



Dartmoor National Park Authority, Parke, Bovey Tracey, Newton Abbot, Devon TQ13 9JQ. T: 01626 832093 E: hq@dartmoor.gov.uk

By email

Direct Line: 01626 831066
16 December 2020

Dear Ms Barrett,

Inspector Note 1 (ED03): Inspector's initial questions

Further to your note dated 11 December 2020 please find attached the Authority's response to the matters raised.

I trust this response will provide you with all the information you require at this stage. If you do require any further clarification please do not hesitate to contact the Programme Officer, Robert Young.

Yours sincerely

Daniel Janota
Head of Forward Planning and Economy

Pamela Woods Chair **Kevin Bishop PhD** Chief Executive (National Park Officer)

The purposes of the Dartmoor National Park Authority are to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park and to promote opportunities for the understanding and enjoyment of the area's special qualities.

In pursuing these purposes the Authority has a duty to seek to foster the economic and social well-being of the local community.

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ED04 – APPENDIX 1 (Replies to Inspector’s Initial Questions)

Q1. I would be pleased to receive the Authority’s response to the proposed [hearing] arrangements.

We welcome the progression of the examination, note the proposed timings and arrangements, and confirm that the Authority can meet these timescales and provide for the appropriate technical requirements of the virtual hearing sessions.

Q2. It appears to me that the Running List of Suggested Minor Modifications has not been subject to Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) or public consultation. Please can the DNPA confirm the situation?

This is correct. These do not form part of the submitted plan but are modifications Dartmoor National Park Authority (DNPA) would be minded to consider as part of the examination process, in response to matters raised prior to submission. DNPA recognises that any proposed modifications should be subject to necessary HRA and SA/SEA, and that these documents would all be subject to public consultation later in the examination process.

Q3. Please would the DNPA review the Running List of Suggested Minor Modifications and, in light of the above observations, separate suggested additional modifications (typographical errors, factual errors etc) from any other modifications, which are most likely to fall within the definition of main modifications?

Please find attached our proposed modifications, separated into schedules relating Additional, Main and Policy Map Modifications. These documents will be shortly on the Examination Web Site as follows:

- Additional Modifications (ED06)
- Main Modifications (ED05)
- Policy Map Modifications (ED07)

We would be grateful to receive any comments from you regarding the distribution of different potential modifications between these schedules, in due course. We will maintain all three throughout the examination process.

Q4. Please would the DNPA maintain a separate running list of any suggested modifications to the policies map?

A separate list of Policy Map Modifications (ED07) is attached and will be maintained throughout the examination. Recognising your powers in relation to Policies Map changes, we will when appropriate in the examination process, provide a revised version of the Policies Map.

Q5. Please give an indication of the Authority's position on main modifications?

Please find attached letter with formal notification (ED08) that DNPA requests modifications to address any deficiencies in the soundness or legal compliance of the Dartmoor Local Plan.

Q6. It appears that the HRA Addendum has not been subject to public consultation or SA. Please can the DNPA confirm the position?

The [HRA Addendum](#) (SD77) has not been subject to public consultation. A draft of the document was sent to and considered by Natural England (NE). NE responded in a letter dated 19 February 2020; DNPA responded to this letter, and amendments were made to the document.

Paragraph 10 of the HRA Addendum states "The purpose of this HRA Addendum Report is to set out a summary of the plan-making and HRA processes undertaken and reported, together with an outline of the timeline and responses made to consultation stages. It seeks to explain the ongoing discussions between Natural England and the relevant neighbouring local authorities". It goes on to say, "it updates the situation and aims to compile the relevant information into one document to aid understanding and decision-making. It will be provided with other evidence and the final draft DNPLP for submission to the Secretary of State for independent examination."

As such, the HRA Addendum is not considered to have undertaken additional assessment, such that public consultation was necessary, but instead to ensure the process was clear, in anticipation of the need to do so in examination. The main SA documents submitted have not yet been updated with this clarification/update to the HRA process. It is our expectation that that any additional HRA or SA/SEA documents would form part of any consultation on Main Modifications, later in the Examination process.

