

## SPORT, RECREATION AND THE ARTS

### 8.37. LOCAL PLAN OBJECTIVES & CHANGE NO 212

#### Conditionally withdrawn objection

44	English Sports Council - South West
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#### Objection to PC212

2269	House Builders Federation
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#### Supporter of PC212

2212	Cheltenham Builders Ltd
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#### Inspector's note

Objection 44 is conditionally withdrawn in response to the amendment of the 2<sup>nd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Local Plan Objectives by PC212.

#### Issue

Whether the proposed revision of the 4<sup>th</sup> Local Plan Objective should invariably require developments to include the enhancement of existing sporting and recreational facilities including open space.

#### Inspector's reasoning and conclusions

The HBF argues that it should be sufficient to conserve the existing facilities to ensure a proposed development does not have an effect on them and 'where possible' should therefore be inserted. I am inclined to agree with the LPA that, in accordance with paragraph 20 of PPG17 and the Structure Plan, the Objective expresses a reasonable policy aspiration and is not mandatory. I therefore support the change.

#### 8.37.1. RECOMMENDATIONS

**I recommend that the Plan be modified by PC212.**

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### 8.38. PARA 8.2.7

#### Conditionally withdrawn objection

153	Council for the Protection of Rural England
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#### Inspector's note

Objection 153 is conditionally withdrawn in response to PC216 (new Policy R/3[a])

#### 8.38.1. RECOMMENDATION

**I recommend that no modification be made to the Plan.**

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### 8.39. POLICY R/1 AND CHANGE NO 213

#### Conditionally withdrawn objections

857	Government Office for the South West
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#### Supporters

45	English Sports Council - South West
190	Somerset Property Services

#### Supporters of PC213

2468	Council for the Protection of Rural England
2502	Sport England

#### Inspector's note

Objections 857 is conditionally withdrawn in response to PC213, which I support and which specifically refers to non-car modes of access.

#### 8.39.1. RECOMMENDATION

**I recommend that that the Plan be modified by PC213.**

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### 8.40. PARA 8.2.9 & CHANGE NO 214

#### Objection

91	Somerset Property Services
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#### Issue

Whether the concept of the dual use of sport and recreation facilities should be explained in greater detail.

#### Inspector's reasoning and conclusions

Although there is a long-established practice of dual use of school premises the County Council points out that its prime responsibility is the discharge of its education function. There may be cases where funding for other uses is not in place or other social facilities may exist or be provided by other means. I concur with PC214 that responds to the objection by emphasising the precedence of education in the use of school premises.

#### 8.40.1. RECOMMENDATION

**I recommend the Plan be modified by PC214.**

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### 8.41. POLICY R/2

#### Objection

985	Somerset County Council
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#### Supporter

46	English Sports Council - South West
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## Issue

Whether the Policy should be revised to reduce its negative emphasis.

## Inspector's reasoning and conclusions

I do not find the Policy particularly negative in tone. The acceptability of dual use should be conditional on the degree of its possibly adverse effect on the community in general. I support the deposit draft Policy, subject to the substitution for grammatical reasons of 'unacceptably' for 'unacceptable'.

### 8.41.1. RECOMMENDATIONS

**I recommend the Plan be modified by the deletion of 'unacceptable' and the insertion of 'unacceptably' in Policy R/2.**

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### 8.42. POLICY R/3 & CHANGE NO 215

#### Objections

47	English Sports Council - South West
184	Somerset Property Services
185	Somerset Property Services
203	Prowting Homes South-West Limited

#### Conditionally withdrawn objections

858	Government Office for the South West
986	Somerset County Council

#### Supporters

2213	Cheltenham Builders Ltd
2503	Sport England

## Inspector's note

Objections 858 and 986 are conditionally withdrawn in response to the closer adherence in PC215 to the guidance in paragraph 42 of PPG17 and the mitigation of the negative emphasis in the Policy. Objection 203 asserts the unsuitability of the existing rugby football pitches at Alcombe and is a mirror image of the housing omission site in objection 202 which I consider under Policy H/1. A new Playing Pitch Strategy for West Somerset is in preparation that will provide a detailed overview of needs and audit of the current provision. I note that that it will enable the revision of the Plan text and replacement for Appendix 6 of the Plan. As those matters can only be comprised in future proposed modifications of the Plan it is not appropriate for me to comment here.

