

ED42

**Dartmoor Local Plan 2018-2036 (the Local Plan/the Plan) Examination
Inspector – Ms R Barrett Bsc (Hons) MSc Dip UD Dip Hist Cons MRTPI
IHBC**

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Inspector Note 8

Actions required following hearing sessions

1 Introduction

- 1.1 Further to the discussions at the hearing sessions, and consideration of the additional topic based explanation/justification requested of the Authority, the following actions are required. I consider these to be necessary to inform my consideration of whether the Plan is sound and/or how it could be made sound by main modifications (MMs). Unless otherwise stated, each of the action points is for the Authority to pursue. Where appropriate and possible, the Authority should liaise with relevant participants in preparing its response. This should culminate in a revised list of MMs to the Plan, which should be submitted to the Programme Officer to an agreed timescale. All modifications to a policy and supporting text should be included as one modification. This list is in addition to those set out on ED27, unless otherwise specified. The list will then be published on the examination website.
- 1.2 Given existing Covid restrictions, I have been unable to visit the area to date. I intend to carry out site visits to the area on an unaccompanied basis as soon as restrictions allow. If there is a need to make a visit on private land or accompanied by the Authority and other interested parties, arrangements will be made via the Programme Officer. My comments at this stage are subject to any findings as a result of those site visits, consideration of the outstanding topic paper on landscape assessment and implications of the deletion of Proposal 7.6 Land at Holne Road, Buckfastleigh.
- 1.3 I do not set out the reasons for my advice; these will be contained in my final report which I will send to the Authority at the end of the examination.

2 Matters 1 and 2. Legal and procedural matters, vision, spatial strategy and planning applications

- 2.1 Para 1.1.4. The Authority is to prepare a MM to clarify the relationship of National Park purposes to the Authority's social and economic duty. In particular remove 'the duty is secondary to National Park purposes.
- 2.2 SP1.2 and SP1.3. The Authority is to prepare a MM to delete SP1.3. A separate MM should include, as a preamble to SP1.2, reference to the presumption in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

- 2.3 SP1.5(2a). The Authority is to prepare a MM to refer to 'national considerations' rather than 'national need'.
- 2.4 SP1.7. The Authority is to prepare a MM to the supporting text to refer to emerging national policy.

3 Matter 3. The Environment

- 3.1 Strategy page 31. The Authority to prepare a MM to include encouragement for positive outcomes for heritage at risk, with wording to accord with that set out in the Statement of Common Ground between the Authority and Historic England (HESoCG).
- 3.2 SP2.2. The Authority to prepare a MM to ensure reference to net gain principle, in accordance with national policy.
- 3.3 SP2.3. The Authority to prepare a MM to ensure reference to net gain principle in accordance with national policy.
- 3.4 SP2.6. The Authority to prepare a MM to this policy and its supporting text as set out below, with wording to accord with that set out in the HESoCG:
- Paragraph 2.6.2 to refer to the Historic Environment Record (HER) in relation to both designated and non-designated heritage assets
 - Paragraph 2.6.3 and the Glossary to refer to current Historic England guidance and 'heritage interest' in relation to a heritage asset
 - SP2.6(1) to clarify the weight to be given to the conservation of heritage assets
 - SP2.6(2) to replace 'Assessment of Significance' with 'Statement of Heritage Significance' to accord with national guidance and any consequential changes as a result
 - SP2.6(3) SP2.6(4) to refer to development within the settings of heritage assets and to clarify how substantial and less than substantial harm is to be assessed
 - SP2.6(5) to clarify the role of recording in relation to whole or partial loss of a heritage asset and logging with the Dartmoor HER
 - SP2.6(6) to ensure that archaeological evaluation takes place prior to the grant of planning permission
 - Glossary to include non-designated assets in the definition of heritage asset.
- 3.5 Para 2.6.17 The Authority to prepare a MM to ensure that this correctly reflects the heritage balance set out in NPPF paragraphs 195 and 196.

4 Matter 4. Housing

- 4.1 SP3.1. The Authority is to prepare a MM to replace 'indicative housing delivery figure' with wording that provides more assurance that a minimum figure will be met, subject to demonstration of local need. The Authority should address any consequential changes that might arise as a result of this MM.
- 4.2 Housing Trajectory. The Authority to prepare a MM to include a housing trajectory with the Plan and provide a clear reference to it within policy.
- 4.3 Monitoring Framework. The Authority to prepare a MM to refer, within policy, to the monitoring arrangements for the Dartmoor allowance within the Plymouth HMA.
- 4.4 SP3.8(4). The Authority to prepare a MM to ensure that conditions to remove any permitted development rights accord with national policy.
- 4.5 SP3.9(2C). The Authority to prepare a MM to ensure that conditions to remove any permitted development rights accord with national policy.
- 4.6 SP3.10(3C). The Authority to prepare a MM to ensure that conditions to remove any permitted development rights accord with national policy.
- 4.7 SP3.11. The Authority to prepare a MM to provide clarity on what is expected in a Gypsy and Traveller Accommodation Assessment to support proposals for small scale permanent or transit sites and ensure that the policy also refers to accommodation for travelling show people.
- 4.8 SP3.12. The Authority to prepare a MM to require annual monitoring including ongoing analysis of environmental footprint and consequential removal if policy aims not being met.

