

EXAMINATION OF THE STOGUMBER NEIGHBOURHOOD PLAN

Examiner's initial list of questions for clarification

This list of questions arises from the examiner's initial assessment of the submitted plan against the requirements of the Act¹ and Regulations². In this assessment account has been taken of the representations made on the plan following its submission to the West Somerset District Council (WSDC). The questions are addressed to the Stogumber Parish Council (SPC) who, as the Qualifying Body, may wish to indicate whether or not they consider it might be appropriate or necessary for the examiner to recommend that modifications be made to the plan in order that it meets the 'basic conditions'³ and otherwise satisfies the statutory requirements. Introductory notes and comments by the examiner are given in *italics*. Where they express a preliminary opinion about compliance with basic conditions they are open to comment in turn.

Statutory requirements

1. *In the introductory section of the plan there are several references to the plan being for a 10 year period. Section 38B(1)(a) of the 1990 Act states that a neighbourhood development plan must specify the period for which it is to have effect. As submitted, the plan does not meet that requirement although it is noted that in paragraph 2.2 of the Basic Conditions Statement it is indicated that the plan covers the period 2017 to 2027. However, it is important for statistical monitoring purposes (for example, on housing completions) that it is absolutely clear when is the start date of the plan. Conventionally, it is the date for which latest set of statistics is available. The West Somerset Local Plan (WSLP) base date for this purpose is April 2012 with an end date of March 2032.*
 - a. The WSDC suggest that the plan period might replace the sub-heading on the first page of the plan which reads: *Draft amended following 1st formal consultation November 2015 – January 2016*. Is that agreed or would the SPC prefer that it goes somewhere else?
 - b. Bearing in mind the point above about the statistical evidence base what is a feasible start date for the plan?

If the plan is intended to cover 10 years the month needs to be stated for clarity, for example April 2016 to March 2026. (2017 to 2027 is actually 11 years)

¹ The Town and Country Planning Act 1990, as amended by the Localism Act 2011 and the Housing and Planning Act 2016

² The Neighbourhood Planning (General) Regulations 2012 and amendment regulations 2015

³ See section 8(2) of Schedule 4B to the Town and Country Planning Act 1990

2. *Section 38B(1)(b) of the Act states that the plan 'may not include provision about development that is excluded development'. Excluded development includes anything which would be a 'county matter' should a planning application be made for that type of development. That covers quarrying. The WSDC have taken legal advice with regard to the references to quarrying in the plan, that is within policy EN2 and the text under the heading 'Quarrying' on page 31. Whether intended as policy or not, there is little doubt that those statements amount to provision about excluded development.*

Is it accepted that the references to quarrying should be deleted from the plan?

Plan content and policy wording

3. *Although it is recognised in Government guidance on the form and content of neighbourhood plans that they may be aspirational in content it is stressed that the plan can only contain policies which relate to the development and use of land. As stated in Planning Policy Guidance (PPG) '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.'⁴ Where statements in this plan are of an aspirational nature attention will be drawn to them in the notes which follow.*

It is also stated in the PPG that '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.'⁵ The 'decision-maker' will be the Local Planning Authority or an Inspector or the Secretary of State on appeal. Many policies are phrased in terms of development being 'supported' provided that certain criteria are met. In practice, that can only mean that planning permission will be granted in those circumstances. A re-wording of such policies may be required to meet with the Government Guidance, as above. Also, it is often not obvious what evidence is being relied upon to justify a particular policy, other than it being an expressed community wish or desire.

The WSDC have made representation about the unnecessary duplication of policy criteria rather than there being a single over-arching policy dealing for example, with the effect of development on the character or appearance of the area and on highway impact.

Is it accepted that, where possible, policies should be re-worded for clarity in implementation and to avoid overlap and duplication? Would the Parish Council wish to make suggestions for modifications to achieve this?

⁴ Reference ID: 41-040-20160211

⁵ Reference ID: 41-084-20160519

The individual policies

Absence of a vision. *Unusually this plan does not contain a Vision. That is commonly the way in which expression is given to the over-arching aim of a plan.*

4. Might the stated objectives be converted into a vision of the kind of place Stogumber might be by the end of the plan period if the plan is successfully implemented?