Q7. Are there any Neighbourhood Plans in preparation within the National Park? If so what stage have they reached?

The following table summarises all the designated Neighbourhood Development Plan areas located wholly or partly within the National Park and the progress towards a Neighbourhood Plan. There are currently no adopted Neighbourhood Plans within the National Park boundary.

Parish	Date of Designation	Progress
Buckfastleigh	11/03/2013	August 2018; Regulation 14 consultation completed in April 2017, but progress placed on hold while a Green Infrastructure Survey was completed.
Ashburton	11/04/2014	March 2020; began plan drafting for the pre-Submission version.
Bovey Tracey	04/08/2017	August 2020; consulted on a pre-Submission plan and are now reviewing responses and preparing a Submission version.
Buckland Monachorum	13/10/2014	June 2020; the Plan has been subject to two rounds of Regulation 14 consultations. The NPG have decided not to progress further at this stage until the DNPA plan is complete.
Bridestowe and Sourton	09/12/2014	November 2020; Examiner's recommendations received and have been formally accepted by the Parish councils and WDBC.
Okehampton and Okehampton Hamlets	22/06/2015	The area for the plan has been formally designated and a level of consultation has taken place but the plan has not been subject to Regulation 14 consultation yet.
Horrabridge	23/07/2017	No formal progress since designation.
Dartmoor Forest	21/03/2016	No formal progress since designation.

Q8. In light of para 11c and d of the National Planning Policy Framework (the Framework), is Strategic Policy 1.3(2) necessary, in that it repeats Government policy?

DNPA included a policy (DMD1a) on the presumption in favour of sustainable development in its current Development Plan as a main modification; in response at that time to the Inspector seeking the clear reflection of the NPPF (2012) presumption within the development plan. The policy is of value such that it sets out clearly the context of the presumption and enables the Local Plan to be comprehensive when considered as a whole. It is noted though, that the NPPF (2019) statement regarding the presumption is described somewhat more clearly and, reflecting paragraph 16(f) of the Framework, we would be content to consider the extent to which Strategic Policy 1.3(2) now adds value. This could be considered in the context of additional cross-reference to the presumption in Strategic Policy 1.2(2), which would align more closely with the approach taken in other more recent local plans.

Housing and spatial strategy

I note that the Local Plan includes an indicative housing delivery figure rather than a requirement. Also, whilst included within the Housing Topic Paper, a housing trajectory and monitoring arrangements setting out consequences of any unmet local affordable need or contribution to the two HMAs are not included in the Plan. I will be raising these matters in my MIQs and hearing sessions.

In the context of National Park Purposes, and the National Park Circular (2010), National Park local plans have typically not described a 'requirement' in policy. Most describe their approach to identifying need with a focus upon local needs, and the way that will be

delivered in the context of National Park purposes. For example:

- [Exmoor Local Plan \(2016\)](#): “The approach to housing delivery in this Plan is [therefore] to provide positively for housing, working with estimates of housing provision through a rural exceptions approach and without a target to deliver locally needed affordable housing up to the point at which the National Park would be harmed. The indicative figure of affordable housing units needed in the National Park 2011-2031 for this Local Plan is 238 units”.
- [North York Moors Local Plan \(2020\)](#): “The Plan anticipates that a minimum of 551 new homes (29 per year) will be completed between 2016 and 2035. However, decisions regarding new house building will not be driven by the number of dwellings that are to be provided; instead they will be based on whether the proposal will help to meet community needs whilst being of a quality that respects National Park purposes”.
- [Northumberland Local Plan \(2020\)](#): “In terms of a housing requirement, the SHMA concluded that although low past completions would imply an upwards adjustment to the OAN, due to the physical and environmental constraints, the OAN of up to 8 dwellings per year would be acknowledged. Therefore, Northumberland National Park has a housing requirement of approximately 160 dwellings over the plan period (8 per year on average). This Plan will not allocate housing sites. Due to the very small requirement figure and reliance on windfalls, a housing trajectory was considered to have no practical purpose and has not been included in the plan.”
- [South Downs Local Plan \(2019\)](#): “The National Park Authority will make overall provision for approximately 4,750 net additional homes over a 19 year period between 2014 and 2033.”