## Issues

- (i) Whether an intention to afford favourable consideration to proposals for enhanced outdoor recreation provision should be included in the Policy.
  - (ii) Whether the Policy prevents the extension of school premises to meet the National Curriculum and in accordance with statutory and local guidelines.
  - (iii) The depiction on the Minehead Inset Map of the Sports Centre and hard play court at West Somerset Community College as areas where no development is proposed other than playing
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fields.

- (iv) The depiction on the Williton Inset Map of areas at Danesfield Middle School where no development is proposed other than playing fields but which currently include temporary classroom buildings, access roads, and amenity areas.

### **Inspector's reasoning and conclusions**

#### Issue (i)

The new Policy R/3(a) proposed in PC216, that I refer to in section 8.43 of this Report below, establishes a wider context for the provision of playing pitches or the extension or improvement of existing facilities. However, in view of the number of objections to that change in respect of an individual omission site I deal with it separately in section 8.43 of this report below.

#### Issue (ii)

I accept that Policy R/3 is not intended to prevent the necessary extension of school buildings or associated facilities. Its amendment by PC215 attempts to clarify the requirement of compensatory land provision where planned development schemes affect existing outdoor playing space. While I agree with what I believe to be the intent of the change it is meaninglessly worded and I shall recommend a correction.

#### Issue (iii)

PC218 amends the allocation of land at West Somerset Community College on Inset Map 10 to delete areas which are not definable as outdoor playing space, save for the hard-surfaced playing area. I concur with this factual change which is not challenged. I also refer to this matter in Section 10.10 of this Report.

#### Issue (iv)

PC217 amends the allocation of land at Danesfield Middle School as Open Space Playing Field as shown on Inset Map 21 to omit the various temporary classroom buildings, access roads, and other peripheral areas adjoining the school buildings which are not definable as outdoor playing space. I concur with that factual change which is not challenged. I also refer to this matter in Section 10.21 of this Report.

### **8.42.1. RECOMMENDATIONS**

**I recommend that the Plan be modified by PC215, subject to the deletion of 'space, unless' and the insertion of 'space, provided that'.**

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### **8.43. CHANGE NO 216 - NEW POLICY R/3A**

#### **Objections**

2612	P Ahmet
2613	Ms T Arnold
2614	A G Atkins
2615	Mrs S Atkins
2616	Angela Heeley
2617	W Attwell

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2618	Mr I Attwell
2619	A B Attwell
2620	M S Attwell
2621	Mrs M Attwell
2622	D Ackland
2623	Mr G Badcock
2624	Mr D Bailey
2625	T Bailey
2626	K Baker
2628	A K Beynon
2629	C A Beynon
2630	P Bohun
2631	J Bradbury
2632	Mr I Brooks
2633	H Butler
2634	Britannia Inn
2635	Beggars Banquet Catering
2636	A Carr
2637	P Carless
2638	E Cherry
2639	Mr M C Cotter
2640	Mrs M Dickinson
2641	Mr G Drew
2642	D Emmerson
2643	Mr A Furse
2644	Mr B Goodchild
2645	C Gregory
2647	D Hayhoe
2648	Mr V Healy
2649	Mr P L Hewlett-Avison
2650	Mr S Hewett-Avison
2651	G A Hickin
2652	Hickin Electrical
2653	W Hill
2654	P Howard
2655	S Huish
2656	Mr M Humpage
2657	J Hurley
2658	L Jagger
2659	C Jones
2660	A Jones
2661	A J Kennedy
2662	L Knowlson
2663	J Ireson
2664	S Lobley
2665	Mr J Malarkey

