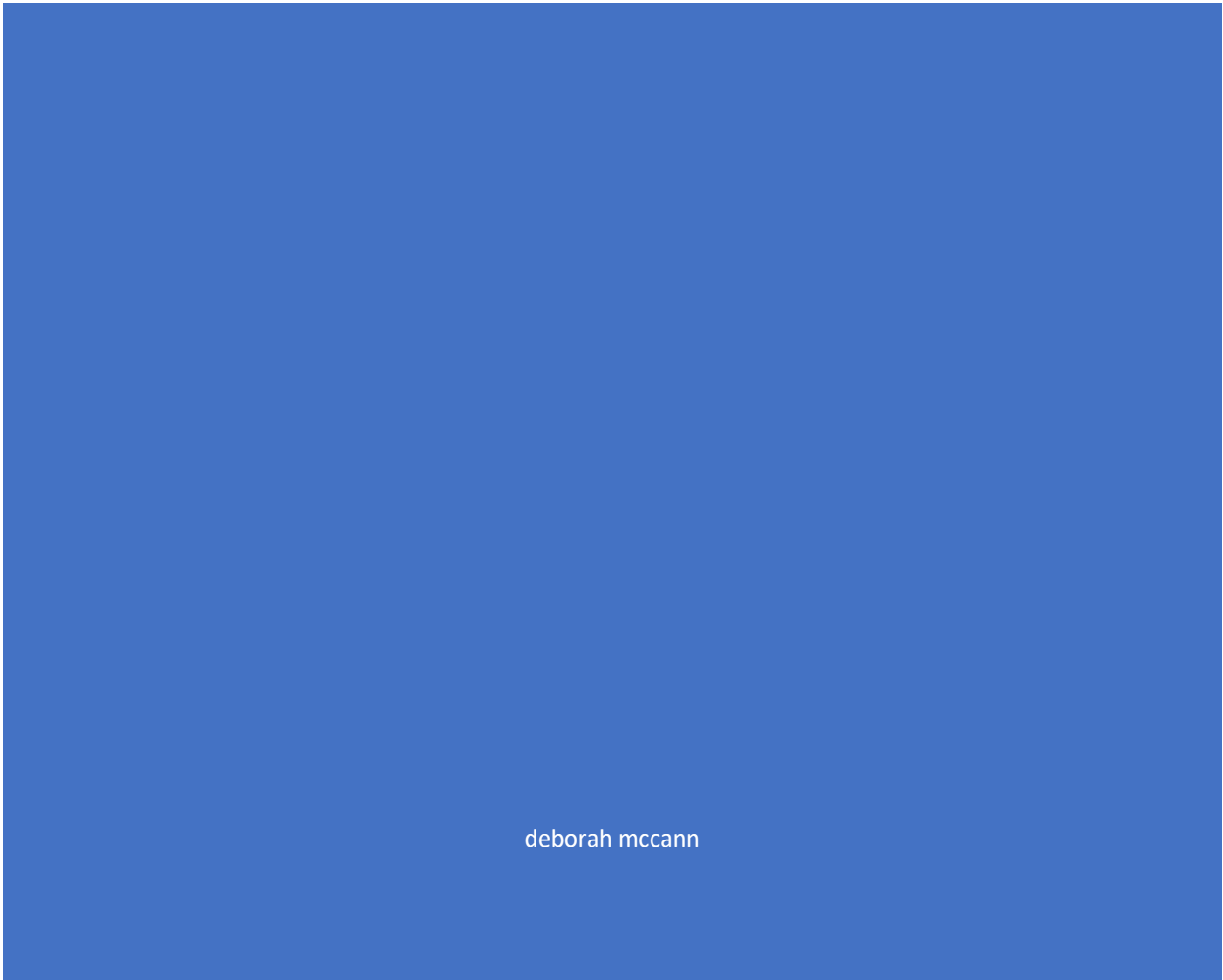




HEALTHCHECK OF THE NORTHAM NEIGHBOURHOOD DEVELOPMENT PLAN



deborah mccann

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Summary

1. I have been appointed by Northam Town Council to carry out a "healthcheck " (which is in effect a mini examination) of the Northam Neighbourhood Development Plan to establish whether it is likely that an independent examiner would find the plan meets the Basic Conditions and the relevant legal requirements. My "healthcheck" will consider the following:

i. If the Northam Neighbourhood Plan Area meets the legal requirements.

ii. Whether the policies, as currently worded meet the Basic Conditions.

2. I am satisfied that the Referendum Area should be the same as the Plan Area, should the revised Northam Neighbourhood Development Plan go to Referendum.

3. I would recommend that the Basic Conditions Statement and Consultation Statement are submitted separately rather than as part of the "Supplementary Planning Documents".

4. I am satisfied that the Consultation Statement sets out clearly the process followed in consulting on the revised neighbourhood plan, including at Regulation 14. It records the people consulted and how responses to the consultation have been dealt with as required.

5. The Basic Conditions Statement should include the SEA and HRA screening documents rather than them being in a separate document.

The Basic Conditions states the following on page 31:

"6.2 A screening process was carried out by North Devon District Council, which determined that the Neighbourhood Plan did not require a Strategic Environmental Assessment. North Devon District Council also determined that the Plan did not require a Habitats Regulations Assessment. This process is documented in the Northam Neighbourhood Plan Statement of Compatibility with EU Obligations and Legislation."

This is incorrect as it was Torrridge DC who carried out the screening, as is stated in the appendix. This error should be corrected.

6. At the time of the Healthcheck the Development Plan comprised the North Devon and Torrridge Local Plan 2011 – 2031, adopted 2018.

7. The December 2024 NPPF does not have an immediate effect on neighbourhood planning examinations. This is because its paragraph 239 states, "For neighbourhood plans, the policies in this Framework will apply for the purpose of

preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025." As the Northam NDP is unlikely to reach examination before 12 March 2025, it will be examined under the NPPF December 2025. References in my report are to the 2025 NPPF and any references is the Plan should also be changed.

