

EXMOOR NATIONAL PARK AUTHORITY

PLANNING COMMITTEE]

1st April 2014



ITEM X

CONSULTATION RESPONSE TO THE MID DEVON LOCAL PLAN REVIEW OPTIONS CONSULTATION

Report of the Head of Planning and Sustainable Development

Purpose of Report: To seek approval of a consultation response to the Mid Devon Local Plan Review Options Consultation and to comply with the Duty to Cooperate.

Legal and Equality Implications:

The two purposes of the National Parks are to:

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

Section 62, 11(A) of the Environment Act 1995 confers a duty on certain bodies and persons to have regard to the purposes for which National Parks are designated. These include that:

(1) The National Park Authority, in pursuing National Park purposes, shall seek to foster the economic and social well-being of local communities within the National Park, should co-operate with local authorities and public bodies whose functions include the promotion of economic or social development within the area of the National Park.

(2) In exercising or performing any functions in relation to, or affecting land in a National Park, relevant authorities should have regard to National Park purposes.

Under the Act a 'relevant authority' includes any public body and this includes any local authority.

Additionally, Section 65(4) Environment Act 1995 – provides powers to the National Park Authority to *"do anything which in the opinion of the Authority, is calculated to facilitate, or is conducive or incidental to-*

(a) the accomplishment of the purposes mentioned in s. 65 (1) [National Park purposes]

(b) the carrying out of any functions conferred on it by virtue of any other enactment."

The Mid Devon Local Plan will form the development plan for the area of Mid Devon. The development plan guides and is the first consideration in determining planning applications for land use and development. Legally, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Localism Act 2011 (Section 110) introduces the 'duty to cooperate' in relation to planning of sustainable development. This includes engaging constructively with neighbouring planning authorities in relation to strategic matters in the preparation of development plan documents.

It is considered that there are no equality or human rights issues in relation to this report.

Financial and Risk Implications:

None on the basis of this report.

Business Plan Targets:

The Exmoor National Park Local Plan will contain policies which guide the use and development of land, framed to ensure they are consistent with and further National Park purposes. This response highlights issues which the National Park Authority considers important that the Mid Devon Local Plan addresses to ensure consistency with National Park purposes and to ensure the statutory duty is furthered.

RECOMMENDATIONS:

To NOTE the contents of this report

To APPROVE the recommendations in the report as the basis of the NPAs response to the consultation on the Mid Devon Local Plan Review.

To DELEGATE to the National Park Officer authority to make minor revisions and elaborations to the consultation response before submission, as required.

1. INTRODUCTION/BACKGROUND

- 1.1. Mid Devon District Council is reviewing the Local Plan for development in Mid Devon over the next 15-20 years, including the Core Strategy, the Allocations and Infrastructure Development Plan Document and development management policies. This report sets out the context and specific comments on the Draft Mid Devon Local Plan Review which has been published for consultation for 8 weeks from 24th January to 24th March 2014.
- 1.2. The current Core Strategy for Mid Devon, adopted in 2007, contains targets for the level of development, such as house building and employment growth up to 2026. The Allocations and Infrastructure Development Plan, adopted 2010, allocates land for development to meet those targets. The Council recently adopted Local Plan Part 3: Development Management Policies (2013), which sets out more detailed policies to manage individual development proposals. The Council is reviewing the targets, allocations and policies in the current plan to reflect the latest evidence and guidance including the National Planning Policy Framework (2012). The consultation document provides information about Mid Devon, the draft planning policies and options for how these might be revised through the Local Plan Review.

- 1.3. The consultation document has been produced on the basis of evidence preparation and an initial consultation in July-August 2013 on the scope and broad options for development strategy in Mid Devon, and the Council has now produced more detailed options for consultation. The options at this stage exceed the amount of development that is likely to be allocated in the final version of the Local Plan. Over the coming months the Council will decide which overall strategy and which sites are most appropriate.
- 1.4. At the same time as this consultation, the Council is also consulting on the Sustainability Appraisal of the new Local Plan.
- 1.5. The delivery programme anticipates that the adoption of the Local Plan will be May 2015.

2. COMMENTARY ON THE MID DEVON LOCAL PLAN REVIEW

- 2.1 This section sets out those particular issues which are of most relevance to the National Park Authority. The full version of the Mid Devon Local Plan Review can be found at:

<http://www.middevon.gov.uk/index.aspx?articleid=9842>

Some of the more detailed comments may need to be read in conjunction with the consultation document.