Policy O1 Overall Objectives.

5. How is it intended that this policy should be implemented through decisions on individual planning applications? Are not the objectives adequately covered by other individual policies in the plan? What would be regarded as making a positive contribution? Is the policy 'clear and unambiguous' as required by the PPG? Also, in the light of the comments by the WSDC on unnecessary duplication in the criteria listed under a number of the policies might not an over-arching policy be along the following lines? Should other criteria be included?

Proposals for new development should ensure that:-

- the layout and design respects the character and appearance of the area and protects the landscape setting;
- there would be no significantly harmful effect on residential amenities (*which would need to be defined*) and
- there would be no significant harm to road safety, especially for pedestrians and cyclists, nor would it be likely to result in additional on-street parking.

Policy EN1 Local Environment

This policy is reasonably clear although it may be open to dispute as to whether or not a development makes a 'positive contribution'. However, there is a very strong overlap with policy O1 using very similar wording. It emphasises the question mark over the need for policy O1 in its present form.

Policy EN2 Location of Development

This is a very important and central policy to the plan, yet it is far from being either clear or unambiguous in its terms. It gives rise to the following questions for clarification:-

6. *The first part of the policy gives preference for development to previously developed sites. Is there any information/evidence to establish the availability of land in the stated locations which comes within the National Planning Policy Framework (NPPF) definition of previously*

developed land? Of such land how much is considered suitable for housing, employment or some other use?

7. *The policy applies to sites 'within and immediately adjacent to the existing extent of Stogumber and the hamlets'. How is that term to be interpreted when there is no defined settlement boundary and especially given the somewhat loose-knit nature of the hamlets and parts of Stogumber?*
8. Does the second paragraph mean that even if a site comes within the NPPF definition of previously developed land the locational requirements of the policy (*as quoted above*) take precedence?
9. *The first part of the third paragraph starts with 'In addition ...' and lists other types of site which 'will also be considered for new development'. The fourth paragraph then states 'All other land will be regarded as greenfield'.*
 - a. Reading the two together, does that mean that any site meeting the definitions included in the third paragraph will be treated as 'not greenfield' which can only mean 'brownfield'?
 - b. *In the NPPF the term 'brownfield' is synonymous with 'previously developed'* Is it the intention that sites coming within the third paragraph will be given the same priority as those which meet the NPPF definition for previously developed?
 - c. *As written the third paragraph could be read to mean that land within or immediately adjacent to the village and hamlets will not be 'considered' unless it has been occupied by agricultural or forestry buildings or is within a private residential garden. Is that the intention? Are there not 'infill' sites which might also be 'considered'? (It is not advisable to say that development will only be 'considered' in certain circumstances because all planning applications MUST be considered on their individual merit.)*
 - d. Is the effect of the policy to seek to broaden the types of site which are considered as 'previously developed'? If so, what is the local justification for such a stance which may be regarded as inconsistent with national policy?
10. *Most fundamentally, the WSDC question the conformity of this aspect of the plan with the settlement policy (SC1) in very recently adopted West Somerset Local Plan (WSLP). That plan has been subject to examination which will have taken account of national policy, including paragraph 55 of the NPPF. The justification given for a policy which would permit some development in the hamlets where there are no community facilities is that this is 'in order to reinforce the landscape and built character of the*

Parish'; that they are considered to be 'sustainable locations ... due to their built form and relative proximity to services and transport infrastructure' and that 'the specific settlement pattern and functionality of the Parish justify this small adjustment'.

- a. What is distinctive about the settlements within Stogumber Parish and their 'functionality' which justifies a departure from the approach taken in the WSLP?
- b. What is it about the built form of the hamlets which renders them suitable for some development, especially if it is 'adjacent', rather than 'within' the settlement?
- c. Has a study been undertaken to establish their 'relative proximity' to services and public transport; relative to where?
- d. Has a comparative analysis been undertaken of the options for some additional development in Stogumber itself, within walking distance of the available services, rather than in the hamlets where that option is unlikely to be an attractive one?
- e. What is the basis for the balance of development between 14 new dwellings in Stogumber village and 5 in the hamlets? Has an analysis been undertaken of the sites which, if proposed for development, would come within the terms of Policy EN2?
- f. NPPF paragraph 55 refers to groups of settlements with development in one village supporting services in another. In what way would that be true for the hamlets in Stogumber? For example, would development in Capton be likely to support services in Stogumber rather than in Samford Brett and/or Williton?
- g. In what way would development in the hamlets 'enhance or maintain their vitality'?