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2666	R Marks
2667	K J Martin
2668	S Miller
2669	L Milton
2670	Mr A Milton
2671	D Mudd
2672	Mr A Muscroft
2673	Minehead Football Club
2674	P Newbold
2675	R Newbold
2676	Mr M Ollerenshaw
2677	R Paterson
2678	Mr C Pearse
2679	Sharon Piggott
2680	A Priddle
2681	Mr J Rogers
2682	J Richards
2683	Mr S Richards
2684	V Rutter
2685	M Slack
2686	Mrs M Small
2687	Mrs H Stark
2688	S Sully
2689	J Tapp
2690	Mr N Tapp
2691	L Watson
2692	Mr D Webber
2693	D Webber
2694	E Webber
2695	L Webber
2696	Mrs Welsher
2697	Mr J M Wild
2698	Mr S Wild
2699	Mr K Woodley
2700	Mr W J Gurnett

**Supporter of PC216**

2504	Sport England
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**Issue**

Whether an area of land of about 2.7 ha off Seaward Way, Minehead, which adjoins Alcombe Common should be allocated as an area for sports and recreation.

**Inspector's reasoning and conclusion**

In support of their site-specific proposal the objectors cite a shortage of sporting facilities, particularly for football, in the Minehead locality. Noting that the owners are willing to donate it for public use,

they propose that the land east of Seaward Way provide 3 football pitches and a recreation park for the general public.

I am not aware of any evidence to doubt the demand for pitches at Minehead. However, the site is without the development boundary of Minehead. I consider 3 principal issues arise in connection with the use proposed, concerning traffic generation and the landscape quality and environmental status of the site.

On the question of traffic hazards, the site is separated from the built-up residential area by Seaward Way, a designated county route in the Structure Plan that is the principal approach to Minehead and the Butlins Holiday Complex from the main road network. Consistently with Policy 49 of the Structure Plan direct accesses to this route are strictly limited in the interest of highway safety. This heavily-trafficked road would separate the proposed facility from the population it would serve, be they car-borne, cyclists or pedestrians. In these circumstances I consider the highway safety issue weighs heavily against the objection proposal.

As to its landscape value it is in the Blue Anchor Bay Character Area (Minehead Salt Marsh Sub Area), being a component of the essential character of the countryside forming the setting of Minehead, and it falls within the West Somerset Coastal Zone. In terms of significance to nature conservation it is part of the Dunster Marshes County Wildlife Site and is of national importance as a priority habitat in the UK Biodiversity Action Plan. The integrity of the important area of coastal grazing marsh would be disturbed; land-raising would alter the habitat and reduce the area of seasonally wet fields available to wading birds.

Notwithstanding its need for pitches, football is a footloose activity whereas the marsh countryside is a distinctive and irreplaceable feature of enduring landscape and nature conservation value. At the same time highway safety considerations militate against the proposed use. Bearing in mind the Council's forthcoming Pitch Strategy which I refer to in section 8.45 of this Report below, I do not consider that on balance the objection site should be allocated for recreational use. Hence, subject to an amendment of punctuation to clarify the meaning of criterion (iii), I support the modification of the Plan by the insertion of the additional Policy R3/A by PC216.

#### **8.43.1. RECOMMENDATION**

**I recommend that the Plan be modified by PC216, subject to the insertion of a full stop after 'intrusive' in criterion (iii).**

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#### **8.44. POLICY OMISSION**

#### **WILD OPEN SPACE IN NEW HOUSING**

##### **Objection**

628	Somerset Wildlife Trust
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##### **Issue**

Whether the Plan should include a policy requiring the provision of an area of wild space alongside major new housing developments.

##### **Inspector's reasoning and conclusions**

Although the objector's proposal is related to the comment in paragraph 8.2.19 of the deposit Plan I infer that that text is concerned with open space within housing developments. I agree, however, with the LPA that it may be appropriate in the case of larger developments of about 25 or more dwellings to create such space where there is already some open land with evidence of wildlife habitat. I therefore concur with PC219 as part of the explanatory text accompanying Policy R/4 and its amendment as suggested by the LPA.