Mid Devon District Profile and Strategic Policies

- 2.2 General Comment: The Mid Devon District Profile provides a map of the district showing the settlements, river corridors and road networks. It would be useful to show the adjoining districts and National Parks where they border the Mid Devon district, as this would provide a spatial context to the policies that make reference to the impacts of development on surrounding areas.
- 2.3 Support: Exmoor National Park Authority (henceforth referred to as the Authority) supports the acknowledgement in paragraph 1.9 of the intervisibility with the uplands of Dartmoor and Exmoor National Parks as being a strong feature in the Mid Devon landscape.
- 2.4 Support: The Authority supports the inclusion of the text in paragraph 2.2 that: “*The plan should be read as a whole. In many cases a planning application will be assessed against a range of policies that manage various aspects of sustainable development*”. This is particularly welcomed in respect of the following comment in relation to Policy S2.
- 2.5 Support: The Authority welcomes the inclusion of Exmoor and Dartmoor National Parks in Policy S2 Sustainable Development Priorities which states:

The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All

development will be expected to support the construction of sustainable communities by:..

*k) Conserving and enhancing the natural environment by protecting and enhancing valued landscapes including the Blackdown Hills Area of Outstanding Natural Beauty, **Exmoor and Dartmoor National Parks**, providing accessible green infrastructure, a net gain in biodiversity and preventing unacceptable levels of soil, air, water and noise pollution including air quality in particular as a local issue at Crediton and Cullompton.*

- 2.6 However, it is felt that this element of the strategic policy S2 (k) could be strengthened to address the Authority's concerns set out below in relation to development management policies Policy DM29 Protected Landscapes and DM 30 Other Protected Sites. Criterion (k) could helpfully be split into three separate criterion to address i) landscape, ii) biodiversity and green infrastructure, and iii) pollution.
- 2.7 General Comment: The Authority would welcome the recognition that Tiverton serves a large rural area including parts of Exmoor National Park in the profile provided on the Economy. Evidence from the Your Future Exmoor consultation¹ supports this statement. The rural nature of the Exmoor National Park and small size of Exmoor's settlements means that, necessarily, some services are located in larger centres including Tiverton which is an important centre for wider retail and leisure services for both Exmoor communities and its visitors, and also contains larger employment sites for local businesses. The Authority suggests further, that the spatial strategy should acknowledge and seek to strengthen Tiverton's role in serving a large rural hinterland. Similarly, the expansion of Tiverton, including its employment land, infrastructure and services, will also need to take account of those businesses, residents and visitors of Exmoor National Park that will utilise services and employment provided through the expansion.
- 2.8 The Authority supports policy S8 on Town Centres and welcomes the acknowledgement that the town centres should not attempt to compete with Taunton and Exeter but should rather offer independent and specialist outlets including for tourism and leisure services. This is in accordance with our comments above, which support the strengthening of the retail and leisure offer to the tourists and residents of the Exmoor National Park.
- 2.9 The Authority supports subject to amendments policy S11 Tiverton, which provides that Tiverton will continue to develop in a balanced way as a medium sized market town serving a rural hinterland to the eastern part of Mid Devon. In accordance with the comments above, the Authority suggests that consideration be given to amending the wording to the market town serving a large rural hinterland in the eastern part of Mid Devon to say that it goes beyond the district boundary to include areas of Exmoor National Park.

¹ The Your Future Exmoor community consultation events were carried out in 2010 to inform the preparation of the Exmoor National Park Local Plan.

2.10 The Authority objects to policy S15 Countryside, which provides that development outside the settlements defined by Policies S11-14 (Tiverton, Cullompton, Crediton, Villages) will enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria: ...

d) agricultural and equestrian development

f) renewable energy and telecommunications.

The Authority suggests that this policy should be strengthened to "conserve and enhance the character, appearance and biodiversity of the countryside..." and the supporting text should also include reference to the countryside that adjoins the Mid Devon district. Of particular significance to the Authority are views into and out of the Exmoor National Park and its landscape setting. Some agricultural and equestrian development and renewable energy and telecommunications structures can harm the character, appearance and biodiversity of the countryside. This is contrary to National Park purposes. Under section 62 of the Environment Act 1995, a general duty is placed on all relevant authorities, National Park Authorities, statutory undertakers and other public bodies to have regard to National Park purposes:

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

2.11 In addition, paragraph 5.28 of the Exmoor National Park Draft Local Plan states that *'consultation² has highlighted the importance of protecting Exmoor's landscapes from intrusive development and the cumulative impact of man-made structures. Small scale incremental change can have a detrimental impact on landscape character; such as farm fragmentation, equestrian development and game bird shooting and rearing – the increase in these particular pressures and future pressures from further telecommunication infrastructure, renewable energy technologies and energy crops are trends causing concern on Exmoor, and in areas surrounding the National Park. The National Park will work with partners and neighbouring authorities to ensure Exmoor's setting, including views into and out of the National Park are preserved and protected from intrusive development.'*