UNLESS THE SPC RESPONSES TO THESE QUESTIONS ABOUT THE IMPLEMENTATION OF POLICY EN2 ARE SUCH AS TO SATISFY ME THAT, WITH MODIFICATION, THE BASIC CONDITIONS ARE LIKELY TO BE MET, THE ISSUES ARE LIKELY TO REQUIRE FURTHER DISCUSSION AT A PUBLIC HEARING (See under Policy C3 in section 17 below)

Policy EN3 Setting of Stogumber

There is no specific question on this policy although it should be noted that the first paragraph is not policy and would be more appropriately included in the explanatory text. Also overlap with 'policy' O1.

Policy EN4 Larger Development Sites

11. *Would the SPC please clarify what the intention of EN4 is in policy terms. As currently worded it is not a policy in itself, especially as it is stated that all plan policies apply to such sites.*
- a. What evidence is there (as the WSDC question) for the assumption that such larger sites would bring greater community or economic benefit? Is it related to the WSLP (Policy SC4) threshold of 11 dwellings (6 for off-site contributions) for affordable housing provision? What is the relevance and justification for the site size threshold of 0.5 ha.?
 - b. Is it considered that the inclusion of a caveat that all plan policies apply (*which does not need to be stated*), is likely to be sufficient to avoid speculative proposals for developments of 11 dwellings or more in or adjacent to Stogumber and the hamlets?
 - c. How does this policy relate to WSLP Policy SC1, to SNP Policy C3 in terms of the number of dwellings expected to be delivered over the plan period and the stated desire to see this spread over the 10 year plan period?

Policy EN6 Flood Risk

12. *The WSDC are correct to draw attention to the fact that the first paragraph within Policy EN6 is a repeat, word for word, of the supporting text. It is not policy; nor is the second paragraph which is of an explanatory nature.*

The Environment Agency have made formal representation in support of this policy. However, within the third paragraph of the policy the statement that 'development will not be supported in flood zones 2 or 3' does not properly reflect the national (NPPF) policy in paragraphs 100 to 104 nor is it fully consistent with WSLP Policy CC2. The policy does not distinguish between major and smaller-scale development.

- a. Is it considered that adequate account has been taken of national policy on the requirements for sequential and exception tests, including major development within flood zone 1, as per footnote 20 on page 24 of the NPPF? Should there be reference to mitigation measures?
- b. Is there a possibility that larger agricultural buildings might need to be located within higher risk zones? Does the policy properly reflect that?

Policy EN7 Renewable Energy

13. *This policy is an example of one where the criteria are repetitive of those elsewhere in the plan and might be covered by an over-arching policy.*

In their representation the WSDC draw attention to Government policy on the siting of wind turbines.

- a. What consideration has been given to the fact that small-scale wind turbines for individual houses may be permitted development?
- b. In view of Government policy what is the justification for the inclusion of wind turbines in SNP policy EN7?
- c. Is it the intention that Stogumber should be regarded as 'an area identified as suitable for wind energy development'?

Policy EN8 Transport and Development

14. *As with other policies, the supporting text includes wording which is almost identical to that in the policy itself. As such, the only justification for the policy is that 'The Neighbourhood Plan seeks to maximise the sustainable use of the local road network', which is an objective.*

- a. How is it envisaged that the policy will achieve the objective stated above?
- b. In view of the WSDC comments on this policy, has consideration been given to a re-wording of the policy to make clear how the policy should be applied by the LPA in making development management decisions?
- c. Is it the intention that development which does not reduce the need to travel (by private car?) should be refused?
- d. Does the policy mean that the development of new employment opportunities, services and/or facilities within the parish will be approved? Might not employment development lead to unsustainable travel from elsewhere, i.e. from outside the parish?
- e. Does the second paragraph in the policy mean that provided that the access works necessary to make a development acceptable in highways terms would not have an unacceptable impact on the character of the area or on the landscape then it will be approved? Does it also mean that if the traffic generated on local roads by a proposed development would result in significant harm to the safety of pedestrians and cyclists on those roads, which cannot be mitigated by off-site works, permission will be refused?