8. The following paragraphs in the NPPF 2025 are particularly relevant and should be considered in taking the Plan forward:

"69. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations . Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in circumstances that affects the requirement.

70. Where it is not possible to provide a requirement figure for a neighbourhood area , the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

74. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 73a) suitable for housing in their area."

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination Process.

My name is Deborah McCann, and I am an Independent Neighbourhood Plan Examiner appointed by Northam Town Council to carry out a healthcheck on the draft Northam Neighbourhood Development Plan.

I am independent of the Qualifying Body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the Northam Neighbourhood Development Plan is likely to meet the Basic Conditions when submitted for examination and has taken into account human rights and been prepared in accordance with the relevant legislation.

The Northam Neighbourhood Development Plan will, at Regulation 16, be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner will take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- Has been prepared and submitted for examination by a Qualifying Body.
- Has been prepared for an area that has been properly designated for such plan preparation.
- Meets the requirements to:

- i) specify the period to which it has effect;
 - ii) not include provision about excluded development; and
 - iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the Basic Conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

Where a policy does not meet the Basic Conditions or other legal requirement an examiner may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” The focus of the examination, as set out in legislation is relatively narrow, focusing on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications the examiner will ensure that the Basic Conditions are met. If the Plan does not meet the legal requirements it cannot proceed to Referendum

An examiner is also required to recommend whether the Referendum Area should be different from the Plan Area, should the revised Northam Neighbourhood Development Plan need to go to Referendum.

In examining the Plan, the examiner will check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

The examiner is also required to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions relevant to neighbourhood plans are:

- having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)

Torrige DC will consider the examiner's report and decide whether it is satisfied with the recommendations including any modifications. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the

Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then “made” by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Qualifying body

I am satisfied that Northam Town Council is the Qualifying Body.

4.2. Neighbourhood Plan Area

The Neighbourhood Area was designated by Torridge District Council on 7 August 2017. The Northam NDP covers the Neighbourhood Area as approved.

4.3. Plan Period

The Plan period is from 2023-2031 and this appears on the front cover of the plan.

4.4. Torridge DC initial assessment of the draft Plan.

I have been provided with the Torridge DC's comments at Reg.14 and note that the policies in the plan have been changed in response to these comments.

4.5. The Consultation Process and Statement

I have been provided with a draft Consultation Statement which sets out the consultation process that has led to the production of the Plan, as required by the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted;
- (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

I am satisfied that the consultation process was carried out robustly, that the community were aware of the process and had the opportunity to comment at the appropriate stages and that the Consultation Statement as submitted meets the required standard.

4.6 Basic Conditions Statement

As outlined in my summary, the Basic Conditions Statement should include the SEA and HRA documents.

4.7 Planning Policy

4.7.1. National Planning Policy

National Policy guidance is set out in the National Planning Policy Framework (NPPF) December 2024.

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Northam Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have reviewed the draft Northam Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification would meet the Basic Conditions in this respect.

4.7.2. Local Planning Policy- The Development Plan

Northam lies within the area covered by the Torridge DC. The relevant Development Plan comprises the North Devon and Torridge Local Plan, adopted 2018.

4.7.3 To meet the Basic Conditions, the Northam Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the Development Plan.

The NPPF December 2024 states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
- b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.7.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2023(updated) states:

“Non-strategic policies

29. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.7.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.7.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.7.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development

- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Northam Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the North Devon and Torridge Local Plan, adopted 2018.

4.8. Other Relevant Policy Considerations

4.8.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In order to satisfy Directive 2001/42/EC Torridge DC carried out a screening of the Plan to assess whether or not there was a need for Strategic Environmental Assessment (SEA). The Council's screening opinion confirmed that based on the scope of the policies in the plan that a SEA would not be required. Natural England, the Environment Agency and Historic England are statutory consultees for this process and concurred with the Council's decision (The consultation took place between the 6th of January and 17th February 2023).

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe’s most important habitats and species. An HRA is required where a Neighbourhood Development Plan has the potential to result in a significant adverse impact on a European site (as defined in the Habitat Regulations 2017) alone or in combination with other plans and projects. As part of the screening request for the SEA a Habitats Regulations Assessment (HRA) screening request was submitted.

The conclusion based on the scope of the policies was that an HRA would not be required.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am of the opinion, following the outcome of the HRA screening, that this Basic Condition has been met.

4.8.2 Sustainable development

The Basic Conditions Statement sets out how the plan and its policies will contribute to achieving sustainable development satisfactorily.

4.8.3 European Convention of Human Rights and to comply with the Human Rights Act 1998.

A Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement includes an in-depth Equalities Impact Assessment which in my opinion covers this requirement.

4.8.4 Excluded development

As currently drafted the revised Northam Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.8.5 Development and use of land

As currently drafted the revised Northam Neighbourhood Development Plan covers development and land use matters.

4.9.1 Northam Neighbourhood Development Plan Policies

4.9.2 General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states: “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

The context and justification for policies needs to be clear and include adequate evidence to support the inclusion of the policy. A number of policies lack adequate justification and context.

4.12.3. The Neighbourhood Plan Vision, Aims and Policies

4.12.4 Vision

To maintain and enhance the individual characteristics of Northam, Orchard Hill, Appledore and Westward Ho! and to build a more sustainable, self-reliant community of collaboration, connection and a strong sense of collective purpose.

COMMENT

The objectives for the Plan are set out on page 14.

I am of the opinion that the revised Northam NDP vision and objectives were

developed from the consultation process and that the policies within the plan reflect the vision and objectives.

