

Northam Qualifying Body Regulation 16 Consultation Response

As the qualifying body for the Northam Neighbourhood Development Plan, Northam Qualifying Body wish to make a response to the comments submitted to the Regulation 16 (Examination) Consultation. In this document Northam Qualifying Body will be hereinafter referred to as ‘the Qualifying Body’.

It is not the Qualifying Body’s intention to respond to all 119 comments submitted during the Consultation. However the Qualifying Body considers that it may be helpful to offer a factual evidential context to certain comments and provide clear answers where certain comments have raised questions relating to aspects of the Plan.

The Qualifying Body is willing to provide any further information as and when required. This response document is issued without prejudice to any decision that the Qualifying Body may make in response to the independent examiner’s final report.

ABBREVIATIONS USED IN THIS DOCUMENT

NDTLP – North Devon and Torridge Local Plan 2018-2031

NTC – Northam Town Council (‘the Qualifying Body’)

NNP – Northam Neighbourhood Development Plan

TDC/‘the District Council’ – Torridge District Council

1 CONTEXT TO NNP CONSULTATIONS AND COMMUNITY ENGAGEMENT

As stated in the NNP Consultation Statement and the NNP Record of Community Engagement there have been three formal public consultations for the NNP.

PUBLIC CONSULTATION	DATES
Initial (Non-statutory) Consultation	March – April 2019
Regulation 14 (Pre-submission) Consultation	6/1/23 – 17/2/23
Regulation 16 (Examination) Consultation	13/8/25 – 26/9/25

The Qualifying Body is grateful to Torridge District Council for their detailed advice and information provided in their successive comments of the Plan from 2018 onwards. These comments are detailed in the NNP Consultation Statement and the NNP Record of Community Engagement. All comments were given careful consideration as noted in both of these documents.

TDC COMMENTS ON NNP	DATES
First Comment	26/11/18 – meeting followed by written comments.
Second Comment	Meeting followed by written comments in June 2022.
Third Comment as part of Regulation 14 (Pre-submission) Consultation	6/1/23 – 17/2/23
Fourth Comment as part of Regulation 16 (Examination) Consultation	13/8/25 – 26/9/25

Also as stated in the NNP Consultation Statement and the NNP Record of Community Engagement, there have been two health checks of the NNP, both conducted by qualified independent examiners.

INDEPENDENT HEALTH CHECKS OF NNP	DATES
First health check commissioned by TDC as part of Regulation 14 (Pre-submission) Consultation	6/1/23 – 17/2/23
Second health check commissioned by NTC prior to submission of NNP to TDC,	November 2024 to January 2025

The Regulation 16 Consultation took place between 13th August and 26th September 2025. On 28th October 2025 TDC informed NTC that all comments had been posted on the TDC Online Consultation Portal. The Regulation 16 Consultation resulted in a total of 119 comments. There were 114 comments from members of the public and 5 comments from statutory bodies. The NNP Consultation Statement and the NNP Record of Community Engagement were updated to include details of the Regulation 16 Consultation in November 2025.

2 THE QUALIFYING BODY RESPONSE TO REGULATION 16 CONSULTATION COMMENTS BY MEMBERS OF THE PUBLIC

The Qualifying Body is grateful to the members of the public who submitted comments to the Regulation 16 Consultation. All 114 of these comments are reproduced in Appendix 5 of the Consultation Statement.

Whilst all the comments by members of the public will be considered during the examination, the Qualifying Body would welcome the views of the examiner on including in the Plan the following suggested amendments made by consultee Nor102.

For clarity all comments are in boxed text with suggested amendments to the NNP are set out in **bold text**.

Section or Policy / Paragraph	Suggested amendment	Reason for suggested amendment:
Contents page	Add Glossary to Contents	To assist usability of NNP.
Policy EN3: Protecting Rural Character para 8.22	Amend text of para 8.22 to clarify definition of ‘undeveloped coast’ as follows: “Undeveloped Coast is the land within this zone with a predominately undeveloped character situated outside the Developed Coast as defined in the Glossary.”	To ensure supporting text clearly defines the ‘undeveloped coast’.
HE1: Conservation of Heritage Assets	Clarify whether Criterion 2 of policy refers to harm done to heritage asset prior to any decision on its future or because of any decision on its future. Suggest amending text as follows: “2. Where a heritage asset listed in the NPLLIHA shows signs of neglect or deliberate damage, the existing harm done to the asset will be accorded no weight in any decision on its future.”	To ensure clarity in the policy text of Policy HE1. The Qualifying Body advise that the consultee is correct in assuming that criterion 2 refers to harm done to a heritage asset <i>prior</i> to any decision on its future
Glossary	Define ‘rural settlements’ as follows: “Rural Settlements - A small, closely grouped cluster of housing that contains at least one identified local service or community facility.”	To aid clarity and ease of usage of NNP.

3 NORTHAM QUALIFYING BODY RESPONSE TO REGULATION 16 CONSULTATION COMMENTS BY STATUTORY BODIES

Five statutory bodies submitted comments to the Regulation 16 Consultation. The Qualifying Body wish to submit responses to certain of the points raised by two of these statutory consultees: Devon County Council and Torridge District Council.

3.1 QUALIFYING BODY RESPONSE TO COMMENT BY DEVON COUNTY COUNCIL (NOR119)

For clarity the comment is in boxed text with the suggested amendment to the NNP are set out in **bold text**.

Consultee nor119 - Devon County Council
Devon's Mineral Plan was adopted in February 2017 and forms part of the development plan in the County, including Torridge. The Mineral Plan, among other things, seeks to safeguard mineral resources and infrastructure from other forms of development. In order to achieve this, the Plan has adopted mineral consultation and safeguarding areas, which seeks to protect several areas of mineral resources and infrastructure including Appledore Wharf. The Northam Neighbourhood Plan makes no mention to the Devon Minerals Plan, or the mineral wharves. Policy ED3 (Appledore Dock Maritime Employment Zone) of the Northam Neighbourhood Plan aims to support economic maritime-related development within the Appledore Maritime Employment Zone, and seeks to ensure proposals meet the requirements of policy DM13 of the North Devon and Torridge Local Plan. This maritime zone extends to include the two mineral safeguarding areas in Appledore.
Suggested amendment: Therefore, the County Council in its role as mineral planning authority (MPA) and in accordance with Policy M2 of the Devon Minerals Plan, would request that any supporting text directs any potential developers to the MSA and Policy M2, and that the MPA would welcome any discussions with anyone looking to develop land within the MSA.