#### 8.44.1. RECOMMENDATION

**I recommend that the Plan be modified by PC219 subject to the insertion of the following sentence after the first sentence of the second paragraph:**

**It may be worthwhile to have wild space areas which allow close contact with nature within easy walking distance of homes. Such natural features as wooded areas, which would not normally form part of the development land, should not be regarded as part of the provision.**

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#### 8.45. PARA 8.2.20 & CHANGE NO. 219

##### Objection

2270	House Builders Federation
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##### Issues

- (i) Whether paragraph 8.2.20 should refer to the LPA's open space survey and its results.
- (ii) Whether it should clarify the conditions under which the provision of a commuted sum for the provision of open space would be appropriate.

##### Inspector's reasoning and conclusions

###### Issue (i)

Paragraph 8.2.20 in the deposit draft Plan is deleted and replaced by PC219. A summary of the results of the Council's outdoor open space survey is at Appendix 6 of the Plan. Deficiencies at Minehead and Watchet are noted in paragraph 8.2.13, where reference is made to Appendix 6. I deem that reference and PC219 adequate. .

The LPA states that a new Playing Pitch Strategy for West Somerset now in preparation will provide a detailed overview of needs and an audit of the current provision. I note that it is intended to enable the revision of the Plan text and the replacement of Appendix 6. That matter will fall to be dealt with in future proposed modifications of the Plan and it is not appropriate for me to comment here.

###### Issue (ii)

The final paragraph of PC219 refers to the seeking of commuted sums towards the cost of the long-term management of open space in schemes of 25 dwellings/1 ha or more. I agree with the objector that it should clarify that any commuted sum sought should be proportionate only to the development permitted and not to the wider community.

#### 8.45.1. RECOMMENDATION

**I recommend that the Plan be modified by PC219, subject to the clarification in the last paragraph that any commuted sum sought would be proportionate only to the benefit of the residents in the scheme permitted.**

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## 8.46. POLICY R/4 & CHANGE NO 220

### Objection

657	House Builders Federation
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### Conditionally withdrawn objection

48	English Sports Council - South West
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### Objection to PC220

2602	Mr G Bosley
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### Inspector's note

Objection 48 is conditionally withdrawn in response to the comprehensive amendment of Policy R/4 by PC220.

### Issues

- (i) Whether 'relatively large residential development' and 'a sufficient standard' should be defined in the Policy and whether it should be revised to provide greater clarity as to its scope and the circumstances in which it will be applied.
- (ii) Whether land at Williton between the Monksilver River and the land allocated for residential development should be identified as land allocated for Amenity Open Space.

### Inspector's reasoning and conclusions

#### Issue (i)

Though nominally referring to Policy R/4 objection 657 actually refers to the wording of paragraph 8.1.19. PC220 amends the Policy, relating it to residential developments of 25 or more dwellings where public open space will be required to be provided at the rate of 1 ha to 173 dwellings. In my view that provides the definitions sought. PC221 deals with the open space requirements of smaller housing schemes; I comment on that in section 8.47 of this Report below.

#### Issue (ii)

I consider the removal of the overall allocation of Land East of Williton in the revised Proposed Changes removes any justification for the allocation as Amenity Open Space of land east of the Monksilver stream.

### 8.46.1. RECOMMENDATIONS

**I recommend that the Plan be modified by PC220.**

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## 8.47. CHANGE NO 221 - NEW PARAGRAPH

### Supporter of Paragraph 8.2.20

2505	Sport England
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### Objection to PC221

2271	House Builders Federation
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### Issue

Whether the third sentence in the first paragraph of PC221 requires simplification and clarification.

### Inspector's reasoning and conclusions

The sentence in question assumes that a requirement for public open space will necessarily result from the density of 25 dwellings/ha. I am not convinced that would necessarily be the case with all types of dwelling and I prefer to see the requirement expressed as a probability. The reference to 'pro-rata' is incorrect and irrelevant; a set density remains constant whatever the size of a site. I recommend a suitable modification below.

I note that whereas PC220 makes Policy R/4 applicable to schemes of 25 dwellings or more, PC221, which applies to smaller schemes, is formally expressed only as a reasoned justification of that Policy. In my view that is illogical and PC221 should also be expressed as a policy since its content does not relate to the matter of Policy R/4 and has no policy anchor. I shall recommend accordingly.