4.13 NORTHAM NEIGHBOURHOOD DEVELOPMENT POLICIES

POLICY: CF1 COMMUNITY FACILITIES

1. Proposals for new development 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 listed in Appendix 1; or
 - iii the development increases the availability of open spaces for sport and recreation purposes and children's play.

COMMENT

I have no comment on this policy.

POLICY: HO1 SIZE OF DWELLINGS

1. The provision of one or two bedroom dwellings will be supported.
2. New dwellings will be supported where they are designed to be accessible and adaptable and to cater for the changing needs of occupants over their lifetime.

COMMENT

I have no comment on this policy.

POLICY: HO2 NEW AFFORDABLE HOUSING

1. Proposals will be supported for the re-use for affordable housing of empty or derelict buildings, infill plots and new builds within development boundaries. The tenure mix of such developments is expected to reflect local needs.
2. If, in a development of ten dwellings or more, the return provided for in a viability assessment is exceeded and an additional financial contribution is paid to the Local Planning Authority, such payment will be regarded as an overage and will be spent on the provision of additional affordable housing in Northam Parish.
3. The tenure mix of new developments will reflect local need, which includes provision of socially rented accommodation and low cost home ownership opportunities.

COMMENT

The conversion of some buildings for residential use does not require planning permission and this has raised concern regarding the living conditions created by such conversions. Therefore, it is important to ensure that where planning permission is required, design standards should result in accommodation which provides a good standard of accommodation and any impact on the external appearance is appropriate and of high quality.

I consider that the provisions of clause two of this policy are outside the scope of neighbourhood plan policy. The consideration of viability will be considered by Torridge DC when dealing with any planning application and the decision on payment of additional financial contributions is a matter for Torridge DC through a S106 agreement. For clarity and to meet the Basic Conditions, I would recommend the policy is modified as follows:

POLICY: HO2 NEW AFFORDABLE HOUSING

- 1. Proposals to provide affordable housing through infill plots and new builds within development boundaries will be supported.**
- 2. Where planning permission is required, proposals to provide affordable housing through the re-use of empty or derelict buildings will be supported where the building is capable of re-use without compromising the standard of accommodation to be provided.**
- 3. The tenure mix of new developments will reflect local need, which includes provision of socially rented accommodation and low cost home ownership opportunities.**

POLICY: HO3 RESIDENTIAL DESIGN AND AMENITY

1. Residential development will be supported where:
 - i private and public amenity space is provided to ensure usable outdoor space which creates a healthy environment meeting the needs of the occupants; and
 - ii overlooking of neighbouring properties and gardens detrimental to residential amenity is avoided; and
 - iii an increase in height over any replaced building is consistent with the height and form of neighbouring properties, fits unobtrusively with the character of the street scene and safeguards the amenity of residents of adjacent buildings.

COMMENT

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".

POLICY: HO4 QUALITY OF DESIGN

1. Development will be supported where it reflects local character and context; creates a strong sense of place; and includes design of an environmentally friendly nature where it:
 - i incorporates the use of and re-use of traditional materials and low ecological impact materials and techniques;
 - ii 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;
 - iii has a minimum of one bat box, one bee brick and one nesting box or cup per dwelling and all fencing includes hedgehog gaps.
2. Development will be supported where it avoids flood zones and coastal change management areas. Where these cannot be avoided a robust justification should be provided with the proposal.
3. Proposals for development should include supporting information which clearly demonstrates how existing key features and assets of the site such as biodiversity, natural views, built structures, landmarks including mature trees, watercourses and hedges are impacted by the proposal. Any negative impact on these features must be accompanied by appropriate mitigation measures.
4. Residential development will be supported where household refuse storage space is externally accessible from the front of the house and is accessible from the kitchen without having to go through a living room.

COMMENT

I assume that this policy relates to residential development as it is within the housing section however in clause 4. reference is made to residential development which suggests that the rest of the policy is intended to cover all forms of development. I suggest that part of Policy HO5 is incorporated in this

policy(see my comments on HO5), that the policy is moved to another section and modified as follows:

POLICY: HO4 QUALITY OF DESIGN

1. Development should reflect local character and context; creates 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.

ii. it is sited and orientated to benefit from solar gain;

iii incorporates rainwater harvesting, grey water recycling systems and water efficiency measures;

iv it has access to sustainable transport options.

v incorporates the use of and re-use of traditional materials and low ecological impact materials and techniques;

vi 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;

vii has a minimum of one bat box, one bee brick and one nesting box or cup per dwelling and all fencing includes hedgehog gaps.

viii avoids flood zones and coastal change management areas. Where these cannot be avoided a robust justification should be provided with the proposal.

3. Proposals for development should include supporting information which clearly demonstrates how existing key features and assets of the site such as biodiversity, natural views, built structures, landmarks including mature trees, watercourses and hedges are impacted by the proposal. Any negative impact on these features must be accompanied by appropriate mitigation measures.

4. Residential development will be supported where household refuse storage space is externally accessible from the front of the house and is accessible from the kitchen without having to go through a living room.

POLICY: HO5 ENERGY CONSERVATION AND CARBON REDUCTION

1. Development will be supported which delivers net zero carbon dwellings.

2. Development of new dwellings and other buildings will be supported where:

- i it is sited and orientated to benefit from solar gain;
- ii rainwater harvesting, grey water recycling systems and water efficiency measures, which reduce demand, are incorporated;
- iii it has access to sustainable transport options.

3. Community scale renewable energy proposals (for example, wind generators) will be supported subject to the avoidance of significant impact on residential amenity, landscape setting or biodiversity. Proposals should be accompanied by an independent assessment of their siting, scale and setting in the landscape and impact on biodiversity.

COMMENT

Clauses 1 and 2 of this policy would be more appropriately included in a design policy leaving clause 3. to form this policy.

