

My Ref: **Min2602/???**

Your Ref: -

Date: **6th February 2026**



NORTHAM TOWN COUNCIL
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Mr Andrew Mead
Intelligent Plans and Examinations (IPE) Ltd
Office 10, 5 Argyle Street
Bath
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Re: draft Fact Check report

Dear Mr Mead,

Thank you for your detailed and comprehensive fact check report.

The Qualifying Body considered it in detail and consulted with the Planning Policy Manager at Torridge District Council (TDC) before drafting this response letter. The Town Council noted no factual inaccuracies in the report but understands that the Officer at TDC would like to clarify word use at PM5.

The Qualifying Body would like to detail the amendments that it considers would need to be made in adopting the proposed modifications. To that end I enclose that detail with this letter.

Whilst not directly relevant to this fact check, the Qualifying Body has a concern regarding the proposed modification to ED3 (PM17) and asks if you could consider withdrawing it or adopting amended wording.

There is concern that the proposed removal of the word *maritime* from the policy text and objective would erode the intended purpose of the policy which is to have regard with the South West Inshore Marine Plan in supporting a net increase in marine-related employment. The policy also seeks to ensure that strategic dock and waterside infrastructure is not lost, resulting in restricted current and future harbour activity.



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Having discussed the matter with the Officer at TDC, the Town Council understands that he has the same concerns.

If the word *maritime* is to be removed, would an alternative amendment to Clause 1 of the policy be acceptable to you? To support the policy objective, the Qualifying Body and TDC agreed amended wording for Clause 1 stating the development will be supported within the zone **'particularly where it requires a coastal location'**.

Were this wording to be combined with the recommended policy text for Clause 1 the clause would read:

'2. Within the employment zone defined on Map N6, employment development will be supported particularly where it requires a coastal location, subject to the following being met: ...'

I look forward to hearing your thoughts regarding Policy ED3/PM17 and receiving the final Fact Check report.

Yours sincerely



Guy Langton –Town Clerk & RFO,
On behalf of Northam Town Council (The Qualifying Body).

Copied:

Cllr Peter Hames – Chair of the Planning & Development Committee
Mr Ian Rowland – Planning Policy Manager (Torridge District Council)

INTRODUCTION

The examiner of the Northam Neighbourhood Development Plan (hereinafter NNP) issued the Fact Check version of his report on 20.1.26 and requested a joint response to his recommendations from Northam Town Council (hereinafter NTC, the Qualifying Body) and Torrington District Council (hereinafter TDC) by 3/2/26. This deadline was subsequently extended to 6/2/26 to enable the NTC Planning and Development sub-committee acting as the NNP Advisory Group to consider the report and the joint response document.

QUALIFYING BODY RESPONSE

The report makes 17 recommendations. They are denoted PM 1-17. Each recommendation is listed below with the formal response of the Qualifying Body and additional factual notes for the attention of the examiner.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM1 / Front cover	Include “2024 – 2031” .
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM2 / Policy CF1	Amend the first phrase to: “Proposals for the development or change of use of community facilities within the Plan area will be supported where: ...” . Add the definitions of “community facility” and “community value” to the Glossary of the Plan.
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM3 / Policy HO1	Amend Clause 1 to: “On developments of more than 10 dwellings, 50 % shall have one or two bedrooms, subject to considerations of viability, site character and context.” Amend Clause 2 to:

	“On developments of more than 10 dwellings on sites which are well located in terms of access to social and community facilities, at least a third should be designed to meet Building Regulations Standard M4(2).”
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM4 / Policy HO3	Amend Clause 1.i to: “private and public amenity space is provided, where appropriate, to ensure usable outdoor space ... etc;” . Amend Clause 1.ii to: “overlooking of neighbouring properties and gardens which would be significantly detrimental to residential amenity ... etc;” . Amend Clause 1.iii to: “an increase in height over any replaced building does not cause significant harm to the character and appearance of the area and safeguards the amenity of residents of nearby buildings.”
Qualifying Body Response	ACCEPT
Factual Notes	
Clause 1 i	Proposed Clause 1i states: i private and public amenity space is provided, where appropriate to ensure usable outdoor space which creates a healthy environment meeting the needs of the occupants; and
	The proposed additional wording (private and public amenity space is provided) ‘where appropriate’ is not currently explained for the purpose of implementation in the supporting text of the policy.
	Supporting text will need be amended to clarify policy in terms of point 33 in NNP Regulation 16 Consultation response by TDC (reference nor101). Point 33 suggests that the provision of private and public amenity space may not be ‘appropriate’ where it is not necessary or reasonable – for example, in the case of small residential development; sites where existing public amenity space is readily accessible; or where there is a change of use of an existing building.

