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Re: Questions to Northam Town Council and Torridge District Council

Dear Mr Mead

Thank you for forwarding your questions regarding the policies of the Northam Neighbourhood Plan. The Town Council, as Qualifying Body, has taken the opportunity to draft the enclosed response to each of the points raised.

The Town Council wish to advise that members of the Northam Neighbourhood Plan Advisory Group met with Ian Rowland and Tristan Otten of Torridge District Council on 1st December to discuss the preliminary questions and this meeting achieved a broad range of agreement on how to address them. This discussion has informed the Town Council's response.

In this response, some modifications to the text have been proposed. Changes are presented in red text.

The Town Council was grateful for the extension of time in which to respond and looks forward to receiving your comments.

Sincerely
Guy Langton – Town Clerk & RFO



Lords of the Manor



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INDEPENDENT EXAMINATION OF THE NORTHAM
NEIGHBOURHOOD DEVELOPMENT PLAN
EXAMINER: Andrew Mead BSc (Hons) MRTPI MIQ

Examination Ref: 02/AM/NNP

Northam Town Council response to Examiner Action Request and Questions
Questions to Northam Town Council and Torrington District Council

5 December 2025

Policy: CF1 Community Facilities

1. Questions to NTC and TDC.

The breadth of the policy which applies to all “new development” appears unrealistic in that it would apply to all scales of development from minor house extensions through to major residential development and all forms of commercial development. In addition, Clauses ii and iii seek the addition of new or enhanced facilities or the increased availability of open space for sport and recreation and children’s play. I can understand the aims behind the policy but it must have regard to paragraphs 56, 57 and 58 of the NPPF.

In particular, if off site works are sought, planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development. Therefore, I suggest including a reference to those paragraphs in Policy CF1 to qualify Clauses (ii) and (iii). Please may I have comments from both Councils on this suggestion for a proposed modification.

Qualifying Body response:

The question correctly suggests that some new development does not require provision of community facilities. The Qualifying Body advises that Policy CF1 is not intended to apply to all development but specifically to proposals for the development or change of use of a community facility within the neighbourhood plan area.

In order to clarify this point the Qualifying Body would support a recommendation that Policy CF1.1 is amended as follows:

POLICY: CF1 COMMUNITY FACILITIES

1. Proposals for new development the development or change of use of community facilities within the Plan area will be supported where:

- i there is no loss of community facilities for which there is evidence of on-going demand and community value; and**
- ii the development adds new or enhances current provision of the community facilities; or**
- iii the development increases the availability of open spaces for sport and recreation purposes and or children's play.**

Additionally, the Qualifying Body wish to advise that the presence of a list of community facilities in the supporting text of Policy CF1 may potentially lead to misunderstanding. The list is intended to be indicative of the range of community facilities in the neighbourhood plan area. The policy applies to all community facilities in the NNP area and is not limited to the community facilities on the list. In addition, the list is not exhaustive and any errors will require correction. These issues are addressed at Question 14.

The Qualifying Body would support a recommendation to add a definition of 'community facility' to the Glossary of the Plan.

2. Question to NTC.

What is the definition of "community value" in CF1.i and how can it be measured so that it is a useful tool for development management?

Qualifying Body response:

Policy CF1 Community Facilities Clause 1 sub-clause i. currently states:

POLICY: CF1 COMMUNITY FACILITIES

i. There is no loss of community facilities for which there is evidence of on-going demand and community value.

The phrase 'community value' is also used in the supporting text of the policy.

In terms of a community facility, the Localism Act 2011 defines 'community value' as a building or land where a current or recent use furthers the social well-being or interests of the local community, and it is realistic to expect a similar future use.

Accordingly in the context of the Policy text the phrase 'community value' is the degree with which the current or recent use of a given community facility furthers the social

well-being or interests of the local community, presuming it is realistic to expect a similar future use.

Given this definition, the Qualifying Body considers that Policy CF1 requires an assessment of the degree of 'community value' ascribed to a given community facility that is a subject to a development proposal

- a) by having regard to the comments from residents and the Town Council;
- b) the contribution that the present or recent main use of the community facility makes to furthering the social well-being or cultural and sporting interests of the community it serves, and its potential for doing so in the future.

This assessment is similar in type to that employed to assess proposals for Assets of Community Value.

The Qualifying Body acknowledges that the definition of 'community value' is important in explaining the Policy text and would support the addition of this definition in the supporting text of the Policy, and the Glossary of the Plan.

On the advice of Torridge District Council, the Qualifying Body would also support a recommendation to add the following supporting text to enable the implementation of the policy for development management:

'To demonstrate that a community facility is no longer required for communities and organisations seeking to further the social well-being or social interests of the local community, the local planning authority will expect that applications resulting in a loss of a community facility to be supported by robust and credible evidence demonstrating no demand for the community facility in the locality. Applicants will be expected to submit detailed information to show that the community facility (premises and/or land) has been marketed, at an appropriate price reflecting the existing or potential community use of the community facility, for a period of 18 months and that there was no legitimate buyer demand for the community facility over that period. The marketing strategy, along with the price at which the community facility will be marketed, should be agreed with the local planning authority prior to commencement of the marketing exercise.'

Policy: HO1 Size of Dwellings

3. Question to NTC and TDC.

Policy HO1 Clause 1 supports the provision of one and two bedroomed houses. As currently drafted, the policy does not generally conform with Policy ST17 of the North Devon and Torridge Local Plan (NDTLP) which states that “the scale and mix of dwellings, in terms of dwelling numbers, type, size and tenure provided through development proposals should reflect identified local housing needs, subject to consideration of: (a) site character and context; and (b) development viability”. The housing needs survey (Northam Town Council 2017) suggests that 15% of respondents required a one bedroomed property and 54% required a property of two bedrooms. I am concerned that seeking one or two bedroomed dwellings on small developments might inhibit the provision of housing generally due to the impact on viability.

Therefore, I am considering recommending that Policy HO1.1 is modified to: “On developments of more than 10 dwellings, 50% shall have one or two bedrooms, subject to considerations of viability, site character and context.” I should be pleased to have comments from both Councils on this suggestion.