#### 8.47.1. RECOMMENDATION

**I recommend the Plan be modified by PC221, expressed as policy and subject to the deletion of the 3<sup>rd</sup> sentence and its replacement by:**

**Dependent on the type of housing proposed, it is likely that public open space will be required where there is a density exceeding 25 dwellings per hectare.**

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#### 8.48. PARA 8.2.21 & CHANGE NO 223

##### Objection

1032	Old Cleeve Parish Council
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##### Supporter

1031	Old Cleeve Parish Council
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### Issue

Whether the Plan should include a paragraph devoted to orchards.

### Inspector's reasoning and conclusion

I agree that orchards are a distinctively traditional component of the local landscape. Their significance in the rural scene is appropriately recognised by the paragraph added by PC223, with which I concur.

#### 8.48.1. RECOMMENDATION

**I recommend that the Plan be modified by PC223.**

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#### 8.49. POLICY R/5 & CHANGE NO 224

##### Objections

7	Mr J Richards
37	Mrs J Howe
68	Mr P Gill
252	The Diocese of Bath and Wells

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1033	Old Cleeve Parish Council
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**Supporter**

1045	Old Cleeve Parish Council
1046	Old Cleeve Parish Council
1047	Old Cleeve Parish Council

**Inspector's note**

Objections 7 and 37 are site-specific to Watchet and identical with objections 8 and 38 which I deal with in section 10.19 of this Report.

**Issues**

- (i) Whether the amenity open space notation on land at Little Orchard, Kilve, should be deleted From Inset Map 9.
- (ii) Whether land south of the rectory at Holford is appropriately allocated as amenity open space on Inset Map 7.
- (iii) Whether the Policy should include provision for compensatory land to be provided in the event of permission being given to develop amenity open space.

**Inspector's reasoning and conclusions**

Issue (i)

A small area of land at Little Orchard, Kilve, is shown as amenity open space on the Inset Map for Kilve. It is an integral part of the plot of an existing dwelling, for which it provides vehicular access and turning space under the terms of a planning permission. The owner's objection is conditional on the absence of any implication in the Plan that the site could be subject to compulsory purchase. He himself has no intention to develop it. The LPA concedes, and I agree, that the site is of such marginal importance to visual amenity that it does not merit recognition as a priority for protective policies under the West Somerset Landscape Character Assessment and its amenity open space notation should be deleted from the Inset Map.

Issue (ii)

The objector considers that although the allocation of land south of the rectory at Holford for residential development is not being sought its status as amenity open space on Inset Map 7 is a blanket designation which effectively seeks to pre-judge the development issue. However, I observe that the reason for the identification of the area is clearly stated at 10.7.12 of the Plan. I discern no compelling argument to justify disagreeing with that but I do not consider that the question of development is irrevocably precluded. It is always open to a prospective developer to demonstrate that there are material considerations that could outweigh the provisions of the development plan.

Issue (iii)

I find that criterion (iii) of PC224 meets the objection by requiring the provision of alternative open space in the event of the grant of permission to develop amenity open space

**8.49.1. RECOMMENDATION**

**I recommend that the Plan be modified:**

- (i) by the deletion of the amenity open space notation from land at Little Orchard, Kilve, from Inset Map 9.
  - (ii) by PC224.
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#### 8.50. POLICY R/6

##### Objections

376	Trustees of The Wyndham Estate
987	Somerset County Council
1054	Old Cleeve Parish Council

##### Supporter

1035	Old Cleeve Parish Council
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##### Issues

- (i) Whether the allotments off Huish Lane, Washford, should be shown on Settlement Inset 18.
- (ii) Whether the Policy should be expressed in less negative terms.
- (iii) Whether the Policy should include criteria for the establishment of suitable alternative allotment land.

##### Inspector's reasoning and conclusions

###### Issue (i)

I agree with the LPA that it is appropriate to show the allotments at Huish Lane, Washford, on Settlement Map 18 as Open Space/Allotment..

