising from development are included in No.8. No specific strategic cross boundary issues requiring co-operation have been identified. However individual site specific proposals may come forward that require co-operation - these will be considered on a site by site basis.

<b>Topic</b>	<b>Strategic Priorities for Dartmoor National Park Local Plan</b>	<b>DtC Partners</b>	<b>Evidence base</b>	<b>Assessment of co-operation</b>
<b>19. Infrastructure planning, funding, delivery, phasing and implementation</b>	To ensure adequate and effective infrastructure provision with regard to for example, transportation, telecommunications, energy, waste water, water quality, water supply, education and health facilities for the communities of the respective authorities consistent with NP purposes	DCC TDC WDBC SHDC MDDC PCC ECC EA NE HCA HA HoSW LEP DLNP	IDP	Yes. The preparation of the Infrastructure Development Plan will include co-operation with prescribed bodies and infrastructure providers to identify any infrastructure requirements required to support delivery of the Local Plan.
<b>20. Gypsy and traveller policy (particularly regarding accommodation of need and provision)</b>	To ensure a consistent approach and evidence base for identification of the need for, and provision of, Gypsy & Traveller sites	DCC TDC WDBC SHDC MDDC	Devon GTAA assessment 2014 District and Joint Strategic Plan GTAAs Topic Paper 6 Housing	Yes. See Topic Nos 1 & 2.
<b>21. Neighbourhood Plans</b>	To provide a consistent approach to supporting Neighbourhood Planning in Parishes that span two Local Plan areas	TDC WDBC SHDC MDDC		No. Neighbourhood Plans are required to be in conformity with the strategic policies of Local Plans and as such it is not expected that any additional strategic cross-boundary issues will arise. A Protocol is being developed between DNPA and the District Authorities to ensure effective support for Neighbourhood Planning groups where Plans cross boundaries.

Topic	Strategic Priorities for Dartmoor National Park Local Plan	DtC Partners	Evidence base	Assessment of co-operation
22. Procedural considerations	To support co-operation, best practice and efficiency in plan making	DCC TDC WDBC SHDC MDDC PCC ECC NE EA HE		No. This is not a cross boundary strategic planning issue. However DNPA will work with other prescribed bodies and partners to co-operate in relevant discussions regarding best practice and efficiency in Local Plan preparation. A <u>report</u> (NPA/16/015) setting out the rationale for not including Dartmoor National Park within the Plymouth or Greater Exeter Strategic Plans was approved by members.

Appendix 2: Summary table of Duty to Co-operate topics and relevant partners



Topic	DCC	TDC	WDBC	SHDC	MDDC	PCC	ECC	TC	EA	NE	HE	HCA	HA	CAA	CCGs / MILSCP	ORR	HoSW LEP	DLNP
Population change/ demographic forecasting	X	X	X	X	X	X	X											
Housing need and provision	X	X	X	X	X	X	X					X	X					
Spatial strategy / settlement strategy	X	X	X	X	X								X					
Economic development and employment strategy	X	X	X	X	X	X	X						X				X	
Retail planning		X	X	X	X	X	X										X	
Transport	X												X	X		X	X	
Education / skills	X																X	
Recreation, leisure, culture and sport	X	X	X	X	X	X	X	X										
Green infrastructure	X	X	X	X	X	X	X	X	X	X								X
National Park purposes & special qualities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Topic	DCC	TDC	WDBC	SHDC	MDDC	PCC	ECC	TC	EA	NE	HE	HCA	HA	CAA	CCGs / NII/CCP	ORR	HoSW LEP	DLNP
Landscape	X	X	X	X	X	X				X								
Energy conservation, renewable energy and low carbon development	X	X	X	X	X													
Biodiversity, biodiversity networks and ecosystem services	X	X	X	X	X	X		X		X								X
Heritage considerations	X	X	X	X	X						X							
Minerals	X																	
Waste	X																	
Flood risk management	X								X									
Health and wellbeing	X														X			
Infrastructure planning	X	X	X	X	X	X	X		X	X		X	X				X	X

Topic	DCC	TDC	WDBC	SHDC	MDDC	PCC	ECC	TC	EA	NE	HE	HCA	HA	CAA	CCGs / NHSCB	ORR	HoSW LEP	DLNP
Gypsy and Traveller policy	X	X	X	X	X													
Neighbourhood Plans		X	X	X	X													
Procedural considerations	X	X	X	X	X	X	X		X	X	X							

Key:

DCC – Devon County Council (also Highways Authority, Education Authority and Lead Local Flood Authority)

WDBC – West Devon Borough Council

MDDC – Mid Devon District Council

ECC – Exeter City Council

EA – Environment Agency

HE – Historic England

DLNP – Devon Local Nature Partnership

HA – Highways Authority (now known as Highways England)

SHDC – South Hams District Council

PCC – Plymouth City Council

TC – Torbay Council

NE – Natural England

HCA – Homes and Communities Agency

HoSW LEP – Heart of the South West Local Enterprise Partnership

NHSCB – National Health Services Commissioning Board

CCGs – Clinical Commissioning Groups

ORR – Office of Rail and Road

TDC – Teignbridge District Council

CAA – Civil Aviation Authority

## DARTMOOR NATIONAL PARK PLANNING AUTHORITY

26 July 2019

**TREE PRESERVATION ORDERS, SECTION 211 NOTIFICATIONS  
(WORKS TO TREES IN CONSERVATION AREAS)  
AND HEDGEROW REMOVAL NOTICES  
DETERMINED UNDER DELEGATED POWERS**

Report of the Trees and Landscape Officer

Recommendation : **That the decisions be noted.**

**TPO APPLICATIONS****West Devon****Ref: 19/0005****Jubilee Field, Chagford****SX 7025 8737**

Application to crown lift three beech trees. The works are minor and consent was granted subject to conditions;

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.

**Ref: 19/0006****Hellingtown Farm, Sheepstor****SX 5583 6756**

Application to fell a mature ash tree. The tree is in poor condition and consent was granted subject to conditions;

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. Replacement planting of one half standard oak tree within the crown spread of the original during the first season following felling.

**Ref: 19/0008****The Rectory, Yelverton****SX 5209 6760**

Application to reduce the crown of a mature oak tree. The tree has a large basal cavity and the works are necessary to prevent whole tree failure. Consent was granted subject to conditions;

1. Five working days' notice to be given to the Authority prior to the commencement of approved works.
2. All works are carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations.

## SECTION 211 NOTICES

### West Devon

**Ref: 19/0003**

**Pomeroy's, Lydford**

**SX 5129 8505**

Notification to reduce fell several trees growing in the garden. The works will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

**Ref: 19/0004**

**Babs Cottage, Princetown**

**SX 5895 7342**

Notification to fell a sycamore tree. The works will have minimal impact on the character of the Conservation Area.

A Tree Preservation Order has not been made.

**Ref: 19/0007**

**Box Cottage, Mary Tavy**

**SX 5072 7904**

Notification to fell a cherry tree. The tree is poorly rooted and growing close to the house.

A Tree Preservation Order has not been made.

BRIAN BEASLEY

(For further information please contact Brian Beasley – Trees & Landscape Officer)