Qualifying Body response:

The Qualifying Body notes that Point 20 of the District Council’s comment document states that clause 1 of Policy HO1 is considered to be in conflict with ST17 of the NDTLP. The Qualifying Body contends firstly that the information given in Appendix 2 of the Plan demonstrates considerable unmet demand in the neighbourhood plan area for 1 and 2-bedroom dwellings; and secondly that the policy text of Policy HO2 Clause 1 does not explicitly or implicitly prohibit the delivery of larger dwellings.

Notwithstanding this comment, the Qualifying Body acknowledge that Policy HO2 must be in general conformity with NDTLP Policy ST17 and would accept the proposed modification to Policy HO1 clause 1 were it to be recommended.

The Qualifying Body advise that were this modification to be recommended, they would support a recommendation for the meanings of ‘viability, site character and context’ to be clarified in the supporting text of the Policy by reference to the meanings to attached to them in Policy ST17 of the Local Plan.

4. Question to NTC and TDC.

Policy HO1 Clause 2 supports new dwellings where they are designed to be accessible and adaptable to cater for the changing needs of occupants over their lifetime. I can appreciate the need to cater for the needs of the elderly or infirm but consider that there may be effects on viability which would inhibit the

delivery of housing generally should all dwellings be required to be designed to cater for all residents' needs throughout their lifetime. Therefore, I am considering recommending the following modification to Policy HO1.2 which would become: "On development of more than 10 dwellings on sites which are well located in terms of access to social and community facilities, at least a third should be age-friendly". I would be pleased to have comments on this suggestion from both Councils.

Qualifying Body response:

The Qualifying Body would accept the proposed modification to Policy HO1 Clause 2 were it to be recommended but consider, in consultation with Torridge District Council that the supporting text would need amendment to clarify the meaning of 'well-located in terms of access to social and community facilities' in terms of national guidelines.

In addition the Qualifying Body request clarification and definition of the phrase 'age friendly' in order to amend the supporting text. This clarification and definition could explain the phrase 'age-friendly' with reference to the lifetimes homes standards' or as meaning 'accessible and adaptable' dwellings as already defined in the supporting text. In the event that 'age friendly' means something different, that meaning should be defined in the supporting text. An appropriate publication to refer to in this context might be 'Our Future Homes: housing that promotes wellbeing and community for an ageing population', The Older People's Housing Taskforce Report, (2024).

The Qualifying Body additionally wish to advise that having consulted Torridge District Council with regard to viability and implementation issues relating to Policy HO2, and presuming the suggested phrase 'age-friendly' in HO2.2 refers to 'accessible and adaptable dwellings', they would support a recommendation to delete the 'accessible' standard as a requirement for Policy HO2 and retain only the 'adaptable' standard as a requirement. The reason for this suggested amendment is that 'adaptable' dwellings are considered to offer more flexible accommodation suitable for people of all ages, and hence they are likely to be more viable to deliver.

Policy: HO2 New Affordable Housing

5. Question to TDC.

How is the Vacant Building Credit referred to in the representation from TDC relevant to the land use policy of the provision of affordable housing?

Qualifying Body response:

Although the question is directed to Torridge District Council (with reference to Point 29 in their Comment document (NOR101) relating to Policy HO2 Clause 2), the Qualifying Body wish to advise in consultation with Torridge District Council that they would support a recommendation to amend supporting text of Policy HO2 to state, with regard to the re-use of empty or derelict buildings and land for affordable housing, that Vacant Building Credit (VBC) may apply on sites of sufficient size for a proportion of affordable dwellings to be required under Local Plan policy. When VBC applies the site should not deliberately be made empty.

6. Question to NTC.

What is the expected “standard of accommodation” to which reference is made in Policy HO2.2 and which failure to provide might prove fatal to any planning application?

Qualifying Body response:

The phrase ‘standard of accommodation’ in Policy HO2 Clause 2 refers to the standard of accommodation to be provided for affordable dwellings as specified in Section 5 of the North Devon and Torridge Local Plan 2011-2031 Affordable Housing Supply Supplementary Planning Document (SPD) Adopted July 2022.

In consultation with Torridge District Council, the Qualifying Body would support any recommendation to utilise the definition of ‘standard of accommodation’ used in the SPD in the supporting text of Policy HO2 without citing the SPD itself, as SPDs are likely to be phased out.

7. Question to NTC.

What is meant by “low cost home ownership opportunities” in Policy HO2.3?

Qualifying Body response:

The Policy text of Policy HO2 Clause 3 states:

POLICY HO2 NEW AFFORDABLE HOUSING

3. The tenure mix of new developments will reflect local need, which includes provision of socially rented accommodation and low cost home-ownership opportunities.

The Qualifying Body advise that the phrase ‘low cost home ownership opportunities’ in Policy HO2 Clause 3 refers to those categories of affordable home ownership tenures defined by Annex 2: Glossary of the NPPF as:

- ‘c) Discounted market sales housing; and
- d) Other affordable routes to home ownership’

The Qualifying Body note that the relevant policies of the NDTLP also rely on these definitions of affordable housing. The Qualifying Body would support any recommendation to clarify this point in the supporting text of Policy HO2.

Policy: TR1 Residential Design and Amenity

8. Question to NTC and TDC.

The tone of paragraph 7.22 of the Plan is that due to issues of (inadequate?) parking and road congestion, there should be sufficient residential off street parking provided on new development. However, Policy TR2.2. sets a maximum. Shouldn't the standard be expressed as a minimum?

Qualifying Body response:

The Qualifying Body acknowledge that the observation in this question is correct and would accept the replacement of the word ‘maximum’ in Policy TR2 Clause 2 with the word ‘minimum’.

9. Question to TDC.

What are the parking standards for residential development applied by TDC when considering applications for planning permission?

Qualifying Body response:

No response.

Policy: DE1 Quality of Design

10. Question to NTC.

Policy DE1.i. supports development which delivers “net zero carbon dwellings”. What is the evidence for such a requirement?

Qualifying Body response:

Policy DE1 Clause 1 sub-clause i. states:

POLICY DE1 QUALITY OF DESIGN

1. Development should reflect local character and context: create a strong sense of place; and include design of an environmentally friendly nature and will be supported where it:

i. delivers net zero carbon dwellings and delivers as a minimum Biodiversity Net Gain in accordance with National Policy.