###### Issue (ii)

Although the LPA resists any change on the ground that the burden of the Policy is to protect allotments I consider the mitigation of its negative tone is possible without weakening its force and I shall recommend accordingly.

###### Issue (iii)

I incline to agree with the LPA that it is not practical to modify the Policy by enumerating comprehensively the range of forms that the alternative provision of allotment land might take .

#### 8.50.1. RECOMMENDATIONS

**I recommend that the Plan be modified by:**

- (i) the identification on Settlement Map 18 of the allotments at Huish Lane, Washford, as Open Space/Allotments;
  - (ii) the deletion from the Policy of 'will not be permitted, unless' and replacement by 'will only be permitted if'.
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## 8.51. POLICY R/7 & CHANGE NO 225

### Objection

49	English Sports Council - South West
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### Conditionally withdrawn objection

740	Environment Agency-South West Region
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### Supporter of PC225

2410	Environment Agency-South West Region
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### Inspector's note

Objection 740 is conditionally withdrawn in response to PC 225, which inserts the avoidance of flooding as a consideration in dealing with applications for planning permission

### Issue

Whether 'effect' should be qualified by 'significant'.

### Inspector's reasoning and conclusions

The question of whether an adverse effect would be so significant in degree as to justify the refusal of planning permission is clearly a matter falling to be assessed in the case of each individual development proposal. I discern no advantage in amending the policy as advocated in objection 49. The LPA puts forward a substantial revision of paragraph 8.2.23 which expresses support for opportunities for water sports in the West Somerset Recreation Strategy 2002-7. This is an important statement in relation to national policy in RPG10 and I concur with it.

### 8.51.1. RECOMMENDATIONS

**I recommend that the Plan be modified by:**

**(i) PC 225;**

**(ii) The replacement of paragraph 8.2.23 by the following:**

**The West Somerset Recreation Strategy (2002-7) emphasises the importance for improvement in facilities for water sports, particularly canoeing and sailing, in terms of outdoor recreation. Developing Wimbleball Lake as a venue for teaching water sports is cited and may lead to additional development requirements on the edge of the plan area; other opportunities will be pursued at appropriate points on the coastline. This advice closely follows the advice in Policy TCS2 of RPG10 to identify opportunities for the provision of new leisure and community sports facilities, particularly in areas of identified underprovision and to maximise the use of highly managed areas - as in the case of Wimball. Further leisure facilities associated with Watchet Marina are also envisaged and referred to in section 10.19 of the Plan.**

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## 8.52. POLICY R/8 & CHANGE NO 226

### Objections

405	Dr A Currie
741	Environment Agency-South West Region

### Conditionally withdrawn objections

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523	English Nature
859	Government Office for the South West

**Supporters**

50	English Sports Council - South West
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**Supporters of PC226**

2469	Council for the Protection of Rural England
2594	Somerset Wildlife Trust

**Inspector's note**

Objections 523 and 859 are conditionally withdrawn in response to PC 226 which adds the consideration of nature conservation interests to criterion (i) and clarifies the circumstances in which planning permission will be granted.

**Issues**

- (i) Whether the Policy should include the development of a network of bridleways that could be used by walkers, cyclists, and horse riders and could include the upgrading of footpaths to bridleways.
- (ii) Whether the Policy for horse riding establishments should encompass the protection of the water environment.

**Inspector's reasoning and conclusions**

Issue (i)

While the extension of the bridleway network is a laudable aim I consider it more appropriately falls to be treated as a countryside management matter whereas Policy R/8 deals solely with controlling the development and use of buildings related to horse riding establishments. The countryside management approach could also consider the upgrading of footpaths for use by cyclists.

Issue (ii)

It appears to me that the Water Environment policies of the Plan afford adequate protection so far as the use of planning powers is appropriate. I discern no justification to duplicate their requirements specifically in respect of the types of development to which this Policy refers.

