



Dartmoor Local Plan (2018 - 2036) Examination

ED19 DNPA Hearing Statement 5 Communities, Services and Infrastructure

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

Issue 1 SP 4.1(2) Community services and facilities

- Q1. Would the requirement for 'marketing evidence to be proportionate to the scale of the loss' (paragraph 4.1.5) provide the necessary clarity to the decision maker and other parties? Would policy 4.1(2)2 a-c ensure that protection of community services and facilities is based on need? Would the policy help to protect the economic and social well-being of communities?
- 1.1 DNPA would like to just clarify paragraph 4.1.5 states 'Evidence should be proportionate to the scale of the loss...'. Evidence may not just be marketing evidence, this could also be business planning, accounts, attendance registers, independent assessment and other evidence relevant to establishing a service or facility's ability to continue to operate.
- 1.2 Policy 4.1 covers a large range of potential community services, including village halls, places of worship, libraries, health, education and emergency services. These are all very different facilities and services which have very different building requirements and operate within very different funding frameworks, public, private and some a blend of the two. It wouldn't be appropriate to apply the same evidence requirements to all facilities, and in some cases, for very specific facilities not suitable for alternative community uses, it might not be appropriate to apply any marketing requirements. The position in supporting text clarifies that evidence requirements will be proportionate and it will be for the Authority to determine this on a case-by-case basis using its experience and in consultation with the local community.
- 1.3 The policy is broadly based on existing adopted Policy DMD19. Policy 4.1 (2) 2 a-c clarify the circumstances where loss of a facility would be accepted and these are needs and viability based. Policy 4.1 (2) part 4 supports the diversification of community facilities to enable long-term solutions to viability issues and thereby assist the long-term economic and social well-being of communities.

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

- Q1. Does the Open Space, Sport and Recreation Study¹ that supports this policy provide a robust and up to date assessment of the need for open space, sport and recreation facilities and opportunities for new provision, in accordance with NPPF paragraph 96?
- 1.1 The OSSR is based partly on research undertaken by DNPA and partly on research undertaken by District Authorities. Section 1.3 of the OSSR sets out the evidence which supports the study all of which are at various stage of being renewed, but together with DNPA's own research are considered to provide an up to date and proportionate assessment of open space needs in the National Park.
- 1.2 The Authority have recently undertaken a further Parish Council consultation to inform an update to the Settlement Profiles. This will further ensure that the OSSR supported by an accurate and up to date understanding of Dartmoor's settlements.
- Q2. Does the policy provide a framework that positively encourages participation in recreational activities and the wider community use of community facilities such as school playing fields? If not, should it for soundness purposes?
- 2.1 The Plan establishes a positive strategy for encouraging participation in recreational activities by ensuring that OSSR facilities are appropriately located throughout the National Park and identifying where shortfalls in provision can be mitigated through development. DNPA also work with Duty to Cooperate partners to ensure strategic needs are met across boundaries.
- 2.2 DNPA encourage wider access to community facilities, including open space. This is inherent within section 4.2 of the Plan which talks of the need for open space to be 'public', indeed this forms part of the definition of open space at paragraph 1.2.5 of the OSSR Study [SD141].
- Q3. Would the evidence required to identify existing shortfalls in open space and sports facilities provide a robust evidence base for assessing any provision required through new development, including in relation to playing pitches?
- 3.1 Evidence assessing shortfalls in open space provision is presented at section 8 of the OSSR. This evidence base is already used by the Authority to seek open space as part of new development, particularly play space.

¹ SD141

- 3.2 As discussed in section 5.7 of the OSSR the delivery of more specialist playing pitches is often challenging because there is insufficient population density to support them and because their cost is unlikely to be met by the relatively small amount of development experienced in the National Park. Nevertheless DNPA work with adjoining Authorities who undertake detailed playing pitch assessment to deliver playing pitch improvements in accessible locations.

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

- Q1. In setting the requirements for new development, should the Plan actively encourage rail reinstatement? Would the approach taken in the Plan meet the requirements of NPPF paragraph 102-104?
- 1.1 The Plan takes a positive and proactive approach to sustainable transport options. The Strategy at Page 89 states "New sustainable transport networks, including infrastructure for cycling and walking, electric car charging, bus and rail, will be supported where they are consistent with the National Park's Special Qualities" recognising the important balance of delivery in the context of a protected landscape. Current opportunities for rail are described at Section 4.3.2 and Policy 4.3(2) (2) aligns with NPPF paragraph 102(c) in ensuring "opportunities to promote walking, cycling and public transport use are identified and pursued".
- 1.2 Policy 4.3(2) (2) also recognises the need to ensure that development does not prejudice the ability to delivery future sustainable transport opportunities. The NPPF states at paragraph 104(c) that planning policies should "identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development". In accordance with this the opportunity to re-open South Brent station is safeguarded at Proposal 7.17(2), however the other opportunities described at 4.3.2 are not currently considered to have the 'robust evidence' or be 'critical' to widen choice, therefore a criteria-based policy which ensure opportunities for delivery are not prejudiced is the most reasonable approach consistent with the NPPF.
- Q2 What factors were taken into account in setting the car parking standards? Would the use of a minimum parking standard be justified in light of the need to promote sustainable forms of transport? Is there clear and compelling justification for a maximum standard for non-residential development and overall, would the car parking standards accord with NPPF paragraphs 105-106? Is a modification required, to ensure that Policy 4.3(2) is sound, in light of the recent changes to the Use Classes Order (UCO)?
- 2.1 Section 5.1 and 5.3 of the Transport Topic Paper [SD107] discusses the issue of car parks and car parking standards. Consistent with the NPPF paragraph 105 these sections consider factors relating to the accessibility of development, the type, mix and use of development, the availability of and opportunities for public transport, local car ownership and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