The section in the text which refers to transport policies to be pursued elsewhere should be distinctly separate from land-use policy. Also, my comments in section 3 above about use of the word 'supported' applies to this policy.

Policy C1 Local Community

15. *These are laudable community aspirations but ...*
- a. How is it envisaged that this policy will be applied in making decisions on planning applications? For example, how will it be assessed whether a proposed development would help the community meet its own needs?
 - b. What does 'strong support' mean, in practice?
 - c. Is not this policy covered adequately by other more specific policies, in particular C3, C5 and C12?
 - d. As the WSDC point out, facilities or services may cease simply because they are no longer viable. Should there be reference to viability to avoid dereliction?
 - e. Are the 'facilities' and 'services' (are they distinguishable?) to which the policy applies those identified in policies C5 to C13? Are there any others? What are the 'other features of value to the community'?

Policy C2 Housing Sites

16. *There is a good deal of overlap and repetition between this policy and others in the plan.*
- a. *The second sentence in the introduction to this policy on page 15 reads as a policy. It should either be deleted or included under a policy heading. If the latter, how would such a requirement be assessed when considering a planning application? Is it possible to provide more specific guidance as to the type, size and tenure mix of housing required? (WSDC suggest that there ought to be further information on this)*
 - b. Is it the intention that this policy should apply to all sites or only those above a certain size? *There would appear to be little scope for implementation for smaller sites, especially as the plan envisages only 19 dwelling completions over a 10 year period.*
 - c. Are the first and second paragraphs necessary? The second paragraph is covered by policy EN5.
 - d. What does 'assist the physical and social integration' mean? How would development assist 'connectivity of Stogumber or the hamlet'? *(Is there a 'typo' in that sentence?)*
 - e. *WSDC make a very valid point about the need for the effective management and maintenance of affordable housing. Have these arrangements been discussed with the providers of affordable housing?*

- f. The fourth paragraph refers not only to a mix of tenures but to a 'variety of house sizes' being well mixed. Is that likely to be compatible with design and layout considerations? Does this provision add anything to WSLP Policy SC3?
- g. Would that last paragraph be more appropriately included with policy C3? Is it reasonable to refer to site density in this way rather than a number threshold, bearing in mind site constraints and viability considerations? (*WSDC refer to this*)

Policy C3 Housing Delivery

17. *This key policy covers several different considerations which may be better dealt with separately.*
- a. *First paragraph. Why 14 and 5? Where is the evidence base to support those particular figures other than stated community preference? Have possible sites been identified to test the deliverability of that number of dwellings? It is noted that the policy does NOT say that development is to be 'spread evenly' over the 10 years of the plan, as stated in the Introduction. Is it intended to control the rate of delivery? If so, how? Is there any estimate of the balance between new build and conversions? Has the potential for conversions been assessed?*
 - b. *Paragraphs 2-5 inc. Affordable Housing. Setting a minimum site size threshold of three units is inconsistent with WSLP policy SC4 which sets a minimum site size of 6 and then, between 6 and 10 dwellings, only with contributions for off-site provision. Most importantly, the policy does not appear to have had regard to the Ministerial Statement of 28 November 2014 on site size thresholds, now incorporated in the PPG⁶. Although Stogumber is a recognised rural settlement, under national policy the minimum number of dwellings for there to be any affordable housing provision is 5. Therefore, unless there is a very robust evidence base which demonstrates a particular local justification of a size threshold of three dwellings this policy cannot be found to meet the basic conditions. What is the evidential basis for setting a minimum site size of 3 dwellings for affordable housing provision? What is the justification for requiring ANY on-site provision on sites for 10 dwellings or fewer. Does the second part of the second paragraph refer to making financial contributions for off-site provision 'in lieu' of on-site or some form of 'exception site' provision?*