**8.52.1. RECOMMENDATION**

**I recommend that the Plan be modified by PC 226.**

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8.53. POLICY R/9 & CHANGE NO 227

**Objections**

51	English Sports Council - South West
159	Council for the Protection of Rural England
629	Somerset Wildlife Trust
860	Government Office for the South West

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**Conditionally withdrawn objections**

524	English Nature
742	Environment Agency-South West Region
988	Somerset County Council

**Supporter**

338	Ministry of Agriculture, Fisheries and Food (MAFF)
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**Objections to PC227**

2506	Sport England
2595	Somerset Wildlife Trust

**Supporter of PC227**

2033	Ministry of Agriculture, Fisheries and Food (MAFF)
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**Inspector's note**

Objections 524, 742, and 988 are conditionally withdrawn in response to PC 227. The change expresses the Policy in positive terms; it protects against adverse effects on wildlife and nature conservation features; requires access by a choice of means of transport; protects the best and most versatile agricultural land; and safeguards the landscape and character of Exmoor National Park, the Quantock Hills AONB and the countryside generally.

**Issues**

- (i) Whether the Policy is excessively restrictive in excluding golf courses from the AONB.
- (ii) Whether the Policy should have regard to light pollution, particularly that caused by golf driving ranges.
- (iii) Whether the requirement for a water management plan in criterion (ix) of the Policy should also require hydrological self-sufficiency through the on-site collection of rainfall for summer irrigation.
- (iv) Whether the policy should be modified to indicate clearly the circumstances under which planning permission will be granted while ensuring that provision is not made for facilities likely to attract significant numbers of people to locations that are not easily accessible by public transport..
- (v) Whether criteria (iii), (vi) and (ix) should be deleted as they deal with administrative matters.
- (vi) Whether criterion (vii) should be modified to reflect the guidance in paragraph 2.18 of PPG7 regarding the circumstances in which the best and moist versatile agricultural land should be protected.
- (vii) Whether in criterion (i) 'or wider countryside' should be deleted and in criterion (vi) 'significant' should be inserted before 'adverse'.

**Inspector's reasoning and conclusion**

Issue (i)

The high environmental quality of the Quantock Hills AONB, much of which consists of managed

common land with moorland vegetation and parkland in a landscape of prominent landforms and skylines, is noted in the Landscape Character Assessment. However, I find the revision of criterion (i) by PC227 not only takes account of the replacement of the Special Landscape category but also takes an appropriately conditional 'character' approach to potential golf course development in the AONB.

Issue (ii)

Although the LPA regards light pollution as primarily an environmental health regulation issue in my view it can be relevant to planning control at levels which would not necessarily fall to be dealt with under other legislation. In that context I bear in mind that the object of environmental health control is to protect people rather than the character of landscapes. Nevertheless, I am satisfied that the landscape protection afforded by criterion (i) of PC227 is adequate to deal with any question of undue light pollution likely to arise from development

Issue (iii)

Ecological and Water Management Plans are essentially administrative vehicles. I agree with the LPA that it is appropriate that they be incorporated in the explanatory text of paragraph 8.2.28. However, I consider water storage should also be mentioned since the mode of collecting and retaining water will also fall to be considered as a design issue in any development proposal.

Issues (iv), (v), and (vi)

Although criteria (iii) and (ix) of the draft deposit version of the Policy find support in objection 2592 I am inclined to agree with objection 860 that those criteria, together with criterion (vi), are administrative requirements rather than policy statements. I concur with their deletion by PC227.

Issue (vii)

I consider PC227 generally accords with the national guidance in PPG7 and PPG17, the regional policy in RPG10, and Structure Plan Policy without further amendment.

### 8.53.1. RECOMMENDATIONS

**I recommend that the Plan be modified by**

**(i) PC227;**

**(ii) The addition of the following text to paragraph 8.2.28:**

**Proposals will be expected to incorporate areas of environmental importance and ensure their long-term management for nature conservation. They should also seek to incorporate means of summer irrigation by the collection and storage of rainfall and run-off. Ecological and Water Management Plans may be sought in relation to these requirements.**

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### 8.54. OMISSION & CHANGE NO 228 - ACCESS TO THE COUNTRYSIDE

**Objections**

1103	Countryside Commission
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**Conditionally withdrawn objection**



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861	Government Office for the South West
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### Inspector's note

Objection 861 is conditionally withdrawn in response to PC228 that adds a new paragraph expressing encouragement of small scale facilities and services which contribute to the understanding and enjoyment of the countryside provided they do not have an adverse impact on the countryside, landscape, or other environmental interests.