Qualifying Body reply: The Qualifying Body notes that part of the proposed Appledore Maritime Employment Zone covered by NNP Policy ED3 includes sites identified by the Devon Minerals Plan Policy M2: Mineral Safeguarding Areas in this case relating to minerals infrastructure and transportation. The Qualifying Body considers that Policy ED3 is not inconsistent with Policy M2 and is to some extent complementary in that the transportation site in question enables maritime transportation of minerals.

The Qualifying Body would welcome the examiner's views on including the suggested amendment in the supporting text of Policy ED3.

3.2 COMMENT BY TORRIDGE DISTRICT COUNCIL (CONSULTEE NOR101)

For clarity the comment is in boxed text with the suggested amendment to the NNP are set out in **bold text**.

QUALIFYING BODY GENERAL RESPONSE TO COMMENT NOR101

The Qualifying Body is grateful to Torridge District Council for its detailed comment (NOR101) submitted to the Regulation 16 Consultation.

It is noted that the text of Comment Nor101 consists of 116 numbered points, which in the interests of clarity the Qualifying Body characterises as containing ‘observations’ and/or ‘suggested amendments’.

‘Observations’ are statements or views relating to the content of the Plan and ‘suggested amendments’ propose alterations to certain aspects of the Plan, the text of it policies or supporting paragraphs. Some suggested amendments are quite specific and others are less so.

The Qualifying Body is aware that the examiner will consider all the points raised and therefore will not respond to all of them in this document. The Qualifying Body is also aware that on 11/11/25 the examiner asked a series of preliminary questions, some of which relate to Points in Comment Nor101. These points are accordingly noted but not responded to in this document.

Abbreviations used in District Council comment document (Nor101)

NDTLP – North Devon and Torridge Local Plan 2011-2031

NP – Neighbourhood Plan

NPPF – National Planning Policy Framework

POINT 2. PARAGRAPH / POLICY NUMBERING
Suggested amendment: The Council suggests that the document would be more useable if related policies were placed in a more sequential order. For example, where EN4 is followed by HE1, which is then followed by EN5: these could be grouped together into an appropriate section: EN1, EN2, E3, EN4, EN5, and HE1, HE2. Also, TR1, TR2, and TR3 are located at the end of different chapters, and it is suggested that it would be easier for users of the document to have these policies grouped together within the document.
Reason: For ease of use of document

Qualifying Body reply: The Qualifying Body note that this suggested amendment is one of several in Comment Nor101 that proposes changes to the order that policies appear in the NNP main text. In its June 2022 review of the NNP TDC stated:

Consider across the Neighbourhood Plan the potential for bringing together policy areas where there are common themes – such as transport and parking.

In 2022 the Qualifying Body considered this suggestion and arranged policies in sections based on themes. In the case of heritage policies it was considered that the objective of Policy HE1 was related to the achievement of sustainable development in environmental terms as defined by NPPF 8 c). HE1 was therefore added to the Environment and Heritage section.

Policy HE2 is referenced as an HE policy because the site in question is a grade II* listed heritage asset and development is subject to significant heritage constraints. It was nevertheless added to the Economic Development section because the policy relates primary to economic development. Although each of the Transport-related policies are given a TR reference, each policy is considered to relate to a different aspect of transport and is designed to work with and complement the policies of the section to which it has been assigned in the Plan.

On the recommendation of the second health check examiner, in January 2025 the Housing section was sub-divided into residential and non-residential development.

The Qualifying Body would note that over the course of three public consultations and two health checks, the District Council is the only consultee ever to comment on the order of the policies in the Plan.

The Qualifying Body wish to advise that any significant re-arrangement of policies would require a complete re-design of the NNP document and impose significant costs and delays to the Plan.

POINT 4. GENERAL
Observation: The Council questions whether “development boundaries” within proposed policy ED1 are intended to be the same as “defined settlement development boundaries” within proposed policy ED2.
Suggested amendment: If these are referring to the same boundary, it is recommended to use consistent terms throughout the document to prevent confusion to users.
Reason: For clarification and to support practical implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body would welcome the examiner’s views on adopting this suggested amendment.

POINTS 5-17 RELATING TO POLICY CF1: COMMUNITY FACILITIES

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy CF1: Community Facilities was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

The Qualifying Body note that policies relating to protection of Community Facilities are found fairly frequently in neighbourhood plans, for example the Qualifying Body notes policies in the Great Torrington and Georgeham Neighbourhood Plans that met basic conditions in relation to the Local Plan.

The Qualifying Body further note that Policy CF1 and its predecessors have been strongly supported in successive public consultations

POINT 7 RELATING TO THE DEFINITION OF 'COMMUNITY VALUE' IN POLICY CF1

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINT 8 RELATING TO WHETHER POLICY CF1 APPLIES TO ALL DEVELOPMENT PROPOSALS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 11 and 15 RELATING TO POSSIBLE OVERLAP WITH NDTLP POLICIES DM10 and ST22

Qualifying Body reply: With regard to any possible overlap with NDTLP policies DM10 and ST22, the Qualifying Body notes that NNP Policy CF1 additionally offers local focus and detail to these policies: it lists community facilities in Northam Parish and designates them as community hubs.

The Qualifying Body considers that the inclusion Policy CF1 in the Plan will enable them to assess and review the provision of community facilities in the NNP area as part of the on-going review of the NNP as set out in Section 10 of the Plan.

POINT 17. CF1 COMMUNITY FACILITIES
Suggested amendment: The Council questions whether policy CF1 and EN1 could be combined for ease of use and implementation.
Reason: To support practical implementation

Qualifying Body reply: The Qualifying Body does not consider that there is a significant overlap either in policy terms or geographical sites between the community facilities listed in policy CF1 and Policy EN1. The Qualifying Body is unaware of any other adopted neighbourhood plan in which the policies relating to community facilities and proposed LGS sites are combined.

POINTS 18 to 24 RELATING TO POLICY HO1: SIZE OF DWELLINGS

QUALIFYING BODY GENERAL RESPONSE:

The policy text of HO1 was slightly amended on the recommendation of the first health check examiner and this text was accepted without further amendment by the second health check examiner. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

The Qualifying Body note that Policy HO1 and its predecessors have been supported in successive public consultations.

The Qualifying Body advises that the inclusion Policy HO1 in the Plan will enable the Qualifying Body to assess and review provision of dwellings of a size and type that reflect on-going local need as part of the review process of the NNP as set out in Section 10 of the Plan.

