

West Somerset Local Plan Examination

Matter 1

Written Statement by Exmoor National Park Authority and North Devon Council (Representor No. 5)

Matter 1: Legal Compliance and the Duty to Co-operate

Issue 1: The Council has been asked to publish a self-assessment document showing how it considers it has met the legal requirements. Other than with regard to the Duty to Co-operate (dealt with separately), if it has not, in what way has it failed and what now needs to be done by way of correction?

- 1.1. Exmoor National Park Authority and North Devon Council have no comment to make on this issue.

Issue 2: SD17 sets out how the Council considers it has met the Duty to Co-operate. However, this is dated December 2014 and cannot take into account what may have been continuing activity up to the submission of the Plan in July 2015 or, at the very least, the finalisation of that document. Would it be reasonable for me to conclude from the evidence in that document and any further evidence that the Council wishes to provide that the Council had engaged constructively, actively and on an ongoing basis with those prescribed in statute in maximising the effectiveness with which the preparation of the Plan has been undertaken? If not, in what specific ways has the Council failed to meet the Duty?

- 2.1 Exmoor National Park Authority (ENPA) has worked with West Somerset Council on a number of strategic issues identified through officer discussions. These are documented in the Exmoor-wide Duty to Co-operate (DtC) [Protocol](#), which West Somerset Council is a signatory to, and the Duty to Co-operate [Statement](#) produced by Exmoor National Park Authority to accompany consultation on the Publication Draft Exmoor National Park Local Plan. This statement summarises how ENPA and West Somerset Council (WSC) have worked together as set out in the table below (extract from ENPA DtC [Statement](#) Table 1: Contact with Prescribed Bodies, page 8).

West Somerset Council	West Somerset Council are a neighbouring planning authority and a signatory to the DtC Protocol. Working with West Somerset Council has been of particular significance in relation to the scale and distribution of housing across the Northern Peninsula Strategic Housing Market Area including the role and function of settlements and the potential impact of the new Hinkley Point C nuclear power station. Joint methodologies and studies have been used for key pieces of evidence, including the Strategic Housing Market Assessments, Strategic Housing Land Availability
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	<p>Assessment, Quantitative Needs Assessment (Retail Study), and Strategic Flood Risk Assessment.</p> <p>The National Park Authority has worked with West Somerset Council regarding protection of the landscape character, special qualities and setting of the National Park, and its status as a Dark Sky Reserve.</p> <p>As a formal consultee West Somerset Council has been consulted as the Exmoor National Park Local Plan has progressed, and amendments have been made in the light of comments received.</p>
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2.2 Table 2 of the ENPA DtC [Statement](#) (pages 12-22) details how the strategic priorities for co-operation identified in the Exmoor DtC Protocol have been addressed including through joint working between ENPA and WSC where required.

2.3 Appendix 1 of the ENPA DtC [Statement](#) documents the Duty to Co-operate meetings between the partner organisations (pages 24-25). Since the production of this [Statement](#) (in May 2015), Duty to Co-operate discussions have been ongoing between officers as set out in the table below:

MEETING	DATE	COMMENTARY
Duty to Co-operate correspondence between ENPA, West Somerset Council, North Devon and Torridge Councils	August 2015	<p>Updated Northern Peninsula Strategic Housing Market Assessment by Housing Vision to take account of the 2012 household projections issued by ONS in February 2015.</p> <p>WSC took advice from their Inspector Brian Cook who advised that it would not be material in relation to their compliance with the Duty to Co-operate for their submitted plan, but suggested that it would be beneficial for WSC to participate in this update in order to comply with Planning Policy Guidance in using the 2012 projections as 'the most up to date estimate of future household growth'.</p>
Duty to Co-operate officer meeting – ENPA with West Somerset Council, North Devon and	1 Oct 2015	Officer meeting to discuss the joint Housing Topic paper for the Northern Peninsula Strategic Housing Market Area