CONTEXT: GENERAL CONFORMITY WITH THE NDTLP

The Qualifying Body advise that Policy DE1 Clause 1 is considered to be in general conformity with NDTLP Policy ST02: Mitigating Climate Change, especially clauses a) and d) and its supporting paragraph 3.8; and Policy ST05 Clause 3 and its supporting paragraphs 3.34, 3.38 and 3.39. The Qualifying Body note that supporting paragraph 3.38 encourages the delivery of dwellings constructed to zero carbon *PassivHaus* standards.

CONTEXT: EVOLVING NATIONAL POLICY AND GUIDANCE

Since the adoption of the NDTLP in 2018, the Qualifying Body considers that the identified requirement for increased provision of net zero dwellings has been an evolving area of national planning policy determined by the fact that housing is a significant contributor to UK carbon emissions. The Climate Change Committee is currently advising that the UK statutory requirement in the Climate Change Act (2008) to achieve net zero carbon emissions by 2050 may only be achieved by the early achievement of net zero housing emissions.

The Qualifying Body note that the UK Government has sought to deliver significant reductions in emissions through a trajectory of guidance and policy documents including the 'Heat and Building Strategy' (2021), amendments to Part L of the Building Regulations and the current 'Future Homes Standard (2025)'. In tandem with the development of national policy, some LPAs are working to adopt higher sustainability standards for new housing.

POTENTIAL AMENDMENT TO POLICY DE1

The Qualifying Body considers that were it to be determined that the stated intention of Policy HO3 Clause 1 to support the delivery of net zero carbon dwellings is somewhat premature and aspirational, the Qualifying Body would support an amendment to DE1 as follows (altered sub-clauses clauses are shown in red ink for clarity):

POLICY: DE1 QUALITY OF DESIGN

1. Development should reflect local character and context; create a strong sense of place; and include design of an environmentally friendly nature and will be supported where it:

- i is sited and orientated to benefit from solar gain;**
- ii incorporates rainwater harvesting, grey water recycling systems and water efficiency measures;**
- iii has access to sustainable transport options;**
- iv incorporates the use of and re-use of traditional materials and low ecological impact materials and techniques;**
- v is visually attractive as the result of good architecture, layout and appropriate effective landscaping, and functions well adding to the overall quality of the area, not just for the short term, but also over the lifetime of the development;**
- vi has a minimum of one bat box, one bee brick and one nesting box or cup per dwelling and all fencing includes hedgehog gaps;**
- vii avoids flood zones and coastal change management areas. Where these cannot be avoided a robust justification should be provided with the proposal; and**
- viii in the case of major developments it will be accompanied by a carbon reduction plan with substantial weight being given to the delivery of net zero carbon buildings.**

The proposed amendments are as follows:

Original sub-clause i) moved to sub-clause viii) for clarity because sub-clause now relates only to major developments and not all development.

The subsequent sub-clauses are re-numbered as a result of this change.

The reference to net gain biodiversity in original sub-clause i) is removed because it duplicates a provision in Policy EN5 ii.

In original sub-clause i. (now sub-clause viii.) any suggestion of a requirement for net zero dwellings is removed and is replaced with a requirement for a carbon reduction plan with substantial weight given to the delivery of net zero carbon buildings.

The Qualifying Body advise that the proposed amended policy text for Policy DE1 has been discussed with Torridge District Council who consider that that it would be acceptable. If the amended policy text were to be recommended, the Qualifying Body would also support a recommendation for the supporting text of Policy DE1 to be amended as follows:

‘Development proposals should seek to minimise their carbon footprint both during construction and in use. Major developments will be required to produce a carbon reduction plan to indicate how this could be achieved, and the implications for development viability, including consideration of materials, construction methods, design, energy, water, waste management, travel planning and carbon offsetting.

The strategic need to reduce carbon emissions is set out in NDAT Local Plan strategic policies ST02, ST03, and ST05. Developments are increasingly carbon efficient as a result of increasing energy efficiency, use of renewable energy and promotion of sustainable transport modes. In order to secure the aim of these Local Plan strategic policies, Policy DE1 seeks to maximise the opportunities for minimising energy use and securing carbon emission reductions in all new developments; and a carbon reduction plan is required for major developments (those for 10 or more dwellings or with 1,000 square metres or more of floor space).’

11. Question to TDC.

How can the net zero carbon dwellings requirement be implemented by development management?

Qualifying Body response:

No response.

12. Question to NTC.

What is meant by “traditional materials” and by “low ecological impact materials and techniques” in Policy DE1.v.

Qualifying Body response:

The Qualifying Body notes that these issues were the subjects of Points 43 and 44 of the District Council’s comment document. In the following response the issues are dealt with separately and denoted A) and B).

A) What is meant by ‘traditional materials’?

The traditional materials referenced in Policy DE1 clause 1.v. are rendered or natural stone or brick exteriors with natural slate roofing although artificial slate roofing may be considered acceptable for undesignated buildings. Qualifying Body would support this clarification being added to supporting text.

Supporting evidence for the types of traditional materials utilised in the NNP area is found in two documents in the evidence base of the Plan: 'Northam Conservation Area, appraisal by Devon County Council' (1987); and 'Appledore 2003 A Conservation Area appraisal Supplementary Planning Guidance Torridge District Council' (2003). Additional supporting evidence is available in the listing reports of designated buildings in the NNP in the National Heritage List for England (NHLE) on the Historic England website.

The Qualifying Body would accept any recommendation for clarifying and evidencing the meaning of the phrase 'traditional materials' in the supporting text of Policy DE1.

B) What is meant by 'low ecological impact materials and techniques'?

The Qualifying Body notes that Point 44 of the District Council's Comment Document suggests that the definition of low ecological materials and techniques could be a separate sub-clause in Policy DE1 Clause 1. The Qualifying Body would accept this suggested amendment were it to be recommended

The Qualifying Body advises that Policy DE1.v is in general conformity with NDTLP strategic policies ST02: Mitigating Climate Change and its supporting paragraph 3.10; and ST05: Sustainable Construction and Buildings and its supporting paragraphs 3.42 and 3.43.

Accordingly, the 'low ecological impact materials and techniques' referred to in NDTLP Policy DM1 are re-used and/or recyclable and/or locally sourced materials as detailed in supporting Paragraph 3.10, together with the traditional building techniques necessary to use and work with these materials.

The Qualifying Body would accept any recommendation for clarifying the meaning of the phrase 'low ecological impact materials and techniques' in the supporting text of Policy DE1. The Qualifying Body advise that Torridge District Council recommend that any such clarifying text does not cite the NDTLP policies from which it has been taken.