IMPLEMENTATION OF POLICY HO1:

With regard to the implementation of Policy HO1, the Qualifying Body advises that, as stated in the supporting text, the Policy supports the provision of dwellings of a size and type that reflects proven local needs. However, it is not the intention of the Policy to restrict residential development to these types of dwelling and neither the policy text nor the supporting text states or suggests any intention to refuse all proposals for larger dwellings.

EVIDENTIAL BASE OF POLICY HO1

With regard to the evidential base of Policy HO1, the Qualifying Body advises that it undertook a Housing Needs Survey for the NNP area in 2017, which is submitted as an evidence base document. In addition as advised by the District Council in their Review of the NNP in 2023, Appendix 2 of the Plan cites a wider range of more recent data including the 2021 Census; the Report of the Devon Housing Commission; Devon Home Choice reports. As stated in Para 7.3 of the Plan, this evidence demonstrates a need for increased provision of one and two-bedroom dwellings in the NNP area.

The Qualifying Body notes the District Council's concerns that the evidential base of Policy HO1 unduly under-estimates demand for three-bedroom dwellings in the NNP area. The Qualifying Body considers that given the wide range of other evidential sources consulted and cited in Appendix 2 of the NNP, the Devon Home Choice data does not unduly constrain the evidential basis on the Policy.

The Qualifying Body further notes that in their 2023 Review of the NNP as part of the Regulation 15 Public Consultation, the District Council recommended citing the Housing and Economic Needs Assessment (May 2016). Accordingly the Qualifying Body consulted this document. It is not cited in the NNP because although it is admirably detailed it is now nine years old and its data mainly relates to the whole of North Devon and Torridge with no specific data for the NNP area. Nonetheless the Qualifying Body has no objection to discussing this data in Appendix 2 or in the supporting text of Policy HO1 if it is considered necessary to do so.

POINT 20. CONFORMITY TO NDTLP POLICY ST17:

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINT 20. ESTABLISHMENT OF LOCAL NEED FOR ACCESSIBLE AND ADAPTABLE DWELLINGS:

Qualifying Body reply: The Qualifying Body notes the observation in the first paragraph of Point 20 and contends that the evidential basis of Policy HO1 is robust enough to demonstrate an identified need for accessible and adaptable dwellings.

POINT 23. POLICY HO1: IMPACT OF CLAUSE 1 and 2 ON VIABILITY OF DEVELOPMENTS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 25 to 32 RELATING TO HO2: NEW AFFORDABLE HOUSING QUALIFYING BODY GENERAL RESPONSE

Policy HO2: New Affordable Housing was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 26. HO2: NEW AFFORDABLE HOUSING
Suggested amendment: The Council recommends capitalising 'affordable housing' so that it is clear whether the term relates to the relevant definition in the glossary of the proposed neighbourhood plan.
Reason: For clarification and to support practical implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body notes that the capitalisation of glossary terms is not standard practice in neighbourhood plans and, if this suggested amendment were accepted, it would have to be applied to all glossary terms used in the NNP.

POINTS 27 and 28 RELATING TO HO2: NEW AFFORDABLE HOUSING

Qualifying Body reply: The Qualifying Body notes that Point 27 proposes that a definition is offered for 'in-fill plots'. The Qualifying Body does not object to this suggested amendment and considers that it could be supplied as a glossary definition. However the Qualifying Body further notes that Point 28 proposes an amendment to Clause 1 of Policy HO1, which would render a definition of infill-plots superfluous.

POINT 29. HO2: NEW AFFORDABLE HOUSING WITH REGARD TO VACANT BUILDING CREDIT

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINT 30. HO2: CLAUSE 2 DEFINITION OF 'EXPECTED STANDARD OF ACCOMMODATION'

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINT 31. HO2: NEW AFFORDABLE HOUSING
Observation: Having regard to the supporting text (para 7.15) HO2 Clause 3 would appear to be superfluous, given that it simply requires adherence with policy ST18 of the NDTLP. However, the clause omits key considerations such as site character, context and the potential implications of development viability – making the policy potentially out of conformity with national planning policy.
Reason: For conformity with national planning policy. For compliance with paragraph 16f of the NPPF.

Qualifying Body reply: The assessment of local need referenced in Policy HO2 Clause 3 relates to identified and evidenced neighbourhood need in the NNP area rather than the Torridge District as a whole. Policy HO2 is intended to support and conform to NDTLP Policy ST18 and not replace it, therefore it expected that the additional considerations noted in ST18 would still apply. The Qualifying Body would welcome the examiner's views on amending the supporting text to include this information.

#POINT 32. POLICY HO2 CLAUSE 3 DEFINITION OF 'LOW COST HOME OWNERSHIP OPPORTUNITIES'

The Qualifying Body notes that this point is the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 33 to 35 RELATING TO HO3: RESIDENTIAL DESIGN AND AMENITY

QUALIFYING BODY GENERAL RESPONSE:

The policy text of HO3 Residential Design and Amenity was accepted without further recommended amendment by the second health check examiner. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 33. THE APPLICABILITY OF CLAUSE 1 i) OF THE POLICY

Qualifying Body reply: The Qualifying Body notes Point 33 regarding possible problems in implementing Policy HO3. The Qualifying Body advises that the second health check stated:

There will be types of accommodation where private amenity space may not be appropriate however I consider that the wording of clause i is not overly restrictive as it does include the qualifying statement "meeting the needs of the occupants".

POINT 33. HO3: RESIDENTIAL DESIGN AND AMENITY

Suggested amendment: the Council would suggest the policy should have regard to adequate access to pre-existing capacity.
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Qualifying Body reply: The Qualifying Body advises that the requirement to provide public amenity space in Clause 1 i) was intended to apply to developments of sufficient size for such provision to be necessary. Para 7.20 of the policy however refers to development proposals by private householders. It may be necessary to clarify the intention of the policy in each case and would welcome the examiner's views on the inclusion of the District Council's suggested amendment.

POINTS 36 to 38 RELATING TO TR1: RESIDENTIAL PARKING PROVISION

QUALIFYING BODY GENERAL RESPONSE:

Policy TR1: Residential Parking Provision was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 36. THE APPLICABILITY OF POLICY TR1:

Qualifying Body reply: with regard to Point 36 Qualifying Body does not consider that Policy TR1 infers that residential development will only be supported if it provides off-street parking. The Qualifying Body notes that Point 36 appears to assume that the provision of bus services will remain at present levels for the lifetime of the Plan and that bus travel is appropriate or possible for all householders.