Each National Park takes a slightly different approach, basing its understanding of need of local based drivers, reflecting capacity/constraints and the legislative context of National Park designation. Notwithstanding the NPPF, we are not aware that these Authorities include a housing trajectory with the Local Plan itself.

DNPA has set out the indicative delivery figure in Strategic Policy 3.1(2), a clear housing strategy, and positively planned for housing delivery. There is detailed discussion of this issue in Section 5 of [Topic Paper 6 - Housing](#) (SD106)

Your reference to monitoring is noted, thank you, and we would welcome considering this in more detail, including whether this could be better reflected within the Plan itself. We would draw your attention also to [Topic Paper 10 \(Monitoring and Governance\)](#) [SD110], which was prepared in collaboration with housing partners, and sets out the framework which will be used for the governance and monitoring Dartmoor’s Housing delivery.

Q9. Notwithstanding the reference to that list in SP1.6(2)2, please can you review this and consider whether such expectations should be included within policy?

DNPA considers that the bullet point list at 1.6.5 reflects principles identified already in the Design Guide SPD, Local Plan policy or National Policy, drawn together for the context of the design policy (Strategic Policy 1.6(2)). We would note the statement “Refuse planning permission for poor design” oversteps what should form part of supporting text, though, and would be willing to consider its deletion.

This list is a reflection of the Design Guide SPD, and of factors in Policies 1.1(2) and 1.2(2), 1.6(2) and 1.7(2), 2.3(2), 3.2(2) and 4.3(2), and the NPPF (Chapter 12) We would welcome the opportunity to reconsider the text used to introduce this list, in order to ensure it is clearly describing principles for informing decision making, and not a list of policy requirements.

Q10. Should the title of Strategic Policy 2.6(2) and text at para 2.2.10 reflect that statutory duty?

This presents two issues to be addressed, firstly the use of “conserve” rather than “preserve” and secondly the use of “and” and “and/or” rather than “or”. These issues will be discussed in turn.

The use of “conserve” is considered sound. It is consistent with NPPF paragraph 184 which states “[heritage] assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance...”. It also reflects the language of National Park purposes, which are a clear and consistent foundation of the Plan.

On page 11 of the Local Plan we explain how ‘and’, ‘or’ and ‘and/or’ are used in the Plan to help ensure readers’ correct understanding. In the case of Policy 2.6(2) the title of the policy states ‘conserve and enhance’, whereas the policy wording states ‘conserve and/or enhance’. The title of the policy is considered sound as the wording summarises the policy’s ambition to both conserve and enhance Dartmoor’s heritage assets taken as a whole. Whereas some projects may just conserve others will enhance, taken as a whole across Dartmoor the policy seeks to achieve conservation and enhancement of Dartmoor’s heritage assets. If ‘and’ were replaced by ‘or’, this policy ambition would be lost. If this intent is not clear, we would welcome the opportunity to reconsider the title, for example to ‘Conserving and enhancing Dartmoor’s heritage assets’.

With regards paragraph 2.6.10 it is noted that the reasoned justification wrongly refers to development conserving ‘and’ enhancing Conservation Areas and this is not consistent with the policy wording or Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This could be amended to conserving ‘and/or’ enhancing, in order to be consistent. The use of “and/or” in this instance allows for conservation and enhancement to be taken together or as alternatives, as set out on page 11 of the Plan, and is considered consistent with national policy and statute.

Q11. Does para 2.6.17 reflect the heritage balance in relation to designated heritage assets set out in paras 195-196 of the National Planning Policy Framework (the Framework)?