5 Matter 5. Communities, Services and Infrastructure

- 5.1 SP4.3 and Table 4.3. The Authority to prepare a MM to update in light of recent changes to the Use Classes Order, as set out in the Authority's paper titled, 'Implications for the emerging Dartmoor Local Plan following amendments to the Use Class Order' (ED10).
- 5.2 SP4.5. The Authority to prepare a MM to the supporting text to reference the implications of emerging national policy for electric vehicle charging points.

6 Matter 6. The Economy

- 6.1 Paragraphs 5.2.1, 5.2.2, 5.2.6. The Authority to prepare a MM to amend references to Use Classes, as set out in ED10.

- 6.2 Paragraph 5.3.7 second sentence. The Authority to prepare an amendment to replace 'shops' with 'main town centre uses from Town centres', as set out in ED10.
- 6.3 SP5.2(3). The Authority to prepare a MM to include clarification as to when an impact assessment is likely to be required to support development outside town centres that could have a significant adverse impact on a town centre.
- 6.4 SP5.3 and supporting text at paragraphs 5.8, 5.9 and 5.10. The Authority to prepare a MM in light of recent changes to the Use Class Order, as set out in ED10.
- 6.5 Appendix E Land Use Class Order. The Authority to prepare a MM to reflect changes to the Use Class Order, as set out in ED10.

7 Matter 7. Minerals and Waste

- 7.1 The Strategy, last sentence. The Authority to prepare a MM to delete reference to 'large scale renewable energy development' and replace with 'Renewable energy development that is Major Development' to ensure it accords with SP6.6, SP1.5 and the Plan as a whole.
- 7.2 SP6.1(4b) The Authority to prepare a MM to ensure consistency with the wording of S38(6) of the Planning and Compulsory Purchase Act 1990.
- 7.3 Paragraph 6.1.9 second sentence. The Authority to prepare a MM to clarify the purpose of Minerals Safeguarding Areas (MSA) to ensure that non-minerals development does not sterilise or constrain minerals working.
- 7.4 Paragraph 6.1.10. The Authority to prepare a MM to clarify that non-minerals use of MSA does not sterilise or constrain minerals working.

8 Matter 8. Settlement Boundaries

- 8.1 SP7.1(1). The Authority to prepare a MM to reference 'policies in this Plan'.
- 8.2 Map 7.12 Bittaford. The Authority to prepare a MM to amend this settlement boundary to ensure consistency with methodology for identifying settlement boundaries.

9 Matter 9. Site Allocations

- 9.1 Proposal 7.6. In light of a recent refusal of planning permission for housing development on this site, there is concern that this site would be unlikely to be capable of delivery within the Plan period. The Authority to prepare a MM to delete Proposal 7.6 and identify an alternative site, which would deliver the same number of units, to meet identified development needs in Buckfastleigh.
- 9.2 Proposal 7.8 Land at Crannaford, Chagford. The Authority to prepare a MM to amend references to Use Classes, as set out in ED10.

- 9.3 Proposal 7.21 Land at Axminster Carpets. The Authority to prepare a MM to amend references to Use Classes, as set out in ED10.

10 Matter 11. Viability and Monitoring

- 10.1 Appendix A Monitoring. The Authority to prepare a MM to include a clear measurable indicator that is regularly reviewed relating to the delivery of the Dartmoor allowance by Housing Market Area and Housing Authority Area.
- 10.2 The Authority to prepare a MM to include the measures of success as set out in the Hearing Statement 11 (ED26).

11 Next Steps

- 11.1 In conclusion, assuming that the Authority would be content to adopt the Plan subject to the running list of MMs, those referred to above, along with the results of outstanding topic based studies and any consequential changes to the Plan required, I would be grateful if it would prepare a revised composite schedule of MMs that takes account of the further changes I have indicated. Should this not be the case, the Authority should advise me of its position as soon as possible.
- 11.2 The subsequent version of the schedule of proposed MMs should be provided to me for comment prior to public consultation. The MMs should now be numbered accordingly, and any consequential changes that might arise should also be considered. A separate schedule of the changes that are necessary to the policies maps to reflect the policy changes should also be prepared and consulted upon.
- 11.3 The proposed MMs should be subject to further sustainability appraisal and Habitats Regulation Assessment as necessary. These addendums should be published as part of the MM consultation and I would appreciate sight of any drafts of these.
- 11.4 When I am satisfied with the schedule of proposed MMs, in accordance with the Examining Local Plans Procedural Practice Document, it will be subject to a six week period of public consultation which should be undertaken in accordance with the Authority's Statement of Community Involvement. It should be made clear that the consultation relates solely to the proposed MMs.
- 11.5 Representations about the proposed MMs and changes to the policies maps should be sent to the Authority. At the end of the period, the Authority should forward the representations to the Programme Officer along with a summary of the main issues raised and the Authority's brief response to those main issues. I will then consider all of the representations about the proposed MMs before finalising my report. Normally, all issues arising from the consultation on the MMs should be capable of being considered through

the written representations procedure. Further hearing sessions will only be necessary exceptionally.

- 11.6 The list of Additional Modifications (AMs) which has been prepared is a matter solely for the Authority (unless I consider any of these should be defined as MMs). If the Authority intends to publicise these it should be made clear that I will not be considering them.
- 11.7 As previously stated, you should note that these comments do not represent my full findings on these matters, which will be set out in my final report (taking in to account any representations made). I would appreciate a response to this letter from the Authority, including an indication of a potential timetable for the necessary outstanding work and MM process. I am not inviting comments from anyone else at this stage. Should the Authority have any queries, or require further clarification, please contact me through the Programme Officer. A copy of this correspondence should be published on the Examination website.

R Barrett
INSPECTOR

22 April 2021