POINT 36. WHETHER THE PARKING PROVISION STANDARDS OF POLICY TR1 CLAUSE 2 SHOULD BE MAXIMUM REQUIREMENTS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 39 to 32 RELATING TO DE1: QUALITY OF DESIGN

QUALIFYING BODY GENERAL RESPONSE:

Policy DE1: Quality of Design was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective.

POINT 42. DE1: QUALITY OF DESIGN EVIDENCE FOR THE REQUIREMENT OF ZERO CARBON DWELLINGS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 43 and 44: QUALITY OF DESIGN DEFINITIONS OF 'TRADITIONAL MATERIALS AND 'LOW ECOLOGICAL IMPACT MATERIALS'

The Qualifying Body notes that Points 43 and 44 are also the subjects of a preliminary question by the examiner. They will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

Points 44, 45 and 48 DE1: QUALITY OF DESIGN

Qualifying Body reply: With reference to the suggested amendments:

Point 44 with reference to DE1 clause 1 v)

Point 45 with reference to DE1 clause 1 vii)

Point 48 with reference to DE1 clause 3

The Qualifying Body would welcome the examiner's views on the inclusion of these suggested amendments.

POINTS 49 to 51 RELATING TO DE2: RENEWABLE ENERGY

QUALIFYING BODY GENERAL RESPONSE:

The policy text for Policy DE2 Renewable Energy was formerly Clause 1 of Policy HO5: Energy Conservation and Carbon Reduction in the Pre-submission Consultation edition of the NNP. This policy text was used for the present Policy on the recommendation of the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant

with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 51. DE2: RENEWABLE ENERGY
Suggested amendment: The Council recommends correcting, or deleting if necessary (as it does not seem to relate to clauses 1 or 2), the reference to ‘clause 3’ in paragraph 7.38.
Reason: For clarity. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body would welcome the examiner’s views on the inclusion of this suggested amendment.

POINTS 52 to 32 RELATING TO EN1: LOCAL GREEN SPACES

QUALIFYING BODY GENERAL RESPONSE:

Policy EN1: Local Green Spaces was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

The Qualifying Body notes that the majority of neighbourhood plans designate proposed LGS sites and the NPPF guidelines for selecting and evidencing such sites are very clear. The Qualifying Body does not consider the policy text of Policy EN1 to be in any sense exceptional; nor given the population of the NNP area and the fact that it consists of three separate main settlements does the Qualifying Body consider the number of proposed LGS sites to be excessive. The Qualifying Body notes numerous adopted neighbourhood plans where there are a larger number of designated LGS sites per head of population.

POINT 55 (and 59) THE MAPPING OF THE PROPOSED LGS SITES AND SITES FOR POLICY EN1 (and EN1a)

The Qualifying Body notes that these points are also the subject of preliminary questions by the examiner. They will therefore be addressed in the Qualifying Body’s response to the examiner’s preliminary questions.

POINT 54. ENGAGEMENT WITH LGS LANDOWNERS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body’s response to the examiner’s preliminary questions.

POINT 55. EN1: LOCAL GREEN SPACES
Suggested amendment: The Council recommends defining ‘inappropriate development’ and ‘very special circumstances’ to help improve the implementation of the policy. This could be through glossary definitions and making use of the provisions set out in the National Planning Policy Framework.
Reason: For clarity and to support practical implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body would welcome the examiner’s views on including this suggested amendment.

POINT 57. THE INCLUSION OF THE VILLAGE GREEN, WESTWARD HO! AND TORS VIEW IN POLICY EN1: LOCAL GREEN SPACES

Qualifying Body reply: The Qualifying Body notes that Point 57 contain objections by the District Council to the proposed inclusion in Policy EN1 of two proposed LGS sites in their ownership.

The Qualifying Body notes that local residents have used both sites as amenity land for many years and both sites are demonstrably special to them. Westward Ho! Village Green has been the venue for numerous community events. Both sites were added to the draft LGS policy as a result of requests by local residents during the 2019 initial non-statutory consultation.

Appendix 3 of the Plan demonstrates that both sites meet all the requirements for LGS designation set out in the NPPF. The comments by members of the public in both the Regulation 14 and the Regulation 16 Consultation strongly support Policy EN1 and no member of the public or business objected to the inclusion of the two sites in the Regulation 14 or Regulation 16 Public Consultations.

The Qualifying Body considers that any intention by the District Council to develop these two sites and any objection to the designation as LGS is extremely recent for the following reasons:

- 1) Neither site was considered for potential development in the SHLAA process that informed the present NDTLP; nor are they assessed in the current North Devon and Torridge HELAA.
- 2) As stated above, the two sites have been proposed for designation as LGS since 2019. The District Council reviewed Policy EN1 or its predecessor policies in 2022 and again in 2023 as part of the Regulation 14 Consultation but at no time made any objection to the proposed designation of the two sites as LGS nor did they make any mention of development proposals that might affect the future of the two sites.
- 3) Prior to the publication Comment Nor101 in September 2025 neither the Qualifying Body nor the elected members of the District Council for the NNP area were aware of any proposals or discussions whatsoever to develop the two sites.

The Qualifying Body further advises that with regard to the proposed LGS designation of the two sites

the Consultation letter to the District Council in December 2024 stated:

I would be grateful for your views on this by the 16th January 2025. If you could indicate whether you support or object to the area's inclusion, we would be grateful.

As stated in the Record of Community Engagement and the Consultation Statement, the District Council made no formal response to the proposed LGS designation of the two sites in response to the initial communication by the Town Council. The District Council did respond after a reminder was sent on 27.1.25, which explained the qualifying body's intention to designate all the proposed LGS sites in the ownership of the District Council if no formal response was made to the Consultation. On 3.2.25 the Estates Manager, on behalf of the District Council responded by email to the Qualifying Body as follows:

Colleagues and I have no objection for Humpty Dumpty Hill, Northam, and Hill cliff Garden Appledore to be promoted as Local Green Space in the Neighbourhood Plan.

We do need to have more time to consult and consider The Village Green and Land at Tors view Westward Ho. The Village Green site is a strategic asset Tors view may have development potential.

I look forward to discussing mutually beneficial opportunities with you face to face.

The Qualifying Body wish to advise that up to the present date the District Council has not contacted them to advise of any decision resulting from 'the time to consult and consider.'

The Qualifying Body is unclear what forms of development may be proposed for these sites, when proposals are expected to be brought forward, or how the proposed designation of the two sites as LGS might obstruct any plans the landowner may have.