Policy: EN1 Local Green Spaces

Question 13. to NTC.

The Planning Practice Guidance (PPG) advises that, in the case of neighbourhood plans, the qualifying body (i.e. NTC) should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space. Please can NTC confirm when this consultation was carried out?

Qualifying Body response:

CONTEXT: PROPOSED LGS SITES, LANDOWNERS AND APPROVALS

The Qualifying Body advise that the LGS policy now referenced EN1: Local Green Spaces proposes ten sites for designation. The sites are:

- i Allotments south of Marshford, Churchill Way, Northam
- ii Land known as Blackies, Torridge Road, Appledore
- iii Humpty-Dumpty Field, Great Burrow Rise, Northam
- iv Westward Ho! Park, Golf Links Road, Westward Ho!
- v Anchor Park, Appledore
- vi Village Green, The Backfield, Appledore
- vii Hillcliff Gardens, Irsha Street, Appledore
- viii Tors View, off Cornborough Drive, Westward Ho!
- ix the village green, Westward Ho!
- x Burrough Farm, Northam

In successive consultations local residents have strongly supported the proposed designation of the ten sites as LGS.

Sites:

- ii Land known as Blackies, Torridge Road, Appledore
- iv Westward Ho! Park, Golf Links Road, Westward Ho!
- v Anchor Park, Appledore
- x Burrough Farm, Northam

are in the ownership of the Qualifying Body itself (Northam Town Council). As noted in the Consultation Statement that accompanies the Plan, the NNP Steering Group and its successor bodies reported to the full Town Council on a monthly basis, and these reports included full details of proposed LGS site designations. The full Town Council formally approved the proposed designation of these sites as LGS on 22.1.25.

Sites:

- iii Humpty-Dumpty Field, Great Burrow Rise, Northam
- vii Hillcliff Gardens, Irsha Street, Appledore
- viii Tors View, off Cornborough Drive, Westward Ho!
- ix The village green, Westward Ho!

are in the ownership of Torridge District Council. The District Council are making no objection to the proposed LGS designations of Humpty-Dumpty Field and Westward Ho! Park, however they are currently objecting to the proposed LGS designations of Tors View and The Village Green, Westward Ho! With reference to the Qualifying Body's General response to the Regulation 16 Consultation, (response to Comment NOR101, Point 57) the Qualifying Body maintain their support for designating Tors View and The Village Green, Westward Ho! as Local Green Spaces.

Site:

i Allotments south of Marshford, Churchill Way, Northam
is owned by the Diocese of Exeter (as Glebe Land) and administered by Savills Ltd; on behalf of the Diocese of Exeter. Savills Ltd were written to in December 2024 with a reminder in January 2025 but no response was received.

Site:

vi Village Green, The Backfield, Appledore
is owned by Westward Housing. In December 2024 the landowners were consulted and supported the proposed LGS designation.

EVIDENCE FOR EARLY ENGAGEMENT WITH LANDOWNERS OF PROPOSED LGS SITES

The Qualifying Body advise that several proposed Local Green Spaces sites were identified in the meeting of the green spaces and heritage sub-group of the Northam Neighbourhood Plan Steering Group on 24.7.18.

Prior to the definitive list of proposed LGS sites being drawn up, the need to engage with the LGS landowners in accordance with PPG was noted in the minutes of the NNP Steering Group on 20th May 2019. On 8 July 2019 the minutes of the NNP Steering Group record that 12 sites for proposed LGS designation were finally agreed and Northam Town Council undertook to write on behalf of the NNP Steering Group to all the landowners of the proposed LGS sites.

These landowners included the owners of all the sites currently proposed for LGS designation:

Northam Town Council
Torridge District Council
The Diocese of Exeter
Westward Housing

The Qualifying Body regrets to advise that paper copies of this engagement with landowners have not been located within the document records at the Town Council offices and it is presumed that any engagement with the landowners at this time was by

email. There has subsequently been a change of staff at the Qualifying Body and the computer used for emails from this period is no longer usable by Northam Town Council and the email address is not accessible.

In consequence, any written engagement with the LGS landowners in the summer of 2019 could not be documented in the Record of Community Engagement or the Consultation Statement that accompanies the Plan. The Qualifying Body apologises for the error and acknowledges that this situation is unsatisfactory.

The Qualifying Body advises that notwithstanding the Qualifying Body's inability to demonstrate documented early formal engagement with LGS landowners, the landowners were nonetheless informed of the proposals to designate the sites as LGS at an early stage for the following reasons as documented in the Record of Community Engagement and Consultation Statement that accompanies this Plan:

Northam Town Council are the Qualifying Body and as noted above the NNP Steering Group reported to the full Council on a monthly basis and these reports included the proposed LGS site allocations.

Senior planning managers from Torridge District Council reviewed and commented on and Policy EN1 (or its predecessor policies) and the proposed LGS site designations in June 2022; and again, as part of Pre-submission Consultation in January 2023. (The Qualifying Body advise that neither of these reviews indicated that there would be any possible objection to the proposed LGS designation of Tors View or Village Green Westward Ho!).

Rev. Derek Arnold, then rector of Northam was a member of both the NNP Steering Group and a member of the green spaces and heritage sub-group that first identified and proposed Marshford Allotments as an LGS site on 24.7.2018.

Individual members of the Appledore Village Green Committee were informed about the draft proposal to designate Appledore Village Green as an LGS at two public meetings in Appledore in March and April 2019.

Please note: The Qualifying Body have made a single response to Questions 14 and 15 (below).

14. Question to NTC.

The Local Green Spaces are listed in Policy EN1 and described quite fully in Appendix 3. However, the map accompanying each LGS merely shows the location of the LGS by a symbol and is, in my opinion and also that of Torridge District Council (See point 53 in the Regulation 16 representation), wholly inadequate for development management purposes. Therefore, please could a plan be submitted of each LGS on which the affected land is clearly delineated with reference to plot boundaries. This might best be presented on an Ordnance Survey base map at a scale of e.g. 1:1250 or 1:2500. Accordingly, this may require the technical assistance of TDC as holders of the relevant Ordnance Survey licence for the area.

15. Question to NTC.

I have a similar issue about Local Areas for Sport and Recreation (LASR) to that raised about LGS in Q14 above, as does TDC. For the same reasons as above, please could a plan be submitted of each LASR on which the affected land is clearly delineated with reference to plot boundaries, to be produced with the assistance of TDC.