POLICY: TR1 RESIDENTIAL PARKING PROVISION

1. Development will be supported where residential off-street parking provision, designed to meet the anticipated needs of residents and visitors, is well integrated and accessible to encourage maximum usage.

2. Residential off-street parking will be supported where it is

- i based on the following minimum levels per dwelling:

1 bedroom dwellings – 1 space

2 bedroom dwellings – 2 spaces

3 bedroom dwellings – 2 spaces

4 bedroom dwellings – 3 spaces

Developments of four or more dwellings provide one further car parking space per four dwelling units; and

- ii it incorporates provision of vehicle charging points.

COMMENT

The provision of vehicle charging points for new dwellings is now covered by Building Regulations and does not need to be included in this policy. Whilst I understand that the community is concerned that the parking provision for new residential developments should be adequate, using minimum standards impacts the viability of development proposals. In addition, this policy does not reflect policy DM06: Parking Provision, which requires a flexible approach to provision based on the location of the site and an emphasis on encouraging

the use of sustainable modes of transport. I recommend that this policy is modified as follows:

POLICY: TR1 RESIDENTIAL PARKING PROVISION

1. In designing residential development priority should be given to encouraging the use of sustainable modes of transport to minimise the need for parking provision. Development will be supported where residential off-street parking provision, designed to meet the anticipated needs of residents and visitors, is well integrated and accessible to encourage maximum usage.

2. Residential off-street parking will be supported where it is i based on the following maximum levels per dwelling:

1 bedroom dwellings – 1 space

2 bedroom dwellings – 2 spaces

3 bedroom dwellings – 2 spaces

4 bedroom dwellings – 3 spaces

Developments of four or more dwellings provide one further car parking space per four dwelling units.

POLICY: EN1 LOCAL GREEN SPACES

1. Local Green Spaces are designated in the following locations, as defined in Appendix 3:

- i Rectory Gardens, Fore Street, Northam
- ii Allotments South of Marshford, Churchill Way, Northam
- iii Land known as Blackies, Torridge Road, Appledore
- iv The Cricket Ground, Golf Links Road, Westward Ho!
- v Humpty-Dumpty Field, Great Burrow Rise, Northam
- vi Westward Ho! Park, Golf Links Road, Westward Ho!
- vii Escarpment Woodland between Bay View Road and Atlantic Way
- viii Anchor Park, Appledore
- ix Village Green, The Backfield, Appledore
- x Hillcliff Gardens, Irsha Street, Appledore
- xi Tors View, off Cornborough Drive, Westward Ho!
- xii The village green, Westward Ho!
- xiii Appledore Football Club Ground, Churchill Way
- xiv Bideford Blues Junior FC Sports Complex

xv Burrough Farm, Northam

2. Development within a Local Green Space will only be supported where:

- i it preserves the openness of the Local Green Space; and
- ii it does not harm the purposes for its designation as set out in Appendix 3; or very special circumstances are demonstrated that justify the development.

COMMENT

Have the owners of the proposed LGSs been consulted and have any objections been received to the proposed Local Green Space Designations?

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2024 states:

“106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

108. The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

Paragraph 107 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 152-156 detail the policy framework for development affecting the Green Belt. Paragraph 152, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development

except in very special circumstances. Paragraph 154 of the NPPF 2024 sets out what types of development would not (my emphasis) be considered inappropriate:

" Development in the Green Belt is inappropriate unless one of the following exceptions applies:

a) buildings for agriculture and forestry;

b) the provision of appropriate facilities (in connection with the existing use of land or a change of use), including buildings, for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

e) limited infilling in villages;

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

h) other forms of development provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

i. mineral extraction;

- ii. engineering operations;
- iii. local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- iv. the re-use of buildings provided that the buildings are of permanent and substantial construction;
- v. material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- vi. development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order."

The decision to designate a particular site is a matter of planning balance and will be made by the examiner based on whether or not they consider that the proposed designations meet the NPPF tests.

I have considered the evidence put before me for all the designations proposed.

I recommend that a number of the proposed designations are more appropriately identified as areas of open space and recreation under paragraphs 103 and 104 of the NPPF December 2024 rather than proposed as LGSs:

i The Cricket Ground, Golf Links Road, Westward Ho!

xiii Appledore Football Club Ground, Churchill Way

xiv Bideford Blues Junior FC Sports Complex

I consider that the following proposed LGS does not meet the requirements of the NPPF:

vii Escarpment Woodland between Bay View Road and Atlantic Way

Reason:

In my opinion this area due to its location and size would be more appropriately considered as contributing to the landscape character of the area rather than being a suitable candidate for a LGS.

It is important to note however, that every examiner will make their own judgement based on planning balance and may not agree with my conclusions those areas that do or do not meet the NPPF tests.

For Clarity, the policy should be modified to reflect the requirements of the NPPF 2024 and caselaw (see Court of Appeal Judgement in the Case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF. I recommend that the areas I have identified as fitting more appropriately into the open space and recreation section of the NPPF , form part of a new policy, to which you may wish to add additional areas that fit into this category within the neighbourhood plan area. For clarity and to meet the Basic Conditions, I recommend that the maps showing the green space should be amended and the policy should be modified as follows: (the green spaces will have to be renumbered but I have left them with their original numbering to avoid confusion whilst this work is undertaken):

POLICY: EN1 LOCAL GREEN SPACES

1. Local Green Spaces are designated in the following locations, as defined in Appendix 3:

i Rectory Gardens, Fore Street, Northam

ii Allotments South of Marshford, Churchill Way, Northam

iii Land known as Blackies, Torridge Road, Appledore

v Humpty-Dumpty Field, Great Burrow Rise, Northam

vi Westward Ho! Park, Golf Links Road, Westward Ho!

viii Anchor Park, Appledore

ix Village Green, The Backfield, Appledore

x Hillcliff Gardens, Irsha Street, Appledore

xi Tors View, off Cornborough Drive, Westward Ho!

xii The village green, Westward Ho!

xv Burrough Farm, Northam

Inappropriate development* on any of the areas listed above will not be supported except in very special circumstances.