POINT 58. ADDITIONAL COMPLEMENTARY INVESTMENT TO ACCOMPANY THE DESIGNATION OF LGS SITES

Qualifying Body reply: The Qualifying Body notes Point 58. The Qualifying Body wishes to advise that none of the proposed LGS sites are subject to development proposals and that there is no evidence that any one of these sites is developable. The Qualifying Body therefore considers that the proposed designation of these sites as LGS would not reduce the supply of potential housing and employment sites.

POINTS 59 to 61 RELATING TO EN1A: OPEN SPACE AND RECREATION

QUALIFYING BODY GENERAL RESPONSE:

Policy EN1A: Open Space and Recreation was drafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective.

POINT 60. THE INTENTION OF POLICY EN1A:

Qualifying Body reply: The Qualifying Body note Point 60 and consider that the intention of the Policy is set out in Para 8.11. As stated, the policy enables the Qualifying Body to identify and review robustly evidenced areas of open space and recreation where the provisions of NPPF 103 and 104 will apply. The Qualifying Body wish to advise that the sites in Policy EN1a) were proposed LGS sites in Policy EN1 and were moved to Policy EN1a) on the recommendation of the second health check because Policy EN1a) provided more appropriate protections for this type of site than LGS designation.

POINTS 62 to 32 RELATING TO EN2: PROTECTING THE IDENTITY OF SETTLEMENTS

QUALIFYING BODY GENERAL RESPONSE:

Policy EN2: Protecting the Identity of Settlements was drafted by the second health check examiner and accepted by the Qualifying Body in January 2025 with the proviso that it remained a separate policy to EN3: Protecting Rural Character. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective.

The Qualifying Body note that Policy EN2 and its predecessor policies have been strongly supported by the public in successive public consultations. This support is documented in the Record of Community Engagement and the Consultation Statement that accompanies the Plan.

WHETHER POLICY EN2 WOULD PREVENT ALL DEVELOPMENT IN THE AREA BETWEEN SETTLEMENTS

Qualifying Body reply: The Qualifying Body notes the views expressed in Point 63 and wishes to advise that Policy EN2 is designed to ensure that development does not compromise the integrity of the Local Gap between the settlement development boundary of Appledore and the partly-conjoined settlement development boundary of Northam and Westward Ho! that defines the separate identities of the settlements.

Accordingly Policy requires a proportionate assessment of the impact of proposals for a given site on the visual and physical separation of the settlement development boundaries, and the supporting text sets out a clear methodology by which proposals may be assessed. This assessment will take

into account factors such as precise location, size, form and prominence of the proposed development.

At no point therefore does the Policy prohibit all development in the Local Gap nor does it imply or encourage any 'literal' interpretation of its wording. This is because the policy is designed to conform to support NDTLP Policies NOR h), ST11 and ST09, none of which prohibit development in this area.

64. EN2: PROTECTING THE IDENTITY OF SETTLEMENTS
Suggested amendment: The Council recommends that reference is made to the map 'N1' which is considered to show the 'Local Gap'.
Reason: For clarity and to support implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body would welcome the examiner's views on including this suggested amendment.

65. EN2: PROTECTING THE IDENTITY OF SETTLEMENTS
Observation: The Council questions whether 'JLA Landscape guidelines' refers to the latest update of the North Devon and Torridge Joint Landscape Character Assessment 2023.
Suggested amendment: If so, clear reference to the document is recommended.
Reason: For clarity and to support implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The reference is indeed to the JLA Landscape Update document as detailed in Para 8.2. The Qualifying Body apologise for the error in this text and welcome the examiner's views on including the suggested amendment together with the suggested amendment in Point 66 to remove the bold formatting of this text.

POINT 67. EN2: PROTECTING THE IDENTITY OF SETTLEMENTS

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 68 to 72 RELATING TO EN3: PROTECTING RURAL CHARACTER

QUALIFYING BODY GENERAL RESPONSE:

Policy EN3: Protecting Rural Character was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

68. EN3: PROTECTING RURAL CHARACTER
Suggested amendment: The Council suggests that the policy wording should make reference to the “Local Gap” as a designation and by reference to this on the Policies Map rather than Map N1. The wording could potentially be amended along the lines of “Within the Local Gap, as defined on the Policies Map, development will be supported...”
CLAUSE v)
Suggested amendment: EN3 Clause v should similarly make reference to the Local Gap and Policies Map.
Reason: For clarity and to support implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body would not object to the inclusion of this suggested amendment were it to be recommended. The Qualifying Body would however consider it would be useful to retain Map N1 and explain in supporting text that the shaded area is the area between the settlement development boundary of Appledore and the partly conjoined settlement development boundary of Northam and Westward Ho! (As also denoted on the Policies Map of the NDTLP).

69. EN3: PROTECTING RURAL CHARACTER
Observation: Whilst the introduction of traditional earth banks or hedgerows as boundaries is likely to be appropriate and welcomed in many circumstances (EN3 Clause ii), this might not be the case for all development having regard to character and context.
Suggested amendment: Therefore, it might be pragmatic to add in an element of wording such as “where appropriate and practicable”. Failure to do so could result in inappropriate development which does not contribute to the achievement of well-designed places.
Reason: To support practical implementation and comply with national planning policy, including paragraph 135 of the NPPF.

Qualifying Body reply: The Qualifying Body consider if the suggested amendment were to be included, the supporting text would also need to be amended to clarify what was means by ‘appropriate and practicable’ in this context.

70. EN3: PROTECTING RURAL CHARACTER
CLAUSE iv)
Observation: In relation to clause iv of Policy EN3, depending upon the nature of the development, it may not generate a need for regular access to it and therefore alternative means of transport might not be necessary or appropriate. And equally, it may require specific forms of access – i.e. tractors, lorries, etc. that would negate the opportunity to provide such means of access.
Reason: To support practical implementation

Qualifying Body reply: The Qualifying Body advises that the area covered by Policy EN3 is characterised by a network of unlit narrow quiet lanes shared with walkers (residents and tourists), horse riders and cyclists and unsuitable for frequent or two way traffic. The intention of Clause iv is to protect the safety of people using the quiet lanes and to ensure that residents of proposed residential development with safe travel choices that do not depend on cars.

The Qualifying Body acknowledge that not all types and sizes of development proposal would require the same type and degree of access and that Clause iv is most appropriate for residential development. Accordingly the Qualifying Body would welcome the examiner's views on how to clarify this point.