MEETING	DATE	COMMENTARY
Torridge Councils		
Duty to Co-operate officer meeting – ENPA with North Devon and Torridge Councils (West Somerset Council unable to attend)	30 Nov 2015	Officer meeting to discuss the joint Housing Topic paper for the Northern Peninsula Strategic Housing Market Area
Duty to Co-operate correspondence between ENPA, West Somerset Council, North Devon and Torridge Councils	January-February 2016	Correspondence regarding the drafting and sign-off for the joint Housing Topic paper for the Northern Peninsula Strategic Housing Market Area

- 2.4 West Somerset District Council and North Devon Council have cooperated on preparation of their respective Local Plans, but predominantly on housing issues relating to the OAHN across the Northern Peninsula Strategic Housing Market Area.
- 2.5 The only outstanding issue arising from the Duty to Co-operate relates to the distribution of housing across the Northern Peninsula Housing Market Area in response to the Objectively Assessed Housing Need (OAHN), which is covered in detail in ENPA’s response to **Matter 2**. This relates to the unmet need for market housing arising from the West Somerset section of the National Park, which ENPA has suggested could be accommodated within the higher level of housing proposed in the West Somerset Local Plan. North Devon Council has agreed that the housing need arising from within the North Devon side of the National Park will be met outside the National Park boundary within the housing provision within the North Devon and Torridge Local Plan.
- 2.6 DtC officer meetings have been ongoing since 2013 to discuss objectively assessed housing needs and distribution across the Northern Peninsula Housing Market Area (HMA). Discussions have highlighted the difficulties in meeting housing need within the National Park, and the need to consider options to make provision in neighbouring authorities’ Local Plans so that

across the HMA the housing need is met (the National Park context is set out in Appendix 1). The former North Cornwall District Council was originally part of the polycentric Northern Peninsula housing market character area, but it now forms part of a wider Cornwall Housing Market Area as confirmed by the Inspector for Cornwall's local plan examination.

- 2.7 ENPA wrote to West Somerset Council (see Appendix 2) to formally request that the market housing arising from the National Park was included within their housing target of 2900 dwellings, but West Somerset Council's position is that they are not able to accommodate this request (see Appendix 3). A member meeting was held to discuss this further, but no resolution was reached. ENPA subsequently reiterated this point in our [response¹](#) (Representor 5) to the West Somerset Publication Draft Local Plan.
- 2.8 ENPA also made a similar request to North Devon Council (NDC), and the Council has indicated that they are able to accommodate the market and affordable housing need arising from within the North Devon part of the National Park, and this is included in Proposed Main Changes to the North Devon and Torridge Local Plan consultation March 2015. The additional provision is focussed in larger settlements outside but accessible to the Exmoor National Park. ENPA also formally requested that NDC consider if they are able to accommodate the housing arising from the West Somerset side of the National Park, but NDC are not able to do so. It was not felt that this would be a sustainable option given the distances involved, the poly-centric nature of the Northern Peninsula housing market and the relative self-containment of the North Devon and Torridge housing sub-market.
- 2.9 Since then, officers have continued to work together on a joint Housing Topic paper across the Northern Peninsula HMA to demonstrate how the OAHN can be met. This has included commissioning a joint update ([December 2015](#)) of the Northern Peninsula Strategic Housing Market Assessment (as referred to in the correspondence between the Inspector and West Somerset Council ED1, ED1a and ED2), to take account of the 2012 household projections which were published in February 2015. Further details of the joint Housing Topic Paper and updated SHMA are given in the ENPA response to Matter 2.
- 2.10 ENPA would also like to highlight issues arising from the identification of additional sites as set out in Matter 3, which have not been the subject of any discussion between officers.
- 2.11 ENPA has also submitted written representations to Matter 6 but does not feel it is necessary to attend this hearing session.

¹ Note: the figures quoted in both the original letter from ENPA to West Somerset Council (Appendix 1) and the ENPA response to the pre-submission publication draft Plan have been superseded by the December 2015 Northern Peninsula SHMA Update. The latest figures are set out in the ENPA response to Matter 2 but in summary result in a figure of unmet need from Exmoor National Park of 186 market houses, which ENPA suggested could be accommodated within the 2900 housing figure proposed by West Somerset Council