Qualifying Body response to Questions 14 and 15:

The Qualifying Body notes the District Council's suggestions regarding technical requirement for the mapping of the proposed LGS sites in Policy EN1 and also proposed sites for Policy EN1a) (Points 53 and 59) and wishes to advise that it is consulting with Torridge District Council to meet this requirement to the correct standards.

The Qualifying Body also wish to advise that because the indicative list of community facilities is printed in the supporting text of Policy CF1, Torridge District Council determined that it would be necessary to map to all the community facilities on the list as the same standard as the sites in Policies EN1 and EN1a). In consultation with Torridge District Council, the Qualifying Body would support a recommendation to remove the indicative list of community facilities from the supporting text of Policy CF1, whilst retaining the same list (subject to any corrections) in Appendix 1. The District Council advise that this suggested amendment would obviate the need to map every community facility on the list.

Policy: EN2 Protecting the Identity of Settlements and Policy: EN3 Protecting Rural Character

16. Question to NTC.

It seems to me that Policies EN2 and EN3 have very similar objectives and consider the same tract of land which is the largely undeveloped area between Northam, Appledore and Westward Ho! However, there is a contradiction in that Policy EN2 only supports development where it maintains the visual and physical separation between the development boundaries of the settlements. Policy EN3 supports development within the land shown as a Local Gap on Map N1 subject to five considerations. In addition, there may be forms of development which would be allowed, in certain circumstances, in the Local Gap under policies of the NDTLP, e.g. for employment and tourism purposes.

Therefore, I am considering recommending combining Policies EN2 and EN3 and using Map N1 as the area of land covered by the combined policy. Please may I have comments from both Councils.

Qualifying Body response:

The Qualifying Body considers that the Question 16 raises three related issues:

- 1) The identified similarity of Policies EN2 and EN3 in terms of objectives and the area that they potentially apply in.
- 2) The degree of consistency between Policies EN2 and EN3 and the relevant policies of the NDTLP in terms of development allowed within the Local Gap.
- 3) The desirability of addressing issues 1 and 2) by combining Policies EN2 and EN3.

- 1) The identified similarity of Policies EN2 and EN3.

The Qualifying Body consider that the identified similarity of the objectives of policies EN2 and EN3 derives from their shared purpose to maintain the integrity and rural character of the Local Gap between the development boundary of Appledore and the conjoined development boundaries of Northam and Westward Ho! The objectives of the two policies may therefore be regarded as being distinct but mutually supportive.

The Qualifying Body advise that the NDTLP takes a similar approach with two separate policies each with a distinct but mutually supportive objective: NOR(h) aims at preventing coalescence; and ST09(7) aims at protecting the unspoilt character, appearance and tranquillity of the undeveloped coast.

The NNP is considered to be in general conformity with the strategic NDTLP policies, with Policy EN2 supporting NOR h) in addressing the need to protect the distinct identities of Appledore, Northam and Westward Ho! by maintaining their separation; and Policy EN3 supporting ST09(7) in addressing the need to protect

its distinctive rural character and hence the setting and estuarine influence of the three settlements.

2) The degree of consistency in development allowed within the Local Gap between Policies EN2 and EN3 and the relevant policies of the NDTLP.

Both EN2 and EN3 require a proportionate assessment of the impact of a given proposal on the Local Gap; on the maintenance of the visual and physical separation of settlement development boundaries (in the case of EN2) and the rural character of the Local Gap (in the case of EN3). The Qualifying Body consider that whilst policies EN2 and EN3 add local focus and detail to the strategic NDTLP policies, the development that they may support is consistent with the NDTLP policies for the following reasons:

a) the parameters for development that may be permitted within the Local Gap are set by the NDTLP strategic spatial policies. The Qualifying Body consider that Policy EN2 is in general conformity with Policy NOR h), and Policy EN3 is in general conformity with Policy ST09.

b) Within and consistent with the parameters set by policies NOR h) and ST09, development proposals within the Local Gap are managed by the NDTLP rural economic development management policies; and DM17 and DM18 in respect of tourism development. The Qualifying Body consider that within the Local Gap these NDTLP development management policies are given local focus and detail by Policy ED1 Clause 2 in respect of economic development and Policy ED2 clause 2 in respect of tourism development.

c) Within the Local Gap Policy ED1 Clause 2 and Policy ED2 Clause 2 are closely aligned with the relevant NDTLP development management policies because both the sets of policies are subject to the parameters set by ST09 for the undeveloped coast. In addition it is considered that Policy ED1 Clause 2 and Policy ED2 Clause 2 are consistent with the environmental safeguards required by NDTLP Policy ST13.

3) The desirability of addressing issues 1) and 2) by combining Policies EN2 and EN3.

The Qualifying Body advise that although policies EN2 and EN3 (and their predecessor policies were conceived to be separate policies, the present policy text of Policies EN2 and EN3 was drafted by the second health check examiner in the form of a single policy text. The second health check examiner's recommendation for the two policies to be combined in this single policy text was detailed in the Record of Community Engagement and the Consultation Statement that accompanies this Plan. This recommended single policy text was as follows:

POLICY: EN2 PROTECTING THE IDENTITY AND LANDSCAPE SETTING OF APPLIEDORE, NORTHAM AND WESTWARD HO!

1. Development will only be supported where it maintains the visual and physical separation between any of the development boundaries of the settlements of Appledore, Northam and Westward Ho! and:

- i. it does not detract from the unspoilt character and appearance and tranquillity of the area;*
- ii it conserves, restores, or adds traditional earth banks or hedgerows as boundaries, with the use of native broadleaf tree and hedgerow species, to integrate the development with the rural character of the area;*
- iii it does not harm the setting of Northam Burrows or the South West Coast Path;*
- iv there is safe convenient access to the development by foot, bicycle, vehicle and public transport; and*
- iv it is required because it cannot reasonably be located outside the area defined on Map N1.*

After careful consideration, the Qualifying Body accepted all of this recommended policy text with the proviso that the first clause was retained as the present separate policy EN2. The Qualifying Body's reasons for maintaining EN2 and EN3 as separate policies were as follows:

a) The Qualifying Body noted that Policy EN2 and Policy EN3 are functionally distinct because they each have separate objectives and deal with separate planning issues (EN2 to protect the distinct identity of the three settlements and EN3 to protect the rural character of the undeveloped coast within the Local Gap); each policy has a distinct assessment methodology; and each policy is in general conformity with a separate NDTLP spatial strategic policy (NOR h) and ST09 respectively) which deals with the same functionally distinct planning issue as its NNP counterpart.

b) In recognition of their functional distinction, in successive planning applications and appeals for sites within the Local Gap area since 2018, planning officers and appeals inspectors have always assessed Policies NOR h) and ST09 separately. The Qualifying Body anticipated that EN2 and EN3 would also be assessed separately.

c) The Qualifying Body were concerned that combining Policies EN2 and EN3 would produce an extensive and over-complex policy that might prove harder to implement and therefore less effective in achieving its objectives than the two separate policies.