POINT 71: POLICY EN2: PROTECTING THE IDENTITY OF SETTLEMENTS THE INCLUSION OF GREENWAY DRIVE AND APPLIEDORE SHIPYARD IN SHADED AREA IN MAP N1

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINTS 72 to 77 RELATING TO EN3A: PROTECTING DARK SKIES AND REDUCE LIGHT POLLUTION

QUALIFYING BODY GENERAL RESPONSE:

Policy EN3A was drafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

73. EN3A: PROTECTING DARK SKIES AND REDUCE LIGHT POLLUTION
Observation: Within the objective of proposed policy EN3a, there is reference to 'the gap', and it is questioned whether this is reference to the 'Local Gap'.
Suggested amendment: The Council recommends consistent use of terms.
Reason: For consistency, clarity and to support implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The objective does indeed refer to the Local Gap and the Qualifying Body would welcome the examiner's views on including this amendment.

LEVEL OF EVIDENCE AND SUPPORTING DETAIL REQUIRED FOR POLICY EN3A

Qualifying Body reply: The Qualifying Body note Points 75 and 75 and note that the level of detail in the Policy is considered necessary to enable its implementation. If the level of detail were considered excessive, would it not be excessive to supply additional detail and explanations as recommended in Point 75?

POINT 77. JUSTIFICATION OF TECHNICAL DETAILS IN POLICY EN3a ii) and iii)

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

77. EN3A: PROTECTING DARK SKIES AND REDUCE LIGHT POLLUTION
Observation: The Council questions how the provisions of EN3a Clause 2 and the impact of light pollution on the views and vistas subject to proposed policy EN4 is intended to be applied in practice. The Council questions how the impact be appraised. In terms of implementation, a decision maker would need to determine whether a view or vista would be 'compromised' by lighting proposed through a development, and the Council is not clear on how this would be achieved.
Reason: For clarity and to support implementation. For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The Qualifying Body notes that para 8.28 explains that when viewed from elevated viewpoints the impact of light spill can be disproportionate and create the impression of continuous development. The Qualifying Body therefore considers that such light spill could potentially compromise the views and vistas identified in Policy EN4.

POINTS 78 to 80 RELATING TO EN4: PROTECTING VALUED VIEWS

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy EN4: Protecting Valued Views was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

The Qualifying Body notes that Valued Views policies are not uncommon in neighbourhood plans and Policy EN4 and its predecessors has been strongly supported in successive public consultations.

POINT 79. EN4: PROTECTING VALUED VIEWS

Observation: The Council suggests that the policy test of ‘does not harm’ would potentially be too onerous and unreasonable. Any development is likely to have a likelihood of causing some level of harm to a vista or view, so fully avoiding any harm, as required by the proposed policy EN4, is likely to negate the opportunity for any development. This would appear to be disproportionate and not support the delivery of sustainable development. Rather, the impact should be capable of being considered as part of any planning balance. If so, should the policy rather be seeking to prevent any unacceptable or significant/ substantial level of harm. The Council questions upon what basis is harm intended to be measured by the decision maker and what evidence would be expected to support a planning proposal – is this about requiring a landscape and visual impact assessment (LVIA) with all proposals that would reside within the scope of any identified vista or view?

Suggested amendment: If so, the Council advises that this should potentially be explained within the supporting text to the policy.

Reason: To support practical implementation. For compliance with paragraph 16b of the NPPF.

Qualifying Body reply: The Qualifying Body advises that the provisions of Policy EN4 are set out with sufficient clarity in Clause 1, which states that development will be supported where it does not detract from the character and appearance of the landscape and does not harm the views set out in the Policy. This policy text is explained in Para 8.34. The word ‘harm’ here refers to a clearly discernible adverse impact on either the character or the aesthetic of the view. The character and aesthetic of each view is set out in Appendix 5 of the Plan.

The Qualifying Body would welcome the examiner’s views on any necessary additional clarification of the text.

POINT 80: THE LIMITS OF CERTAIN VALUED VIEWS

Qualifying Body reply: The Qualifying Body notes that Point 80 questions the limits applied to certain of the proposed valued views. The Qualifying Body advises that whilst in theory the viewing angle of certain valued views could be increased, the precise limits of each view are tightly and carefully delimited for the following reasons:

- 1) It was not considered appropriate for a valued view to include land or areas outside the boundaries of the NNP area;
- 2) Valued views should not include land that is protected by national designations; or is very unlikely to be subject to development proposals.
- 3) The proposed Valued Views include the most publically valued and sensitive aspects of the view from the viewpoint.

For example, in the case of the Bone Hill View (Valued View ii) the framing of the view enables the Policy to help conserve the view of the green ridge limiting and framing the built form of Northam to

the north thereby defining the rural edge of the settlement. It includes the view of the land to the east of Northam Burrows but it does not include the seashore, or Northam Burrows itself, as this is part of an AONB.

The Qualifying Body wish to advise in the case of Valued View iv that the vista from this viewpoint does not extend to the east owing to a high hedge bank.

The Qualifying Body notes that all valued views have been strongly supported by successive public consultations and there have been no comments by members of the public or businesses objecting the limits of valued views

The Qualifying Body advises that any amendment of a Valued View at this stage would require re-photographing and mapping of the View with consequent significant additional costs and delays to the Plan. At this stage it therefore may be more practical to delete views from the Plan.

POINTS 81 to 87 HE1: CONSERVATION OF HERITAGE ASSETS

QUALIFYING BODY GENERAL RESPONSE:

Policy HE1: Conservation of Heritage Assets was largely redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

82. HE1: CONSERVATION OF HERITAGE ASSETS
Observation: The Council is not clear on how often the Northam Parish List of Locally Important Heritage Assets (NPLLIHA) will be updated and where it will be stored and accessed from.
Suggested amendment: Would suggest that the NPLLIHA might be better provided as a separate document that is referenced and signposted to in the neighbourhood plan and subject to some appropriate formal review and sign off process by the Qualifying Body. This would ensure that any user of the neighbourhood plan is always going to look at the most up-to-date version of the list. Otherwise the version provided in the Appendix to the neighbourhood plan may be swiftly rendered out-of-date (sic) or it becomes necessary to formally update the neighbourhood plan in order to revise the NPLLIHA.
Reason: For consistency of implementation

Qualifying Body reply: The Qualifying Body advises that it is indeed intending to issue the NPLLIHA as a separate document as the amendment suggests. It was considered that the separate document would be created if and when the List is amended as set out in Paras 8.45 and 10.3 of the NNP. This intention was not set out in the supporting text although the supporting text could be amended to include this intention if it were to be recommended.