Development Management Policies

2.12 The Authority supports subject to amendments paragraph 1.1, the supporting text for Policy DM1 Presumption in Favour of Sustainable Development. It acknowledges that National Policy recognises that development affecting protected habitats and species, Areas of Outstanding Natural Beauty, designated heritage assets, flood risk areas or

² Your Future Exmoor (YFE) consultation events January – March 2010

sites designated as Local Green Space should be restricted. The Authority suggests that, in accordance with National Policy, National Parks are also added to this list.

- 2.13 The Authority supports subject to amendments Policy DM5 Renewable and Low Carbon Energy Development. It states that *proposals for renewable or low carbon energy will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts on similar developments within the parish or adjoining parishes....Development must consider:*

a) *Landscape character and heritage assets.*

The Authority suggests that the wording is amended to state '*landscape character and setting*' for criteria a) to ensure views into and out of the National Park are accounted for and that '*heritage assets*' forms a separate criterion.

- 2.14 Potential harm from renewable energy developments on landscape setting of protected landscapes also need to be acknowledged in paragraph 1.19 where it states that '*these developments, especially when they are of commercial scale, have the potential to cause harm through degradation of landscape character or heritage....*'

- 2.15 The Authority supports the policy approach set out in Policy DM29 Protected Landscapes which provides that *development proposals within or affecting the Blackdown Hills Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:*

a) *Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and*

b) *Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.*

Major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional circumstances.

- 2.16 However, the Authority is concerned that Policy DM 29 is a development management policy and not a strategic policy. Although we note the inclusion of the conservation and enhancement of National Parks in Policy S2, particular elements of this policy require further consideration in terms of being included within a strategic policy – particularly in relation to major developments within or adjoin the protected landscapes.
- 2.17 Paragraph 156 of the NPPF provides that Local Authorities should set out the strategic priorities for the area in the Local Plan and that this should include strategic policies to deliver: conservation and enhancement of the natural and historic environment, including landscape.
- 2.18 In addition, Paragraph 184 of the NPPF requires that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. Paragraph 185 goes on to state: '*Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict.*'

- 2.19 It is suggested that further consideration is given to changing the status of elements of Policy DM29 to a strategic policy to not only show the strategic significance of this policy but also to ensure all future Neighbourhood Plans will be in general conformity with it. This will ensure the conservation and enhancement of protected landscapes within and adjoining Mid Devon district, particularly in relation to major developments (see comments made in paragraph 2.6 above).
- 2.20 The Authority objects to the fact that policy DM 30 Other Protected Sites is not strategic, which includes Sites of Special Scientific Interest, Ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites and Local Nature Reserves. In reiteration of paragraph 156 of the NPPF, Local Authorities should set out the strategic priorities for the area in the Local Plan and this should include strategic policies to deliver: conservation and enhancement of the natural and historic environment, including landscape. Paragraph 114 of the NPPF also provides that Local Authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- 2.21 The Authority suggests that Policy S2 (k) is strengthened to reflect the importance of sites designated for their nature conservation value (see comments made in paragraph 2.6 above).
- 2.22 The Authority notes as a general comment that there are no strategic priorities. As noted above, Paragraph 156 of the NPPF, states that Local Plans should set out the strategic priorities for the area.

3. CONCLUSION

- 3.1 In conclusion, the National Park Authority is broadly supportive of the Mid Devon Local Plan. The key areas of concern relate to the landscape setting of the National Park, in particular views in and out of the National Park, recognition of Tiverton as an important centre for visitors, residents and businesses of the National Park, and the importance of the strategic designation of policies in relation to the environment.
- 1.6. The National Park Authority has welcomed the opportunity to respond on the Local Plan Review and considers that this consultation response represents constructive engagement between neighbouring local planning authorities in relation to a strategic matter, consistent with the duty to cooperate.
- 1.7. Members are recommended to agree the response to the Mid Devon Local Plan Review as set out in the Recommendations above.

Jo Symons
Policy and Community Manager
20th March 2014

Background papers on which this report, or an important part of it are based, constitute the list of background papers required by Section 100 D (1) of the Local Government Act 1972 to be open to members of the public comprise:

**Mid Devon Local Plan Review 2014
Exmoor National Park Draft Local Plan 2013
National Planning Policy Framework 2014**