The intent behind this wording is to ensure that all proposals of a high, medium or low impact achieve conservation of heritage assets. It ensures applicants are clear that just because a high impact proposal is acceptable this does not mean they do not need to comply with the need to conserve, as expressed in Policy 2.6(2). We would recognise that the wording in paragraph 2.6.17 is not consistent with the heritage balance in the NPPF, or indeed Policy 2.6(2).

We would welcome the opportunity to reconsider the wording of Paragraph 2.6.17, for example amending it to ‘Any proposals of a low, medium or high impact will be refused where they do not conserve the heritage asset, and all proposals will be encouraged to achieve enhancement.’.

Q12. Strategic Policy 2.7(2) [5] refers to removing permitted development (PD) rights. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national PD rights, unless there is clear justification to do so. **In light of this can the DNPA consider whether this accords with national policy?**

DNPA has carefully considered where the removal of permitted development rights is justified throughout the Local Plan Review process and this matter has been the subject of representations in the public consultations.

With regards Policy 2.7(2) we consider the removal of permitted development (PD) rights justified because there are many PD rights which if used could directly undermine the intent of the policy. For example, in residential use the extension of a converted agricultural building could have a detrimental impact on that building's historic character and appearance. Dartmoor's farm buildings, a typical building subject to this policy, are modest structures, typically long, gable-ended, one room deep and with a setting which is open, as such a 4m rear single-story extension or 3m rear two-story extension the full width of the building, or subdividing structures in its setting could harm the special character and setting of these vernacular buildings.

DNPA considers that it is a right and proper function of the planning system to ensure that changes to these buildings undergo scrutiny to ensure proposals' scale, design and detailing achieve conservation of the heritage asset. Where a change of use is permitted that brings with it PD rights that could be used to undermine national and local policy ambition to conserve our heritage assets (and indeed National Park purposes), DNPA considers the removal of PD rights to be justified.

Throughout the plan-making process DNPA has considered whether it is appropriate to remove all PD rights or just those necessary to achieve the policy ambition. In this instance it is considered appropriate to remove all PD rights because there are too many which could lead to harm. The below is a selection of PD rights which could lead to harm of heritage assets:

- Schedule 2, Part 1, Class A, C, D, E, F, and G
- Schedule 2, Part 2, Class A, B, and C

Q13. The provisions in para 3.8.9 amount to policy. Please consider whether they should be included within policy 3.7(2).

The criteria in paragraph 3.8.9 are a short summary of principles that exist within the Design Guide to inform good design. We appreciate the drafting of this section could be interpreted as policy and would be willing to reconsider the text at 3.8.9 and 3.8.10, to ensure it is clearly describing principles for informing decision making, and not a list of policy requirements.

Q14. Policy 3.7(2)3 and Policy 3.8(2)4 refer to removing permitted development rights in respect of extensions. With reference to my comments on SP2.7(2), in this regard, please can you justify the approach taken?

Further to our response on Question 12 the removal of PD rights in Policies 3.7(2) and 3.8(2) has been carefully considered against national policy and guidance.

The Local Plan policies on extensions and replacement dwellings focuses partly on ensuring that there is sufficient supply of smaller accommodation in the National Park. Because the National Park cannot address its affordability issues through supply of additional housing alone, limiting the size of extensions and replacement dwellings to 30% of the original dwelling's habitable floorspace is an important element of policy which helps ensure that a stock of smaller houses remains for the benefit of younger and working-age people. PD rights related to extensions would directly undermine this strategic policy ambition, by allowing houses to extend beyond the 30% and result in further gradual erosion of Dartmoor's stock of smaller houses. This matter is discussed in detail in section 9.3 of [Topic Paper 6 - Housing](#) (SD106).

Rather than remove all PD rights, the policy only removes those PD rights related to extensions and this is considered a reasonable response to the issues identified.

Q15. Has the methodology of the Gypsy and Traveller Accommodation Assessment been tested at any other Examinations to date?