83. HE1: CONSERVATION OF HERITAGE ASSETS
CLAUSE 4 ii)
The Council asserts, in relation to HE1 Clause 4:ii, that whilst vernacular design and materials will often be appropriate for development relating to heritage assets, there may be occasions whereby a more contemporary approach is appropriate, as explained in more detail by Historic England guidance.
Suggested amendment: The proposed policy should therefore be reworded to create some flexibility where appropriate in line with paragraph 210 of the NPPF.
Reason: For consistency with guidance and national policy. For compliance with paragraph 210 of the NPPF.

Qualifying Body reply: Policy HE1 clause 4 ii) does not prohibit proposals within the setting of a heritage asset that do not use a vernacular design or materials but does not offer support for such proposals. The Qualifying Body notes that Historic England guidance in relation to NPPF 210 c) emphasises the need for new development to make a positive contribution to local character and distinctiveness based on an understanding of existing local character and an appreciation of local materials. The Qualifying Body considers that HE1 clause 4 ii) is consistent with this advice and therefore has regard to NPPF 210 c).

84. HE1: CONSERVATION OF HERITAGE ASSETS
Suggested amendment: In relation to footnote 18 on page 43 of the proposed neighbourhood plan, the Council asserts that it <i>holds</i> a local heritage list rather than “is preparing”.
Reason: For accuracy and clarification.

Qualifying Body reply: The Qualifying Body would welcome the examiner’s views on including this suggested amendment.

85. HE1: CONSERVATION OF HERITAGE ASSETS
CLAUSE 1 and 3
Observation: There is concern that policies HE1 Clause 2 & HE Clause 3 do not add to the provisions of paragraph 209 of the NPPF.
Suggested amendment: The Council suggests that if “should” is changed to “must”, then the proposed policy would add to the provisions of the NPPF.
Reason: To support efficient implementation. For compliance with paragraph 209 of the NPPF.

Qualifying Body reply: The Qualifying Body note that the word ‘should’ does not appear in Clause 2 of HE1 and appears twice in Clause 3. The suggested amendment therefore relates to Clause 3. The Qualifying Body would welcome the examiner’s views on including these minor suggested amendments.

POINTS 86 and 87: SUGGESTED MINOR TEXTUAL AMENDMENTS TO SUPPORTING TEXT OF POLICY HE1

Qualifying Body reply: The Qualifying Body notes that Points 86 and 87 detail suggested minor textual amendment to paras 8.36 and 8.42 respectively. The Qualifying Body would welcome the examiner’s views on including these minor suggested amendments.

POINTS 88 to 93 RELATING TO EN5: PROTECTION OF GREEN CORRIDORS AND BIODIVERSITY ENHANCEMENTS

QUALIFYING BODY GENERAL RESPONSE:

Policy EN5: Protection of Green Corridors and Biodiversity Enhancements was partly redrafted by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

The Qualifying Body notes that there are successful examples of neighbourhood plan policies that seek to protect green corridors – for example in the Willand Neighbourhood Plan.

POINT 90. THE PROPOSED GREEN CORRIDORS

Qualifying Body reply: The Qualifying Body notes the District Council’s comments relating to the proposed green corridors in Point 90. The Qualifying Body considers that Clause i) of the Policy does not prevent development in the proposed green corridors, rather it seeks to ensure that development proposals maintain and enhance the connectivity of the corridor. In some cases this might include providing an easement on either side of a green corridor. The Qualifying Body note that in their statutory response to Regulation 14 Consultation the Environment Agency recommended the provision of this kind of easement.

Regarding levels of biodiversity to be expected within each green corridor, the Qualifying Body assert that although it is desirable for a green corridor to possess elevated levels of biodiversity in itself, its most important function is to enable species movement between areas of higher biodiversity.

The point that the proposed green corridors do indeed link wildlife sites is conceded by the District Council in Point 89 and the Qualifying Body assert that a demonstrable green corridor between two areas of demonstrable biodiversity is highly likely to be used by species as a green corridor.

The Qualifying Body notes that although most of the land adjacent to the proposed green corridors in Policy EN5 is in fact unimproved or semi-improved land and therefore likely to have greater levels of

biodiversity than more intensively farmed land. However, in many cases the species movements enabled by a green corridor may be transient or seasonal events and quite difficult to demonstrate without long-term or intensive professional observation and sampling. Accordingly, any requirement to robustly evidence biodiversity levels in every proposed green corridor might impose considerable delays and costs on the Plan.

91. EN5: PROTECTION OF GREEN CORRIDORS AND BIODIVERSITY ENHANCEMENTS
CLAUSE ii)
Observation: legislation, national policy and guidance allows for biodiversity net gain to be provided off site or for Biodiversity Credits to be purchased if justified using the biodiversity gain hierarchy. Therefore, the Council suggests that it is unreasonable for the policy to require the 10% to be provided on site and not offer these alternative options in line with national policy. Accordingly, as drafted, the provision could be construed to be in conflict with national legislation, policy and guidance.
Reason: To comply with national requirements

Qualifying Body reply: The Qualifying Body advises that clause ii) of the policy states that: ‘biodiversity net gain is provided in accordance with national policy, as a minimum of 10% on the site.’ Although the intention of the policy text is to comply with national policy it is possible that the clause may be misconstrued to imply that development may *only* be supported if biodiversity gain is provided *on-site*. It may therefore be thought desirable that the words ‘on the site’ are deleted from the clause.

The Qualifying Body consider that their first preference is always that biodiversity net gain should be provided on-site to preserve and enhance the existing species habitats and networks in the local area; nonetheless they acknowledge that this is not always possible and national policy allows for other forms of mitigation. In the event that on-site biodiversity gains are not possible, the Qualifying Body consider that it is reasonable and consistent with national policy for policy EN5 to support biodiversity gains being made to land of the same area and of the same type of biodiversity, geodiversity and habitats.

The Qualifying Body would welcome the examiner’s views on any necessary clarification of the policy and supporting text in respect of the location and types of biodiversity mitigation and biodiversity net gain.

93. EN5: PROTECTION OF GREEN CORRIDORS AND BIODIVERSITY ENHANCEMENTS
Suggested amendment: The Council suggests that the policy wording should make reference to the “Primary Green Corridors” as a designation (capitalised) and by making reference to this designation on the Policies Map rather than Maps N5(a) and (b). The Council notes that there is a Map N5(c) in Appendix 7 and questions whether the lack of reference to this is an accidental omission.
Reason: For clarity

Qualifying Body reply: The Qualifying Body acknowledge that Map N5c) has been accidentally omitted from the Policy text and accordingly would welcome the examiner’s views on correcting this error.