⁶ Reference ID: 23b-031-20161116

- c. Is it considered that the 2014 Exmoor Housing Study provides an adequately up-to-date evidential basis for identifying local housing needs? Should the policy refer, in general terms, to requirements being to meet the latest available assessment of need?
- d. *The fourth and fifth paragraphs in this policy seek to introduce criteria for the letting of affordable housing units to particular applicants. As the WSDC state in their representation, local lettings policy is NOT a planning matter. It is the responsibility of the Local Housing Authority under the Housing Act 1985 (as amended). Is this accepted by the SPC and might this be treated as an aspiration, included in a non-statutory part of the plan?*
- e. *Paragraph 6. Principal residency condition. The statistical analysis of 2011 Census data included on page 45 of the plan indicates that 8.8% of all household spaces had 'no usual residents' compared to 11.2% in West Somerset and 6% in SW England. Does that suggest that second-home ownership is a particular problem in Stogumber parish? Is there any other basis for seeking to restrict the ownership of new homes in the parish? Would such conditions be imposed on conversions? It should be noted that under Government policy occupancy conditions should only be imposed on 'exceptional occasions'⁷. Has consideration been given to the effect of such a condition on viability and deliverability?*
- f. *Paragraph 7. Although the reasons for imposing floor size limits for dwellings are given in the fourth paragraph of the text on page 17, what is the justification for the particular figures given in this part of the policy? Is there evidence to support the removal of permitted development rights for extensions? Government policy is that such rights should only be removed exceptionally. Would such restrictions run counter to the objective of attracting young (and growing) families to the parish?*
- g. *Paragraph 8. Is it the intention that proposals for self-build housing should be treated in any way differently from other forms of housing?*

THIS POLICY IS OF CONSIDERABLE IMPORTANCE WITHIN THE PLAN BUT, AS INDICATED ABOVE, UNLESS IT IS MODIFIED, THE PLAN APPEARS UNLIKELY TO MEET THE BASIC CONDITIONS. CONSEQUENTLY A PUBLIC HEARING IS TO BE ARRANGED TO ALLOW FULL DISCUSSION OF THE ISSUES ARISING. THE RESPONSES TO THE QUESTIONS ABOVE WILL BE USED IN SETTING AN AGENDA FOR THE HEARING.

⁷ PPG Reference ID: 21a-015-20140306

Policy C4 Live-work

18. *It is not apparent what account has been taken of WSLP Policy EC6 in formulating this policy which is a good deal more restrictive in its terms.*
- a. As live-work units 'will contribute to overall housing numbers' and also meet with policies C2 and C3, what is the justification for requiring the floorspace for commercial activities to form the majority of the floorspace?
 - b. What Use-Classes are envisaged for the business element?
 - c. Despite the amenity and highways criteria (*which are covered elsewhere*) how likely is it that uses other than B1 are likely to be acceptable within the residential environment?
 - d. Why is it necessary to condition the nature of the business and the nature of occupancy given the terms of WSLP Policy EC6?
 - e. *The final sentence in the second paragraph of the introductory text is a statement of policy.* Should it be included in policy C4 itself? In view of the permissive terms of policy EC1 this really be 'exceptional'?

Policy C5 Residential Institutions for Older and Disabled People

19. *See comments above about 'support' policies and the repetition of very similar criteria when an over-arching policy would suffice.*
- a. Does 'supported' in this policy mean 'approved'?
 - b. Is it accepted that the term 'residential institutions' should be clarified by inclusion of details of the type of accommodation to which the policy relates, and the relevant use-classes. (*The word 'institution' is not appropriate in most cases*)

Policies C6 School, C7 Village Hall and C8 School and Village Hall site

20. *These three policies all apply to the two adjacent sites of what are, clearly, very important community assets. However, as suggested in the by the WSDC, policies C6 and C7 are in the nature of community aspirations rather than land-use policies because no site allocations are made.*
- a. Might consideration be given to combining the three policies?
 - b. If, as suggested in the text, expansion of the village hall is a community priority is that compatible with first criterion in the policy (i.e. the enabling development being the minimum necessary to fund relocation)?
 - c. What, exactly, are the likely funding arrangements for the relocation and/or expansion of either the school or the village hall? What consideration has been given to the viability of any enabling development?