*** Ref paragraphs 108 and 154 of the NPPF 2024**

POLICY: EN1a OPEN SPACE AND RECREATION

The following areas are identified on Map? as areas of open space and recreation under paragraphs 103 and 104 of the NPPF December 2024 :

i The Cricket Ground, Golf Links Road, Westward Ho!

xiii Appledore Football Club Ground, Churchill Way

xiv Bideford Blues Junior FC Sports Complex

POLICY: EN2 PROTECTING THE GAP BETWEEN SETTLEMENTS

1. Within the area shown on Map N1 development will be supported provided it does not contribute to coalescence between any of the development boundaries of the settlements of Appledore, Northam and Westward Ho!

COMMENT

Having examined the proposed Map N1 and the comments of TDC in relation to this policy, I have some concerns about the proposed extent of the area to be covered by the policy. Whilst I understand the desire to protect the main settlements from further coalescence, the area proposed extends into areas which it would be difficult to argue are preventing coalescence as they lie between the settlements and open countryside. I would suggest that the extent of the area to be covered by this policy is reconsidered. I think it is confusing to have two policies referring to development in the same area I recommend that policies EN2 and EN3 are combined but create a separate dark skies policy. My recommendation is as follows:

POLICY: EN2 PROTECTING THE GAP BETWEEN SETTLEMENTS

1. Within the area shown on Map N1 development will be supported provided it does not contribute to the visual coalescence 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.

The supporting text for this policy will also have to be modified to reflect the new policy wording if you make the changes.

Following review of my suggested policy modification the neighbourhood plan group have put forward their preferred policy and supporting text modification, this includes retaining policies EN2 and EN3 as separate policies:

POLICY: EN2 LOCAL GAP BETWEEN APPLIEDORE AND NORTHAM

Development in the gap between Appledore and Northam will be supported where it does not contribute to the coalescence of the development

boundaries of the settlements or damage their separate identity or landscape setting.

8.12 Historically the parish of Northam consists of three separate settlements, Northam, Appledore and Westward Ho! Each settlement has its own character, identity, and community. The Northam Neighbourhood Plan Vision Statement seeks to maintain and enhance the individual characteristics of the three settlements.

8.13 Over time development has resulted in coalescence and today the built forms of Northam and Westward Ho! are in large part conjoined. Appledore, however, remains physically separate, and the setting, identity, and distinctiveness of Appledore and Northam are framed and protected by the area of countryside between them. This area is bounded by settlement development boundaries of Appledore and Northam (including the northern boundary of the 'green wedge' designated in NDAT Local Plan policy NOR10 Green Wedge). To the west this area is bounded by Diddywell Road, through Diddywell to its junction with Broad Lane; and to the east this area is bounded by the river Torridge. At its narrowest point (along the line of Churchill Way (A386) the gap between the built forms of Northam and Appledore is approximately 400 metres.

(Footnote text: Owing to the open character of the land in this area, policy EN2 also applies to new development proposals on or adjacent to the west side of Diddywell Road between Diddywell and Broad Lane.)

8.14 Paragraph 10.348 of the NDAT Local Plan notes that the current forms of Appledore, Northam and Westward Ho! reflect the 'maintained desire to avoid coalescence between settlements' and, as set out in the Consultation Statement, this conclusion is strongly supported by consultation responses in favour of policies protecting this area in 2019 and 2023. It is therefore considered that this area is a 'valued landscape' under the relevant paragraph of the NPPF.

8.15 In the future, new development risks uniting the settlements of Northam and Appledore and removing their separate identities. With reference to 'Forces for change and their landscape implications' for the entire Bideford Bay Coast Area, the

North Devon and Torridge JLA Update identifies: 'Expansion and coalescence of larger settlements in the north-east of the area (e.g. Northam, Appledore, Westward Ho!), with associated visual impacts on the wider landscape (including light pollution).' For this reason, development that contributes to incremental coalescence between Appledore and Northam is regarded as unsustainable.

8.16 The NDAT Local Plan para. 10.355 states:

'Development that would contribute to coalescence between Northam and Appledore will be resisted to ensure the distinct identities of the respective settlements are maintained and in recognition of the value of the undeveloped coast which forms the countryside beyond the settlements' defined development boundaries.'

To this end, the NDAT Local Plan policy NOR h) seeks: 'avoidance of development that would contribute to coalescence between Appledore and Northam and the designated Green Wedge in Northam'.

8.17 Policy EN2 and NDAT Local Plan policy NOR h) both relate to the area defined in paragraph 8.13, but policy EN2 offers additional value by designating this area as a local gap and supports proposals within the local gap that do not harm the separate identity or landscape setting of Appledore and Northam. Paragraphs 8.18 to 8.21 add local detail by providing detailed guidance on the assessment of coalescence between the development boundaries of Appledore and Northam.

8.18 Within the local gap defined in paragraph 8.13, the application of Policy EN2 requires a site-specific judgement of the extent to which a proposal either individually or collectively with other existing or proposed development contributes to spatial, perceptual and visual coalescence between the settlement development boundaries of Appledore and Northam. This judgement is necessary irrespective of the location of the proposal in relation to a development boundary.

8.19 Spatial coalescence can be measured as the extent to which a proposal site diminishes the linear distance, and the area of the local gap, between the development boundaries of Appledore and Northam. Also relevant is the impact of the development in terms of its scale, density, massing, height, layout and appearance.

8.20 Perceptual coalescence is the extent to which the incremental coalescence resulting from a proposal would be evident to an observer travelling between the settlements and as seen from other viewpoints, thereby eroding the sense of leaving or arriving in a place. A number of criteria are relevant in assessing perceptual coalescence. These criteria include the prominence of the proposed development, diminished rurality, diminished open-ness in the landscape, and the obscuration of wider or longer views of the local gap.