- 2.2 Justification for the provision of minimum residential parking standards is provided at section 5.1 and 5.3. Background evidence on public transport is provided at section 4. There are significant issues with the viability of mass public transport in the National Park, this issue is widely acknowledged. Evidence also suggests that existing public transport is not well utilised. As such, it is not considered that restricting car parking is an appropriate strategy for encouraging public transport use, as in many locations in the National Park suitable transport alternatives do not exist. This requirement is to be balanced against the need to make efficient use of the National Parks development land which is set out in the design principles within Policy 1.6 (2), as amended by the modifications proposed in response to the Inspector's Issue 6 Question 2 of Matter 2.
- 2.3 Justification for the maximum parking standards for non-residential development is provided at section 5.3. These have proven a useful tool in limiting the effects of new non-residential development on settlement character.
- Q3 Would the requirement for electric vehicle charging points (EVCPs) be justified by the evidence, particularly the requirements for new dwelling communal parking, non-residential commercial development and the focus on off-street provision only? Would any grid upgrade be required and has it been viability tested? In setting policies and targets outside the Building Regulations, would this policy accord with national policy and be justified?
- 3.1 Section 4.3 of the Transport Topic Paper [SD107] provides evidence related to Electric Vehicle Charging Points and this justifies the principle of seeking EVCPs as part of new development. Viability testing [SD90 and SD91] has then informed the precise proportion of EVCPs that are sought from new development, the proportions sought take into consideration that private access EVCPs are significantly cheaper than shared access charging points.
- 3.2 DNPA contacted Western Power in 2019 whilst compiling its Infrastructure Delivery Plan [SD142] to query whether the allocated sites could accommodate EVCP's at the rate described in policy. Western Power confirmed they could and that no significant grid upgrades would be required and that connection costs would be in line with that expected for new development. The requirement for grid upgrades were therefore not factored into viability testing and none are included within the Infrastructure Delivery Plan. Copies of this correspondence are available for the Inspector if she wishes to see it.
- 3.3 NPPF para 105 requires local planning authorities to take into account the need to ensure adequate provision of space for charging plug-in and other ultra-low emissions vehicles. This is not currently a requirement of building regulations. The Government completed a consultation on introducing EVCP requirements into Building Regulations in 2019, however the Government's response to this consultation have not yet been published.

The viability testing took account of Policy 4.5 (2) Electric Vehicle Charging Points (EVCPs) as described in the policy. Details of the assumptions used can be found paragraph 2.26 and Annex I (in the table on p45) of SD91. Costs for active and passive charging units were derived from work carried out by Turner & Townsend (cost consultants) for the London Plan Viability Study 2017

https://www.london.gov.uk/sites/default/files/london_plan_viability_study_technical_report_dec_2017.pdf

They are commensurate with the Government Impact Assessment on residential charging infrastructure provision published on 24/6/19.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817069/impact-assessment-residential.pdf

- Q4 Would these policies, when taken together, provide a justified and effective approach to transport and associated infrastructure matters?
- 4.1 Yes, taken together with evidence in the Transport Topic Paper [SD107] and the Infrastructure Delivery Plan [SD142] the policies are considered to be a justified and effective approach to transport and associated infrastructure matters.

Issue 4 Policy 4.8(2) Telecommunications

- Q1. Would the policy accord with NPPF paragraph 116, in focussing on planning matters only, not seeking to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission?
- 1.1 DNPA considers the policy addresses planning matters only and therefore complies with para 116 of the NPPF.

Issue 5 Policy 4.9(2) Access network

Q1. Would this policy provide a framework to mitigate recreational impact on European protected sites outside the National Park, in particular the Plymouth Sound and Estuaries SAC/Tamar Complex SPA?

1.1 DNPA does not intend for this policy to create a framework for mitigating recreational impacts on international sites within or outside the national park. The strategic biodiversity policy 2.2 (2) would provide the policy framework for this to occur and above that the Habitats Regulations would be the principal legislative framework. This policy sets the broader intent for the Authority to work with its partners to mitigate harmful recreational pressure which adversely impacts upon the National Park's special qualities. Importantly this isn't limited to impacts upon international sites, although the Habitats Regulations provide the only current mechanism for seeking impacts are mitigated. This is reflected in the Duty to Cooperate Statement of Common Ground [SD93] which states: 'Natural England has noted that the evidence is National Park wide, and not SAC specific, and has recognised an opportunity to work with DNPA to explore whether further research would be of merit, to understand the potential recreational impact arising from new development around the National Park.' Paragraph 7.6.9 of the statement also includes context on the policy approach proposed.