### Issue

Whether, in view of the Council's rôle in its protection and improvement, the Plan should give greater prominence to the protection of the extensive network of rural footpaths, bridleways, and highways in the Plan area by adding an explanatory 'Rights of Way' section.

### Inspector's reasoning and conclusions

The Council's rôle in terms of the improvement of the highway, footpath and bridleway network is secondary to that of the highway authority, Somerset County Council. However, I agree with the inclusion of mention of the footpath network in the comprehensive explanatory text of PC228 which also links with (new) Policy R/10.

## 8.54.1. RECOMMENDATION

**I recommend that the Plan be modified by PC228.**

## 8.55. CHANGE NO 230

### Inspector's note

There are no outstanding objections to this proposed change. However, PC230 is confusing. The West Somerset Railway is not a 'trail' in the same sense as the South West Coast Path. As an operating railway the WSR is required to be physically barred to public access save at stations. If the intention is to develop trails affording access to WSR stations that should be clarified. In the first of the three sentences of PC230 'there' should read 'their' though the deposit draft Plan is correct. In the absence of any formal objection it does not fall to me to make recommendations on these matters but I direct the LPA's attention to them. .

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## 8.56. OMISSION - RECREATIONAL FISHING

### Objection

743	Environment Agency-South West Region
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### Issue

Whether, in view of the extensive opportunities for coastal and game fishing and for water-based recreation in the District, the Plan should explicitly recognise fishing as a recreational activity.

### Inspector's reasoning and conclusions

It appears to me that though coastal and game fishing is an important and popular recreational activity it is seldom the subject of development proposals requiring planning permission. Management or licensing agreements between fishing interests and landowners will often satisfy the regulatory

requirements without the need for new buildings or other structures. In these circumstances I find no justification for a policy to deal exclusively with fishing and water-based recreation.

**8.56.1. RECOMMENDATION**

**I recommend that no modification be made to the plan in response to this objection.**

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**8.57. OMISSION - MOTOR SPORT AND OTHER SPORTS**

**Conditionally withdrawn objection**

1072	Hon R T Lytton
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**Inspector's note**

The objection advocated a proactive policy encouraging such activities as motor sports, cycling as a recreation, and equestrian cross courses on the basis that while they are commonly regarded as causing nuisance an appropriate policy could enable their provision and proper management. It was conditionally withdrawn after discussion of Policy SP/5 (PCs 12 and 13), PC229 and the reference to motorised sports in paragraph 8.2.30 of the Plan in the inquiry.

**8.57.1. RECOMMENDATION**

**I recommend that no modification be made to the Plan in response to this objection.**

## THE ARTS

### 8.58. POLICY R/10 & CHANGE NO 231

#### Objection

247	Nat West Group Property
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#### Conditionally withdrawn objections

862	Government Office for the South West
989	Somerset County Council

#### Inspector's note

Objections 862 and 989 are conditionally withdrawn in response to PC 231. The insertion by PC229 of a new policy R/10 on countryside access necessitates the renumbering of Policy R/10 in the deposit draft Plan as R/11.

#### Issue

Whether it is appropriate to take into account the provision of works of art in the determination of applications for planning permission.

#### Inspector's reasoning and conclusions

On the basis of the guidance in paragraph 7 of Circular 1/97 the provision of works of art may be sought in connection with a development but they cannot be a mandatory requirement. It is therefore inappropriate take account of the provision of public art in the determination of a planning application. I am satisfied that the amendment of Policy R/10 by PC231 establishes an appropriately flexible approach to the question of seeking the provision of works of art in connection with a development.

#### 8.58.1. RECOMMENDATIONS

**I recommend that the Plan be modified by:**

- (i) the renumbering of Policy R/10 as Policy R/11; and**
- (ii) PC221.**