8.21 Visual coalescence refers to any perceived reduction in the local gap separating the development boundaries of the settlements when viewed from a viewpoint either within or outside the Plan area.

8.22 Policy EN2 also requires a site-specific landscape character assessment of the impact of a proposed development on the landscape setting of Appledore or Northam. This assessment should have regard for North Devon and Torridge JLA update or its successor documents.

Further Comment

I note that Westward Ho! is no longer mentioned in the policy, is this intentional.

I am still of the opinion that it would be better to combine policies EN2 and EN3 and am of the opinion that the proposed wording is in fact weaker in policy terms than my initial suggestion. To reflect your reservations regarding my proposed modification I suggest the following:

POLICY: EN2 PROTECTING THE IDENTITY AND LANDSCAPE SETTING OF APPELDORE, 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.**

POLICY: EN3 PROTECTING RURAL CHARACTER

1. Within the area shown on Map N1 development will be supported provided that: it does not detract from the unspoilt character and appearance, dark skies and tranquillity of the area;

- i 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;
- ii it does not harm the setting of Northam Burrows or the South West Coast Path;
- iii 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.

COMMENT

Please see my comments above.

I suggest the following for a dark skies policy:

Policy EN3 Protecting Dark Skies and Reduce Light Pollution

Proposals for development will be supported where it is demonstrated that, if external lighting is required, it protects the night sky from light pollution 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

C. New development should not compromise the views and vistas identified in policy EN4.

POLICY: EN4 PROTECTING VALUED VIEWS

1. Development will be supported where it does not detract from the character and appearance of the landscape and does not harm the views identified on Map N3 (a) to (g) and detailed in Appendix 5. These viewpoints are:

- i Pimpley Bridge, Northam Burrows looking north-east to Staddon Hill, Appledore and East towards Northam/Westward Ho!.
- ii Bone Hill, Northam looking north and north-west towards Appledore.
- iii Bidna Hill looking east and south-east along the South West Coast Path.
- iv Lookout Field, Staddon Hill, Appledore looking southwest towards Westward Ho!.
- v Windmill Lane, Northam, from the field access looking north and north-east in the direction of the ridge extending from Bidna to Diddywell.
- vi Village Green, Backfield, Appledore, looking north towards Blackies Wood.
- vii Staddon Road, Appledore, looking south-west towards Long Lane and Northam Burrows.

COMMENT

I have no comment on this policy.

POLICY: HE1 PROTECTION OF HERITAGE ASSETS

1. Significant weight will be given to conservation and enhancement of heritage assets listed in the Northam Parish List of Locally Important Heritage Assets (NPLLIHA). Development which impacts upon a heritage asset listed in the NPLLIHA will be supported providing:

- i it conserves and enhances the archaeology and/or fabric, setting, and significance of the heritage asset, and;

- ii proposals demonstrate increased opportunities for access, education, and public appreciation of the historic environment, or propose other viable uses for the asset consistent with its conservation.

2. Where a heritage asset listed in the NPLLIHA shows signs of neglect or deliberate damage, the harm done to the asset will be accorded no weight in any decision on its future.

3. Development proposals which impact on heritage assets will be supported where they use vernacular design and materials, thereby reinforcing local character and distinctiveness and a strong sense of place.

COMMENT

The protection for both designated and non designated heritage assets is set out in the NPPF 2024 and neighbourhood plans do not need to repeat national policy and cannot introduce any additional protections. The identification of non designated heritage assets important to the community does add value to a neighbourhood plan. I recommend that the policy is modified as follows:

POLICY: HE1 PROTECTION OF HERITAGE ASSETS

1. Development proposals for sites where there is potential for effect on Designated and Non Designated Heritage Assets (including those listed in the Northam Parish List of Locally Important Heritage Assets (NPLLIHA)) and their settings should be accompanied by proportionate heritage impact assessments identifying the significance of heritage assets along with any potential archaeological remains, and the nature and degree of those effects, demonstrating how any harm would be avoided, minimised or mitigated. Where appropriate, development should take opportunities within the setting of any heritage assets to better reveal their significance.

2. Proposals will be supported where:

i. they demonstrate increased opportunities for access, education, and public appreciation of the historic environment, or propose other viable uses for the asset consistent with its conservation.

ii. they use vernacular design and materials, thereby reinforcing local character and distinctiveness and a strong sense of place.

3. Where a heritage asset listed in the NPLLIHA shows signs of neglect or deliberate damage, the harm done to the asset will be accorded no weight in any decision on its future.

Following review of my suggested policy modification, the neighbourhood plan group have put forward their preferred policy and supporting text modification:

TWO OBJECTIVES: To identify non-designated heritage assets of considerable local significance and enable their conservation under national policies. (and)

To support development that recognises, conserves and enhances the significance of heritage assets.

POLICY: HE1 CONSERVATION OF HERITAGE ASSETS

1 The non-designated heritage assets listed in the Northam Parish List of Locally Important Heritage Assets (NPLLIHA) have considerable local significance. In accordance with national policy, development proposals should avoid harm to these heritage assets and have regard to their character, important features, setting and relationship with any surrounding buildings or uses.

2. Where a heritage asset listed in the NPLLIHA shows signs of neglect or deliberate damage, the harm done to the asset will be accorded no weight in any decision on its future.

3 Development proposals for sites where there is potential for effect on designated or non-designated Heritage Assets (including those heritage assets listed in the NPLLIHA) and their settings should be accompanied by proportionate heritage impact assessments. These should identify the significance of heritage assets, along with any potential archaeological remains, and the nature and degree of those effects, and demonstrate how any harm would be avoided, minimised or mitigated. Where appropriate, development should take opportunities within the setting of any heritage assets to better reveal their significance.