The Gypsy and Traveller Accommodation Assessment (GTAA) (SD132) was commissioned by a partnership of 10 Devon Local Authorities. Since its publication it has been tested as follows:

- [East Devon Local Plan](#) (adopted 2016). The [Inspector's Report](#) notes at paragraph 42 "The Assessment was produced following good practice guidance, it was not meaningfully challenged and I have no reason to consider that the new targets to be included in the Plan are not based on robust and reliable evidence."
- [Exmoor National Park Local Plan](#) (adopted 2016). The GTAA formed part of the examination library and is referred to in the Local Plan at footnote 331 in the context of Policy HC-S5 (Travelling Communities). There is no reference to it in the Inspector's Report.
- [North Devon and Torridge Local Plan](#) (adopted 2018). It is referred to in the [Inspector's Report](#) in the identification of need (paragraph 142).
- [Mid Devon Local Plan](#) (adopted 2020) includes criteria-based policy DM7 on Traveller Sites. The recently published [Inspector's Report](#) includes as Issue 3 a discussion on the policy, referencing the GTAA in the identification of need.

Q16. Does the Authority consider that recent changes to the Use Classes Order enacted 1 September 2020 will have any implications for Strategic Policy 5.3(2)?

DNPA is aware of the changes to the Use Class Order and is currently preparing a paper which assesses these and recommends associated amendments to the Plan. It is anticipated that the UCO changes will have some level of impact on Policies 2.7(2), 4.1(2), 4.2(2), 4.3(2), 5.2(2) and 5.3(2). This paper will be completed shortly, when we will then send this to you, and publish it on the Examination web site.

Q17. Paras 5.5.5 and 5.7.2 appear to include policy. Please consider whether this should be included within the relevant policies 5.7(2) and 5.9(2)?

We recognise the language at 5.5.5 is somewhat definitive in how it introduces the bullet point list. As with Questions 9 & 13, above, we consider the factors described are reflected elsewhere in the adopted Design Guide SPD, other policies or the NPPF. DNPA's preference would be to reconsider the text at 5.5.5, ensuring it is clearly describing factors which should be considered to inform a successful application, and not a list of policy requirements.

Equally, we recognise the language at 5.7.2 is more reflective of policy. As above, DNPA's preference would be to reconsider the text at 5.7.2, ensuring it is clearly describing examples of development or features which can have a harmful impact, and not a list of policy requirements.

Q18. The Local Plan includes a number of site allocations. Most set out an indicative amount of development and affordable housing/ custom build housing. Some don't. **Where they do not please provide a justification for this? (e.g. Proposal 7.4(2) land at Chuley Road, Ashburton; 7.13(2) land at Dartmoor Prison, Princetown; 7.21(2) Land at Axminster Carpets, Buckfast.**

7.4(2) Land at Chuley Road, Ashburton: This site is identified for redevelopment for mixed use. Given the constraints on development in this area; including flood risk, highway access, and the nearby Special Area of Conservation (SAC), it is not considered reasonable to set a potential residential yield within the proposal. An indicative yield of 45 units is identified in the [Topic Paper 6 - Housing](#) (SD106) for the purposes of housing land supply.

7.13(2) Land at Dartmoor Prison, Princetown: This is a policy rather than a proposal. It sets out an approach to potential redevelopment of the site, should the need for this arise within the plan period. It does not assume what future uses may be appropriate at this stage, and the site is not necessary to meet an identified housing need within the settlement. For these reasons no indicative housing yield is set out.

7.21(2) Land at Axminster Carpets, Buckfast: This proposal does set out an indicative yield at 1(a). However the site has moved forward since submission of the Local Plan with the recent approval (subject to S106) of a mixed use development involving construction (through the conversion of existing buildings and new build) of a care village (use class C2) comprising 124 extra care units, a 60 bed care home, a 32 bed dementia care home and a communal facilities hub; change of use of former factory building for the re-provision of a 230 sq.m (GIA) community hall (use class F2 (b)) and extended retail provision

providing 120 sq.m (GIA) of additional floorspace; and associated open space, landscaping, car parking and access works ([available online](#) application ref. 0300/19).