The Qualifying Body advise that they have discussed the question of combining policies EN2 and EN3 with Torridge District Council and that the District Council would support a recommendation to combine the policies using the single policy text recommended by the second health check examiner. The District Council consider that this wording would not make the combined policy less effective in the achieving the objectives of Policies EN2 and EN3; or over-cumbersome to implement.

The Qualifying Body advise that were the two policies to be combined using the policy text recommended by the second health check examiner, the existing two objectives (both strongly supported by successive public consultations) would either need to be retained or combined in a single objective. In addition some amendment of the supporting text of the two policies would be required; and a renumbering of policies, with the new combined policy denoted EN2 and the present Policy EN3a) denoted EN3.

17. Question to NTC.

Why are the dwellings on Greenway Drive, Westward Ho! and the Appledore Shipyard included within the green area of Map N1 (See point 71 made by TDC)?

Qualifying Body response:

The Qualifying Body note Point 71 of the Torridge District Council Comment document (NOR 101), which states:

‘The Council is unclear of why the dwellings on Greenway Drive (off of Golf Links Road, Westward Ho!) and the Appledore Shipyard are included within the green area shown on proposal map N1 and would suggest that this is inappropriate given that these elements are developed and urbanised whilst the provisions of the policy are broadly seeking to protect rural character (as per the title of the policy).’

The Qualifying Body advise that the present green shaded area on Map N1 represents the entire Local Gap, that is the area between the settlement development boundary of Appledore and the partly conjoined settlement development boundaries of Northam and Westward Ho!.

Greenway Drive, Appledore Shipyard are within the green shaded area of Map N1 because they are situated between the settlement development boundaries described above and as set out in the NDTLP. The Qualifying Body recognise that both Greenway Drive and Appledore Shipyard may be considered to be part of the developed coast as defined by NDTLP paragraph 4.39 which states:

‘Within the Coastal and Estuarine Zone, the Developed Coast is limited to the extent of defined settlements, the edge of Rural Settlements, Defence Estates

sites and large previously developed sites such as Ashford and Cornborough sewage treatment works.’

The Qualifying Body acknowledge that since Policy EN3 relates to the rural character of the area and conforms to NDTLP Policy ST09 in relation to the undeveloped coast, Policy EN3 will not be applicable to sites within the Local Gap that are considered to be part of the developed coast as defined by the NDTLP.

To address this issue, in consultation with Torridge District Council, the Qualifying Body would support an amendment to redraw the shaded area on Map N1 (the Local Gap) to exclude Greenway Drive and Appledore shipyard. The Qualifying Body also wish to advise than in order to address an error, where a sentence incorrectly characterises the undeveloped coast as being ‘without a significant level of permanent structures’, they would support amendment of supporting paragraphs 8.22 and 8.23 as follows:

‘8.22 The NDAT Local Plan identifies ~~almost the entire the~~ area between ~~the settlement development boundaries of~~ Northam/Westward Ho! and Appledore as ‘undeveloped’ coast. ~~and part of the coastal and estuarine zone. Undeveloped coast is the land within this zone without a significant level of permanent structures.~~ (The terms ‘undeveloped coast’ and ‘developed coast’ are defined in the Glossary and in the NDAT Local Plan.) Strategic spatial policy ST09 (7) ~~of the NDAT Local Plan~~ states that development will be supported in the undeveloped coast ‘where it does not detract from the unspoilt character, appearance and tranquillity of the area ... and it cannot reasonably be located outside the undeveloped coast and estuary.’ Also relevant to the area between Northam/Westward Ho! and Appledore is Policy NOR: Spatial vision and development strategy k) which states: ‘Development to respect the landscape setting including the adjoining Area of Outstanding Natural Beauty.’

8.23 As a spatial policy aimed at protecting the distinctive rural character of the ~~area undeveloped coast~~ between Northam/Westward Ho! and Appledore, Policy EN3 supports and complements NDAT Local Plan policies ST09 (7) and NOR k), whilst providing local detail and value on the issues affecting the area between Northam/Westward Ho! and Appledore by adding provision for the protection of the traditional rural boundaries typical of this area, the setting of the South West Coast Path, and safe access to a site by walkers, cyclists and public transport. The latter provision of Policy EN3 has regard to and conforms to the proposals in the LCWIP outlined above and detailed in Appendix 9.’

Policy: EN3a Protecting Dark Skies and Reduce Light Pollution

18. Question to NTC.

What is the specific justification for the technical details which are described in Policy EN3a 1 Clauses ii. and iii?

Qualifying Body response:

The text of Policy EN3a) 1 ii) and iii) requires proposals for development within the area defined on Map N1 to demonstrate that if external lighting is required, it protects the night sky from light pollution through:

- ii Full shielding (at the horizontal and above) of any lighting feature exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls; and**
- iii Limiting the correlated colour temperature to lamps of 3000 Kelvin or less.**

The Qualifying Body advise that the text of Policy EN3a) was drafted and recommended by the second health check examiner.

The Qualifying Body consider that the technical requirements in Clauses ii. and iii, of Policy EN3a) are proportionate and relevant to the Local Gap. They are evidenced and justified in the publication 'Towards a Dark Sky Standard a lighting guide to protect dark skies from local need to landscape impact' v1.1. (UK Dark Skies Partnership) This document is available from:

<https://darksky.uk/towards-a-dark-sky-standard-by-dan-oakley/>

The Qualifying Body would support an amendment to the supporting text of Policy EN3a explaining that the technical requirements of the policy are based on this document (and its successor documents). This amendment would also define and explain the technical terms 'initial lumens', 'adaptive controls', and 'correlated colour temperature'.