4. Proposals will be supported where:

i. they demonstrate increased opportunities for access, education, and public appreciation of the historic environment, or propose other viable uses for the asset consistent with its conservation.

ii. they use vernacular design and materials, thereby reinforcing local character and distinctiveness and a strong sense of place.

8.35 The Parish of Northam has a rich heritage represented by numerous historic buildings, structures and sites of archaeological interest. Further information is set out in the Northam Parish Heritage Assessment, which is an evidence base document. The Northam Neighbourhood Plan recognises the importance of protecting and enhancing heritage assets to achieve its general objective of achieving sustainable development in environmental terms. Such development additionally contributes to strong communities by ensuring links to the past and community pride and offers economic tourism benefits.

8.36 For planning purposes all heritage assets may be divided into designated and non-designated heritage assets. The official list of designated heritage assets in England is the National Heritage List of England (NHLE), available at historicengland.org.uk. In the parish of Northam, the NHLE contains seven scheduled monuments and approximately 161 listed historic buildings and other structures. Of the listed buildings and structures, one is grade 1 and five are grade II*. These heritage assets include the scheduled Civil War fort at Riversmeet in Appledore and grade II* listed Richmond Dry dock in Appledore. All the scheduled monuments, and historic buildings and structures at grade II* and above are listed in Appendix 1 of the Northam Parish Heritage Assessment. Of the remaining listed historic buildings and structures at grade II, 112 are located in Appledore, 41 in Northam, one in the countryside and one at Westward Ho! The vast majority of these listed buildings and structures are residential properties, however they include two phone boxes, three functioning places of worship, three memorials and some structures associated with Northam Radar Station.

8.37 The Parish of Northam also contains three conservation areas: Central Northam, Central and West Appledore, and East Appledore. The three conservation

areas are mapped in Appendix 8. The North Devon and Torridge JLA Update includes these conservation areas amongst the special qualities and features of the Taw-Torridge Devon Character Area.

8.38 The non-designated heritage assets in Northam Parish are listed in the Devon and Dartmoor Historic Environment Record (HER). There are over 300 of these heritage assets ranging in time from Mesolithic find spots to traces of Second World War coastal defences. They collectively form a physical record of the entire history of the area.

8.39 Although the HER details what is known about the non-designated heritage assets, they have more limited protection from development than designated assets. Nor is there any parish history of Northam to place the non-designated assets in their historical context. They are therefore vulnerable to development that could harm their significance and/or setting, and the historic environment of Northam Parish.

8.40 The NPPF states that in assessing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy HE1 utilises a standard and rigorous procedure to identify and assess non-designated heritage assets of at least considerable local significance. These assets are then locally listed in the NPLLIHA. The intention of policy HE1 is to enable a properly informed assessment of the asset's significance in any balanced judgement about their future required by the NPPF policy. (The relevant NPPF paragraphs and the conformity of policy HE1 are set out in Appendix 6.) Given the identified significance of non-designated heritage assets listed in the NPLLIHA, clause 1 of policy HE1 states that development proposals should avoid harm to these assets and have regard to their character, important features, setting and relationship with any surrounding buildings or uses.

(footnote text – please ensure footnote is properly set out)

‘Considerable local significance’ is the minimum standard for inclusion in the NPLLIHA and some sites included in the List may also possess a degree of regional or national significance.

8.41 The NPLLIHA also supports and adds local detail and value to NDAT Local Plan Policy ST015: Conserving Heritage Assets, which seeks to identify and protect locally important buildings that contribute to local character and identity. Policy ST15: together with policy DM07: Historic Environment also seek to protect and enhance designated and non-designated historic sites.

8.42 Torridge District Council is preparing a local list entitled 'The Local Heritage List in Torridge'. In 2024 the Local Heritage list in Torridge contained seven heritage assets in the Parish of Northam (four in Northam, two in Appledore, and one in Westward Ho!) All these heritage assets appear to be residential properties post-dating 1500. It is intended that eventually the NPLLIHA assets may be added to the Local Heritage List in Torridge.

8.43 Policy HE1 supports the Heritage Assets Policy of the South West Marine Plan, SW-HER-1, which aims to conserve and enhance marine and coastal heritage assets by considering the potential for harm to their significance. Like Policy HE1, Policy SW-HER-1 extends to non-designated assets that are or have the potential to become, significant. Policy HE1 also has regard for the North Devon and Torridge JLA Update which seeks to ‘Protect (and sensitively restore if necessary) heritage features such as mills, limekilns and quays, providing low-key interpretation where appropriate.’

8.44 The NPLLIHA currently consists of the five heritage assets listed in Appendix 6. The selection and assessment of the significance of historic assets for the NPLLIHA is based on a standard set of criteria set out in Historic England advice in the publication: ‘Local Heritage Listing: Identifying and Conserving Local Heritage’. These criteria are listed in Appendix 6, which also includes detailed justifications for each of the heritage assets listed based on these criteria. The locations of the heritage assets in the NPLLIHA are identified on maps N4(a) and (b).

8.45 In order to reflect on-going historical and archaeological research, the NPLLIHA will be reviewed and if necessary, amended as set out in paragraph 10.3. It is intended the on-going review process will stimulate continuing engagement in the Neighbourhood Plan by the community and heritage experts. To further this process, Appendix 2 of the Northam Parish Heritage Assessment includes a list of candidate sites that meet the criteria for future inclusion in the NPLLIHA. At review, additional assets identified by historical research and/or archaeology as meeting the inclusion criteria may also be added to the NPLLIHA. At the same time heritage assets that have since received other protective designations may be removed from the NPLLIHA.

8.46 Clause 3 of Policy HE1 seeks to ensure that where there is an application for development with potential to affect a heritage asset, the balanced judgement required by national policy is informed by a proportionate and comprehensive heritage impact assessment.