Clause 1 ii	Proposed Clause 1ii states: ii overlooking of neighbouring properties and gardens which would be significantly detrimental to residential amenity is avoided; and
	The proposed additional wording (overlooking of neighbouring properties and gardens which would be) 'significantly detrimental' (to residential amenity) is not currently explained for the purpose of implementation in the supporting text of the policy.
	To address this issue supporting text will need to be amended as suggested in Point 34 NNP Regulation 16 Consultation response by TDC (reference nor101,) which states: 'A significant proportion of residential development proposals will have some degree of overlooking onto or from existing development. Therefore, a judgement has to be made to the significance of any detrimental impact on residential amenity ...'.
	In conformity with Local Plan (hereinafter LP) Policy DM01 Amenity Considerations (a) , supporting text should also state that where a proposal does not maintain adequate levels of privacy for neighbouring occupiers or uses it would be considered significantly detrimental to residential amenity.
Clause 1 iii	Proposed Clause 1 iii states: “an increase in height over any replaced building does not cause significant harm to the character and appearance of the area and safeguards the amenity of residents of nearby buildings.”
	The proposed additional wording 'significant harm to the character and appearance of the area' is not currently explained for the purpose of implementation in the supporting text of the policy.
	To address this issue and in conformity with LP Policy DM04 Design Principles (a) supporting text will need to state that a proposal will be supported where it is considered appropriate and sympathetic to its setting, and in relation to existing buildings and landscape features. However, a replacement building of an inappropriate height that fails to respect its context may cause significant harm to the character and appearance of the area, especially where it has a detrimental effect on a listed building or conservation area.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM5/ Policy TR1	Amend the second sentence of Clause 1 to: “Development will be encouraged to provide residential off street parking designed to meet the anticipated needs of residents and visitors which is well integrated and accessible to maximum usage.” Delete Clause 2.
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM6 / Policy DE1	Amend Clause 1 by the deletion of 1.i and the inclusion of a new final bullet point: “in the case of major developments it will be accompanied by a carbon reduction plan with substantial weight being given to the delivery of net zero carbon buildings.” Amend Clause 3 to: “Residential development will be supported where household refuse storage space is externally accessible from the refuse collection point so that street clutter is avoided and so that occupants can recycle and manage waste without hindrance.”
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM7 / Policy EN1 & Policy EN1a	Map each Local Green Space and area for open space and recreation at a scale sufficient to identify plot boundaries.
Qualifying Body Response	ACCEPT
Factual Notes	None

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM8 / Policy EN2 / Policy EN3	<p>Delete Policies EN2 and EN3 and include as a combined policy:</p> <p>“Development will be supported within The Local Gap shown in Map N1 in the following circumstances:</p> <ol style="list-style-type: none"> 1. Where it does not detract from the unspoilt character, appearance and tranquillity of the area; 2. Where it maintains and enhances the separate identities of Appledore, Northam and Westward Ho! and maintains their visual and physical separation; 3. Where it conserves, restores, or increases the extent of traditional hedge banks or hedgerow boundaries where appropriate in order to integrate the development with the rural character of the area; 4. Where it does not significantly harm the setting of Northam Burrows or the South West Coast Path; 5. Where, in appropriate circumstances, it provides safe and convenient access to the development by foot, bicycle, vehicle and public transport; and 6. Where it is required because it cannot reasonably be located outside the Local Gap.” <p>Delete the areas of Greenway Drive, Westward Ho! and the Appledore Shipyard from the green area shown on Map N1.</p>
Qualifying Body Response	ACCEPT
Factual Notes	
Proposed Clause 4	<p>Proposed clause 4 states:</p> <p>4. Where it does not significantly harm the setting of Northam Burrows or the South West Coast Path;</p>
	<p>The proposed additional wording ‘significantly harm’ (the setting of Northam Burrows or the South West Coast Path) is not currently explained for the purpose of implementation in the supporting text of the policy.</p>
	<p>To address this issue and in conformity with LP Policies ST14 Enhancing Environmental Assets (e); and NOR Spatial Vision and Development Strategy k); and NPPF 189, supporting text will need to be amended to state that proposals will be supported where they are sensitively located and designed in order to conserve and enhance the setting of Northam Burrows. Proposals that produce significant harm because they clearly detract from the special character and intrinsic beauty of the</p>

	setting of Northam Burrows or the South West Coast Path will not be supported.
Proposed Clause 5	Proposed clause 5 states: 5. Where, in appropriate circumstances, it provides safe and convenient access to the development by foot, bicycle, vehicle and public transport; and
	The proposed additional wording ‘in appropriate circumstances’ (it provides safe and convenient access to the development etc.) is not currently explained for the purpose of implementation in the supporting text of the policy.
	With reference to Point 70 NNP Regulation 16 Consultation response by TDC (reference nor101,) and in conformity with LP Policy DM05 Highways (1) supporting text will need to state that the provisions of the provisions of clause 5 are considered appropriate for residential and other forms of development that are intended to be publicly accessible. The provisions of clause 5 are not considered to be appropriate for proposals that do not generate a need for regular access or where specific forms of access such as tractors, or lorries are required.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM9/ Policy EN3a	Delete Policy EN3a and substitute: “Within the area defined on Map N1, proposals for development will be supported where it is demonstrated that, where external lighting is required, it protects the night sky from light pollution.”
Qualifying Body Response	ACCEPT
Factual Notes	Amended supporting text for the proposed policy text will need to explain how external lighting can protect the night sky from light pollution using the technical information in the former policy text rewritten in less scientific language.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM10 / Policy EN4	Amend the first sentence to: “... and does not significantly harm the views identified ...”.
Qualifying Body Response	ACCEPT