In the event that it was determined that the technical details of the Policy text were unduly detailed and likely to be overtaken by changes in lighting technology, the Qualifying Body would support amended policy text for Policy EN3a) in which the technical details were removed as follows:

Policy EN3a) Protecting Dark Skies and Reduce Light Pollution

Within the area defined on Map N1 proposals for development will be supported where:

1 it is demonstrated that, if where external lighting is required, it protects the night sky from light pollution; and through:

~~(i) The number, design, specification and position of lamps;~~

~~(ii) Full shielding (at the horizontal and above) of any lighting fixture exceeding 500 initial lumens and evidence of limited impact of unshielded lighting through use of adaptive controls;~~

~~(iii) Limiting the correlated colour temperature of lamps to 3000 Kelvin or less.~~

2. Light pollution caused by new development It does not compromise the dark skies (through light pollution) in the views and vistas identified in policy EN4.

In the event that this suggested amended policy text were to be recommended, the Qualifying Body advise that it would be necessary to amend the supporting text for the policy to provide an indication of how the requirements of Clause 1 are to be fulfilled with regard to the number of and positioning of lights, use of shielding for brighter lights, use of adaptive controls and avoiding brighter bluish light. Reference could also be made to the document cited above.

Policy: ED1 Business

19. Question to NTC.

How would the policy of prioritising brownfield development work in practice (See TDC point 99)?

Qualifying Body response:

The Qualifying Body notes that the policy text states:

POLICY: ED1 BUSINESS

1. Within development boundaries economic development will be supported with preference given to brownfield sites.

The Qualifying Body note that the Torridge District Council Brownfield Land Register identifies two relatively small brownfield sites within the NNP area at Buckleigh Service Reservoir, Bay View Road, Northam; and Atlantic Way, Westward Ho!

Given the current limited size and number of brownfield sites in the NNP area and given that the text refers to 'preference' the Qualifying Body consider that the text may be somewhat aspirational and in practice business development proposals within settlement development boundaries will nearly always be for non-brownfield sites. For this reason, and after consultation with Torridge District Council the Qualifying Body would support a recommended amendment to the policy text of Policy ED1 to the effect that:

POLICY: ED1 BUSINESS

1. Within development boundaries economic development will be supported ~~with preference given to brownfield sites in the following order of preference:~~

i) On brownfield sites;

ii) Elsewhere within the development boundary if it has been clearly demonstrated that no brownfield site is appropriate.

The Qualifying Body consider that such an amendment would be consistent with NPPF 125 a) and reflect the identified local need to secure economic development and regeneration within settlement development boundaries. Regardless of any amendment recommended to the policy text of Policy ED1, the Qualifying Body would support a recommended amendment to the supporting text of Policy ED1 stating that the brownfield sites referenced in the policy text of ED1 are those sites listed on Torridge District Council Brownfield Land Register.

20. Question to NTC.

What is meant by the “local economy” in Policy ED1 Clause 2?

Qualifying Body response:

Policy ED1 Clause 2 states:

2. Outside development boundaries and the Appledore Maritime Employment Zone, small-scale proposals for business enterprises that require a rural location will be supported providing that: an economic need is demonstrated which benefits the local economy, and which cannot reasonably be met within development boundaries.

The Qualifying Body advise that the term ‘local economy’ is repeatedly used in the NDTLP. In the context of Policy ED1 Business, the term refers to the entire range of economic activities and opportunities within the NNP area. This ‘local economy’ provides goods, services or employment that directly benefit or meet the needs of residents or visitors to the NNP area (although some businesses also operate over a wider area).

The Qualifying Body note that the requirement for rural development to benefit the local economy is considered to be locally focussed, in general conformity with NDTLP strategic policies, and consistent with NDTLP Policy DM14 Rural Economy and its related development management policies.

Notwithstanding these comments, the Qualifying Body in consultation with Torridge District Council acknowledge the difficulties in establishing a definition of the phrase

‘benefits the local economy’ that would be useful in implementing Policy ED1.2, and wish to advise that they would support a recommendation to delete the text ‘benefits the local economy’. The amended policy text of ED1.2 would therefore read:

2. Outside development boundaries and the Appledore Maritime Employment Zone, small-scale proposals for business enterprises that require a rural location will be supported providing that: an economic need is demonstrated ~~which benefits the local economy, and~~ which cannot reasonably be met within development boundaries.

Policy: ED2 Tourism Attraction and Accommodation

21. Question to NTC.

Does the use of the word “extension” in Policy ED2 Clauses 2 and 3 also mean expansion (See TDC points 108 and 109)?

Qualifying Body response:

Policy ED2 Tourism Attractions and Accommodation states:

POLICY: ED2 TOURISM ATTRACTIONS AND ACCOMMODATION.

1. Within the defined settlement development boundaries, proposals for sustainable tourism attractions, leisure developments, a diverse range of new tourist accommodation, and associated tourism facilities and services will be supported where they do not detract from the character of the area or affect protected landscapes, residential amenity, environmental or heritage assets.

2. Within the area defined on Map N1 only proposals which provide for extensions to existing tourism attractions or tourism accommodation will be supported provided that:

- i they cannot reasonably be located outside the area defined on Map N1; and**
- ii in the case of tourism accommodation, they are for the reuse or conversion of existing buildings; and**
- iii proposals comply with NDAT Local Plan policy DM17.**

3. Outside the defined settlement development boundaries and the area defined on Map N1, only proposals which provide for extensions to existing tourism attractions or tourism accommodation will be supported provided that:

- i they cannot reasonably be located within settlement development boundaries; and**
- ii proposals comply with NDAT Local Plan policies DM17 and DM18.**

The Qualifying Body note the question implies some lack of clarity relating to the use of the word ‘extension’ rather than ‘expansion’ in the Policy text.

Clause 2: The Qualifying Body advise that Clause 2 the policy deals with proposals for tourism development in the Local Gap. Accordingly, Clause 2 is intended to be in general conformity with NDTLP strategic policy ST09 in respect of tourism development within the undeveloped coast. It is noted that proposals will also be expected to meet the requirements set out in NNP policies EN2 and EN3 and NDTLP strategic spatial policy NOR h.