8.47 Clause 4 of Policy HE1 refers to all designated and non-designated heritage assets. Clause 4 is consistent with Policy DE1: Quality of Design and seeks to ensure that a development that impacts on a heritage asset respects local character and distinctiveness.

Further Comment

I am of the opinion that my proposed modification makes it clear that all non - designated heritage assets not just those identified are protected however the policy modifications are substantially the same.

POLICY: EN5 PROTECTION OF BIODIVERSITY

1. Development proposals will be supported where:
 - i they provide a minimum biodiversity net gain of 10% on the site (including that which existed prior to any clearance of the site for development) and including such features as mature trees, hedgerows, hedge banks and areas of woodland. The net gain in biodiversity will be achieved by an agreed, enforceable and monitored Management Plan with the applicant specifying what is to be protected and enhanced;

- ii if adjacent to or within primary green corridors as defined on Maps N5(a) and N5(b) they maintain and enhance the corridors' function and demonstrate measures to secure connectivity of the corridor, thus supporting continued free movement of species through the site;
- iii they conserve, protect, and enhance non-statutory and undesignated wildlife areas as listed in Appendix 7; and
- iv they incorporate Sustainable Drainage Systems (SUDs) to not only minimise flood risk but to increase biodiversity on the site.

(delete clause v from designed version of NNP main text) – it is a typo)

COMMENT

I would suggest the following modification:

POLICY: EN5 PROTECTION OF GREEN CORRIDORS AND BIODIVERSITY ENHANCEMENT

1. Development proposals will be supported where:

- i if adjacent to or within primary green corridors as defined on Maps N5(a) and N5(b) they maintain and enhance the corridors' function and demonstrate measures to secure connectivity of the corridor, thus supporting continued free movement of species through the site;**
- ii biodiversity net gain is provided in accordance with national policy, as a minimum of 10% on the site (including that which existed prior to any clearance of the site for development) and including such features as mature trees, hedgerows, hedge banks and areas of woodland. The net gain in biodiversity will be achieved by an agreed, enforceable and monitored Management Plan with the applicant specifying what is to be protected and enhanced;**
- iii they conserve, protect, and enhance non-statutory and undesignated wildlife areas as listed in Appendix 7; and**
- v they incorporate Sustainable Drainage Systems (SUDs) to not only minimise flood risk but to increase biodiversity on the site.**

Policy: TR2 Cycle and Pedestrian Routes

1. Residential and economic development proposals will be supported on the following basis:

- i The provision of safe, accessible and attractive pedestrian and cycle routes, providing permeability through the site and connectivity to the wider community.
 - ii they incorporate public cycle parking facilities;
 - iii dedicated footpaths and cycleways are provided where this would create safer and more convenient routes than pavements and roads that use the easiest practicable gradients and include planting schemes to create attractive routes.
2. Proposals to upgrade or extend existing footpaths and cycleways will be supported as included in the Local Cycle and Walking Infrastructure Plan [LCWIP].
3. Support will be provided to the creation of a traffic separated pedestrian and cycle route leading from Heywood Road to the Torridge Bridge and on to the Tarka Trail.

COMMENT

I have no comment on this policy.

POLICY: ED1 BUSINESS

1. Within development boundaries economic development will be supported with preference given to brownfield sites.
2. Outside development boundaries and the Appledore Marine 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.
3. Loss of existing employment uses will only be supported where it can be demonstrated that the existing use is no longer required or viable, and that the premises/site/ business has been actively marketed for at least twelve months at an appropriate market price.

COMMENT

I have no comment on this policy.

POLICY: TR3 PUBLIC CAR PARKING

1. Proposals for alternative uses of public car and motorcycle parking spaces serving the three centres will not be supported unless it can be demonstrated that the loss of any such spaces would not adversely affect the vitality and viability of that centre as a retail, service, and visitor destination.

2. Support will be given to improving the quality of public parking in the centres so that it is convenient, safe, secure, and available for short-stay use to protect the vitality and viability of the centres as retail, service, and visitor destinations.

3. Proposals for the development of any privately owned or controlled car parks within the centres will only be acceptable where they will not result in additional on-street parking or reliance on public car parking provision.

4. Proposals to improve the availability of a public electric vehicle charging infrastructure in existing car parks will be supported.

COMMENT

I have no comment on this policy.

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

COMMENT

I have no comment on this policy.

POLICY: HE2 RICHMOND DOCK

Redevelopment of Richmond Dock will be supported for maritime-related or small business use provided that:

- i the integrity of the structure and setting are retained; and
- ii the dry dock remains capable of its original use, with sufficient vehicular access and clear working space; and
- iii the construction methods do not adversely impact on the historic structure and setting.

COMMENT

I have no comment on this policy.

POLICY: ED3 APPLIEDORE 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.

COMMENT

I have no comment on this policy.

SECTION 5

Conclusions

Having reviewed the Plan, I am of the opinion that:

1. The Northam Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (As amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Northam Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Northam Neighbourhood Development Plan and the policies within it, subject to the recommended modifications would meet the Basic Conditions.
5. The Strategic Environmental and Habitats Regulations Assessment screening meet the EU Obligation.
6. The policies and plans in the Northam Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the North Devon and Torridge Local Plan, adopted 2018.
7. The Consultation Statement sets out clearly the process followed in consulting on the revised neighbourhood plan, including at Regulation 14. It records the people consulted and how responses to the consultation have been dealt with as required.

Recommendations

1. Consider the proposed modification to the policies. These are only suggestions, and the steering group can choose to retain the original wording and allow the Independent Examiner to make the decision on whether or not the policy meets the Basic Conditions.
2. Consider including the list of community assets in policy CF1.

3. Consider the implications of the NPPF 2025 in particular paragraphs 69,70 and 74.

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