Factual Notes	Current supporting text does not explain proposed new wording ‘significantly harm’ (the views identified...). Nor does it explain how significant harm to a view may be assessed.
	To support implementation of the proposed revised first sentence of Policy EN4 paragraph 8.34 of the supporting text needs amending to state that minute or small-scale changes to a valued view are not considered to cause significant harm. Significant harm to a valued view may be caused by a clearly adverse change that may totally or partially obstructs a valued view, or detracts from its special interest as set out in Appendix 5.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM11 / Policy HE1	Delete the second sentence of Clause 1 and substitute: “When considering proposals for development which may affect a non-designated heritage asset, a balanced judgement has to be made having regard to the scale of any harm or loss and the significance of the asset.”
Qualifying Body Response	ACCEPT
Factual Notes	
Clause 1	In order to support the proposed new wording of Clause 1, paragraph 8.40 needs to be reworded to explain more clearly that the heritage assets in the NPLLIHA have been assessed to possess considerable local significance. The scale of any harm or loss to this identified and assessed significance should be included in the balanced judgement required by the NPPF.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM12/ Policy EN5	Amend Clause i to: “... Maps N5(a), N5(b) and N5(c) ...;” . Amend Clause ii by the deletion of: “as a minimum of 10% (including that which existed prior to any clearance of the site for redevelopment)”. Amend Clause iv to: “they incorporate Sustainable Drainage Systems (SuDS), where appropriate, to not only ...” .

Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM13/ Policy TR2	Amend Clause 1 to: “Major residential and economic development proposals ...” . Amend Clause 1.ii to: “they incorporate public cycle storage facilities where appropriate:” Delete Clause 1.iii.
Qualifying Body Response	ACCEPT
Factual Notes	In order to support the proposed amended Clause 1 supporting text needs to state that major developments are as defined in the LP.

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM14 / Policy ED1	Delete Clause 1 and substitute: “Within development boundaries economic development will be supported in the following order of preference: 1. On brownfield sites; 2. Elsewhere within the development boundary if it has been clearly demonstrated that no brownfield sites are appropriate.” Amend Clause 2 by the deletion of: “... which benefits the local economy, and ...”. Delete Clause 3.
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM15/ Policy TR3	Amend Clause 3 to: ” Proposals for the development or redevelopment of any ...”.
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM16 / Policy ED2	Amend Clause 2 to: “... only proposals which provide for the expansion of existing tourism attractions ...”. Amend Clause 3 to: “... only proposals for small scale tourism attractions or tourism accommodation that respect the rural character of the area will be supported provided that: ...”.
Qualifying Body Response	ACCEPT
Factual Notes	NONE

Proposed modification no. (PM) / Page/Policy Reference	Proposed Modification
PM17 / Policy ED3	Amend policy heading to “POLICY: ED3 APPLIEDORE EMPLOYMENT ZONE” Delete Clause 1. Amend Clause 2 to: “Within the employment zone defined on Map N6, employment development will be supported, subject to the following criteria being met: ...”.
Qualifying Body Response	REQUEST CLARIFICATION
Factual Notes	
1	Policy Objective is as follows: OBJECTIVE: TO SUPPORT PROPOSALS FOR ECONOMIC MARITIME-DEVELOPMENT WITHIN THE APPLIEDORE MARITIME

	DEVELOPMENT ZONE. (The name of the zone will be altered in this objective text to APPLIEDORE EMPLOYMENT ZONE.)
2	As stated in supporting paragraphs 9.28 and 9.30, Policy ED3 is intended to have regard with the South West Inshore Marine Plan in supporting a net increase in marine-related employment and; ensuring that strategic dock and waterside infrastructure is not lost, resulting in restricted current and future harbour activity.
3	To support the policy objective, the Qualifying Body and TDC agreed amended wording for Clause 1 stating the development will be supported within the zone 'particularly where it requires a coastal location' . Were this wording to be combined with the recommended policy text for Clause 1 the clause would read: 2. Within the employment zone defined on Map N6, employment development will be supported particularly where it requires a coastal location, subject to the following being met:
4	The proposed amended wording has not been included in the proposed recommended policy text for Clause 1.
5	Without the proposed amended wording the proposed recommended policy text does not appear to conform to Policy ST09, as stated by the Examiner in para. 4.38.

DRAFT