The Qualifying Body consider that subject to the above policies, Policy ED2 Clause 2 supports proposals for the small-scale expansion, upgrading and rationalisation of existing tourism attractions. However, in conformity with NDTLP Policy ST09 and the in recognition of the sensitivity of the Local Gap, Policy ED2 clause 2 does not support new-build tourism accommodation within the Local Gap. The Qualifying Body advises however that the re-use or conversion of existing buildings may involve some enlargement of their footprint provided the relevant criteria of EN2 and EN3 are met. Sub-clause iii is intended to set additional requirements to development proposals that are considered to satisfy sub-clauses i and ii.

For these reasons and to address lack of clarity caused by the word ‘extension’, the Qualifying Body would support an amended Policy text for ED2 Clause 2 as follows:

POLICY: ED2 TOURISM ATTRACTIONS AND ACCOMMODATION

2. Within the area defined on Map N1 only proposals which provide for ~~extensions to expansion of~~ existing tourism attractions or tourism accommodation will be supported provided that:

- i they cannot reasonably be located outside the area defined on Map N1; and**
- ii in the case of tourism accommodation, they are for the reuse or conversion of existing buildings; and**
- iii proposals comply with NDAT Local Plan policy DM17.**

If this amendment were to be recommended it would be necessary to clarify supporting paragraph 9.17 as follows:

‘9.17 In the area between settlements shaded green on Map N1, Policy ED2 is consistent with and is intended to work alongside policies EN2, EN3, and EN3a) in supporting proposals for the small-scale expansion, or the rationalisation of existing tourism attractions provided they comply with these policies and NDAT Local Plan Policy ST09. Policy ED2 does not support new-build tourism accommodation development in the area between settlements because neither the Northam Neighbourhood Plan nor the NDAT Local Plan (at paragraph 4.53) regards this area as a sustainable location for such development.’

The Qualifying Body advise that they would support a recommendation for the definition of ‘small-scale’ used in the NDTLP Glossary to be added to the Glossary of the Plan.

Clause 3: Policy ED2 Clause 3 relates to the rural area outside the Local Gap and the settlement development boundaries. Although this area is relatively limited in extent and considered to be of significant landscape sensitivity, it is less sensitive to the impact of tourism development than the Local Gap. For this reason, whilst any large-scale new tourism development is unlikely to be supported, proposals for small-scale tourism development that respects the rural character of the area are likely to be supported. Such proposals would also need to be subject to the requirements set by NDTLP policies DM17 and DM18 for tourism development in the open countryside.

For these reasons and to ensure that the Plan is not more restrictive of tourism development in this area than the NDTLP would allow, the Qualifying Body would support a recommended amendment of Clause 3 of Policy ED2 that states:

POLICY: ED2 TOURISM ATTRACTIONS AND ACCOMMODATION.

- 3. Outside the defined settlement development boundaries and the area defined on Map N1, only proposals ~~which provide for extensions to existing~~ for small-scale tourism attractions or tourism accommodation that respect the rural character of the area will be supported provided that:**
- i they cannot reasonably be located within settlement development boundaries; and**
 - ii proposals comply with NDAT Local Plan policies DM17 and DM18.**

Policy: ED3 Appledore Maritime Employment Zone

22. a) Question to NTC.

a) Is the intention of the policy to restrict new development in the Appledore Maritime Employment Zone to maritime based industries?

And, if the response is 'Yes':

b) Question to TDC.

Would such a restriction generally conform with the strategic policies of the NDTLP?

Qualifying Body response:

Policy ED3 states:

POLICY: ED3 APPLIEDORE MARITIME EMPLOYMENT ZONE

1. Proposals for the redevelopment of any part of the zone identified on Map N6 for non-employment uses will not be supported unless such proposals meet all the requirements of policy DM13 of the NDAT Local Plan.

2. Within the zone employment development related to maritime industries will be supported, subject to the following being met:

- i the design, massing and materials used on any building does not harm the setting of Tapeley Park, or the character of the Undeveloped Coast; and**
- ii any development proposal must include traffic and transport assessments, detailing measures to mitigate the impact of the development on the highway network.**

The Qualifying Body notes that the intention of Policy ED3 is not to prohibit non-maritime economic development but to support, encourage and give substantial weight to proposals for maritime-related development within the Appledore Maritime Employment Zone area to make use of and enhance the existing maritime infrastructure; and this Policy has regard to Policy SW-PS-1 of the South West Inshore Maritime Plan.

As stated in the policy text of Clause 2, the sub-clauses in Clause 2 relate to the maritime-related economic development proposals that the policy is encouraging.

To address the question, the Qualifying Body would support a recommended amendment of Clause 1 of Policy ED3 as follows:

POLICY ED3 APPLEDORE MARITIME EMPLOYMENT ZONE

1. Proposals for the redevelopment of sites currently or previously used for employment in any part of the zone identified on Map N6 for non-employment uses will not be supported unless such proposals meet all the requirements of policy DM13 of the NDAT Local Plan.

The Qualifying Body would also support a recommendation to amend the supporting text of Policy ED3 to state that the Policy applies to commercial sites within the zone identified on Map N6.

In addition, The Qualifying Body wish to advise that, following consultation with Torridge District Council, they would support a recommendation to amend ED3.2 as follows:

2. Within the zone employment development ~~related to maritime industries~~ will be supported particularly where it requires a coastal location, subject to the following being met:

- i the design, massing and materials used on any building does not harm the setting of Tapeley Park, or the character of the Undeveloped Coast; and**
- ii any development proposal must include traffic and transport assessments, detailing measures to mitigate the impact of the development on the highway network.**

b) Question to TDC.

Would such a restriction generally conform with the strategic policies of the NDTLP?

Qualifying Body response:

The Qualifying Body note that the question is not directed at them but would advise that the general conformity of NNP policies with the strategic policies of the NDTLP is set out in the Basic Conditions Statement that accompanies the Plan. They also wish to advise that although the NDTLP does not have a site-specific strategic policy for the Appledore Maritime Employment Zone, Policy ED3 is in general conformity with strategic Policy NOR d) which states:

(d) employment will be supported by safeguarding and developing upon important economic resources, significantly in relation to Appledore Shipyard, port facilities and tourism assets;

In addition, the Qualifying Body would advise that the introductory supporting text for Policy NOR states:

‘10.351 Appledore will provide a continuing focus for maritime based industries and activities. Related employment and leisure development will be supported and encouraged through the safeguarding of existing assets and facilitating the intensification of use on underused sites that contribute to the areas estuary portage requirements.’

end