POINTS 94 to 97 RELATING TO TR2: CYCLE AND PEDESTRIAN ROUTES

QUALIFYING BODY GENERAL RESPONSE:

The Policy text in Policy TR2: Cycle and Pedestrian Routes was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 95. THE SCOPE OF POLICY TR2

Qualifying Body reply: The Qualifying Body notes Point 95 and acknowledges that as presently drafted Policy TR2 would relate to developments large enough to require cycling and pedestrian routes through the proposed site. The Qualifying Body would welcome the examiner’s views on any amendment necessary to clarify the wording of the policy. This would also effectively address Points 96 and 97.

POINTS 98 to 97 RELATING TO ED1: BUSINESS

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy ED1: Business was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINT 98. POSSIBLE OVERLAP BETWEEN POLICY ED1: BUSINESS AND NDTLP Policy ST07

Qualifying Body reply: The Qualifying Body notes Point 98 but asserts that although ED1 Clause 2 supports ST07(4), guidance relating to proposals outside settlement development boundaries should be stated in order to make the policy applicable to the entire NNP area.

POINT 99. POLICY ED1: BUSINESS CLAUSE 1 HOW PREFERENCE FOR BROWNFIELD AREAS WOULD WORK

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

POINT 100. POLICY ED1: BUSINESS CLAUSE 2 DEFINITION OF 'LOCAL ECONOMY'

The Qualifying Body notes that this point is also the subject of a preliminary question by the examiner. It will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.

103. ED1: BUSINESS
CLAUSE 3
Observation: The proposed policy approach is less restrictive than that afforded through the adopted local plan (NDTLP). The proposed policy only relates to the 'existing use', whereas the local plan refers to any 'employment use' (such as in policies ST09, DM13), and also applies a sequential approach to redevelopment, prioritising employment, then mixed and finally non-employment use. This maybe an intentional loosening of requirements, but it will potentially make it easier to redevelop the finite supply of employment sites and premises.
Reason: For compliance with paragraph 16d and 16f of the NPPF.

Qualifying Body reply: The Qualifying Body advises that it was not its intention to loosen the requirements of the NDTLP for protecting employment uses of sites beyond that allowed by the relevant policies of the NDTLP and would welcome the examiner's views on any recommendations necessary to clarify the intention of Policy ED1 in this respect

POINTS 104 to 106 RELATING TO TR3: PUBLIC CAR PARKING

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy TR3 Public Car Parking was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

105. TR3: PUBLIC CAR PARKING
CLAUSE 1 and 3
Observation: We assume that this proposed clause might be intended to relate to the “re-development” of existing privately owned or controlled car parks. The proposed phrasing could currently be interpreted as potentially applying to the development of new provision.
Suggestion: If this is or is not the intention, it would be worthwhile providing clarification so that the proposed policy can be correctly implemented. Clause 3 could be worded similarly to clause 1 to improve clarity.
Reason: For compliance with paragraph 16d of the NPPF.

Qualifying Body reply: The intention of Clause 3 of Policy TR3 is indeed related to the re-development of existing privately owned or controlled car parks. The Qualifying Body would welcome the examiner’s views on including the suggested amendment.

POINTS 107 to 32 RELATING TO ED2: TOURISM ATTRACTIONS AND ACCOMMODATION

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy ED3 Tourism Attractions and Accommodation was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINTS 108 and 109 RELATING TO THE SCOPE OF CLAUSE ii) AND CLAUSE iii) of POLICY ED2

The Qualifying Body notes that these points are also the subject of a preliminary question by the examiner. They will therefore be addressed in the Qualifying Body’s response to the examiner’s preliminary questions.

POINTS 110 to 111 RELATING TO HE2: RICHMOND DOCK

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy HE2: Richmond Dock was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

111. HE2: RICHMOND DOCK
CLAUSE ii
Observation: The Council is concerned that strictly enforcing that the dry dock must remain capable of its original use may preclude the optimum reuse of a heritage asset and may compromise the ability to deliver a viable use and secure the long-term future of the heritage asset.
Suggested amendment: Some flexibility within the policy may be beneficial to the heritage asset and to offer potentially valuable regeneration opportunities to Appledore.
Reason: For compliance with paragraph 16b of the NPPF.

Qualifying Body reply: The Qualifying Body notes that Clause ii is supported and explained in Para 9.23. The Qualifying Body asserts that the permanent removal of the dock's functionality would constitute an unsustainable form of development since it would close off all options for re-opening of the dock and thereby permanently obstructs many options for future economic development.

The Qualifying Body further notes that it was the long-standing position of the District Council that proposals affecting Richmond Dock should maintain the potential of the dock to be used for its original purpose. This position is evidenced in the District Council's submission to the Appeal relating to the site in 2011 (reference: APP/W1145/E/11/2144897). The Qualifying Body notes that the Appeal Inspector upheld this position.

The Qualifying Body further notes that English Heritage maintained in their submission to the 2011 Appeal that the key to the dock's historic significance was its functionality as a dry dock and the most effective way to conserve this significance is to maintain its potential as a working dock.

The Qualifying Body consider that, even subject to the amenity constraints of NDTLP policy DM01, Richmond Dock currently retains the potential to be the venue for a limited range of dockyard activities and thereby to be viable on a non-commercial or small-scale commercial basis. In this respect, the Qualifying Body notes the present shortage of dock facilities in the Bristol Channel and the expansion plans of Navantia UK Ltd, the present owners of Appledore Shipyard. The Qualifying Body is unclear whether the District Council consulted their Economic Development Officer regarding the premise of Point 111.

The Qualifying Body consider that Clause ii) of Policy HE2 is therefore not unduly restrictive because it supports not only the use of the site as a dry dock but also a wide range of re-development options for the site, which could include any mixture of commercial or non-commercial maritime or heritage-tourism related development.

POINTS 112 to 116 RELATING TO ED3: APPLIEDORE MARITIME EMPLOYMENT ZONE

QUALIFYING BODY GENERAL RESPONSE:

The Policy text of Policy ED3: Appledore Maritime Employment Zone was accepted in full by the second health check examiner and accepted by the Qualifying Body in January 2025. It is therefore considered compliant with Basic Conditions. Nevertheless the Qualifying Body would welcome any recommendations intended to improve the Policy and support its objective,

POINTS 113 and 115. THE SCOPE OF POLICY ED3

The Qualifying Body notes that these points are also the subject of a preliminary question by the examiner. They will therefore be addressed in the Qualifying Body's response to the examiner's preliminary questions.