- d. In the third bullet point, are the 'other facilities the community needs as identified in this Plan' those mentioned on page 20 in the first paragraph under the heading 'Services and facilities'? Could this be more clearly set out? Now that planning permission has been given for a car park on part of Beacon Field is it appropriate to give the provision of a permanent car park as an example of a facility which is needed?
- e. What mechanism is envisaged for securing the community benefits which are required in 'enabling development'? If by planning obligation, would that meet the tests for such obligations in paragraph 204 of the NPPF? *(As currently worded, the third bullet point might be interpreted as requiring development to fund the provision of facilities to meet community needs which would not be directly related to the development or not reasonably related to it in scale and kind.)*
- f. In the fourth bullet point might the term 'greater use to the community' be defined and/or clarified?

Policy C9 Existing Public Open Spaces

21. *The WSDC draw attention to the overlap with WSLP policy CF1. The first paragraph of the policy is also very similarly worded to national policy as in the second bullet point under paragraph 74 of the NPPF. In itself, that does not raise an issue in meeting the basic conditions except where differences in wording might cause confusion, but it is not good practice. Also, I could not conclude that it would be necessary for the plan to meet the basic conditions for the listed areas to be identified as Local Green Spaces in the terms of paragraph 77 of the NPPF. The criteria for LGS are very exacting.*
- a. Does the term 'Public Open Space' as used in the plan apply to privately owned areas of open space over which there is a right of public access; to areas which are vested in the District or Parish Councils and/or to areas to which the Open Spaces Act of 1906 apply? *If the latter there would be protection under other legislation than the Planning Acts.*
 - b. The last sentence referring to The Cricket Club is simply a statement. Is it intended that the policy should apply to that area of land?

Policy C10 The Beacon Field

22. *The SPC may wish to suggest which references to 'The Beacon Field' might reasonably be omitted from this policy for clarity. The first sentence is not policy but a statement of fact.*

- a. Does the second sentence mean 'Proposals for development on the Beacon Field will be permitted provided that the following criteria are met:'?
- b. What are the 'known community needs'?
- c. If the important consideration is that any development (uses) should meet the criteria set out but not all 'potential uses' have been identified should those be included in the policy or as informatives in the text? *The last sentence adds nothing to the policy.*
- d. Did the work on the car park commence in 2016 and is it now complete?

Policy C11 Car Parking

23. *This policy is vaguely phrased. It is not at all clear what exactly is proposed.*

- a. Is there a specific proposal for an additional parking area, over and above the parking provided at Beacon Field? If not, how can 'the plan' 'support' additional provision? *The listed criteria mostly repeat those included in a number of other policies.*
- b. How is an assessment to be made as to whether a proposed site would be 'readily used by residents and visitors'?
- c. What would be intended by 'commensurate contributions'? If secured through s106 would they be likely to meet the tests in paragraph 204 of the NPPF? Would this be 'directly related' to the development and 'fairly and reasonably related in scale and kind to it'? *(I find the scenario painted in the introductory paragraph to this policy to be unlikely to meet these tests. If on-street parking is seen as a 'problem' then it is an existing problem not one which results from development. If the 'problem' is that on-street parking obstructs visibility and narrows the road such as to impact on road safety then its removal as the result of the construction of new accesses can only be a benefit. The displacement of vehicles currently parked there is an indirect consequence of the development, not a direct one.)*

Policy C12 Essential Services

24. *The WSDC have submitted a representation on this policy which they regard as being overly restrictive and onerous. There is also a representation on behalf of the owner of the village shop. A planning policy cannot be used to prevent the loss of an existing service only to set criteria for the consideration of any application which may be necessary for a change of use of the premises.*
- a. In what circumstances would a replacement 'service or facility' be likely to involve a change of use of the premises?
 - b. If a change of use requiring planning permission is involved what would be the justification for requiring the new use to be of 'higher quality and value to the community' and how might it be linked to the development of any other site within the Parish?
 - c. If the service were no longer needed or viable what would be the basis and justification for refusing planning permission for a change of use to a use which would not 'provide equal or greater benefits to the local economy and community'?
 - d. What consideration has been given to the possible effect on the appearance of the area by leaving a property unused and, possibly, becoming derelict? Would the policy have implications for Human Rights?
 - e. Are there particular local circumstances which justify a more restrictive approach than that which apply under WSLP Policy SC6?

Policy C13 Church

As stated in national guidance, the policies in neighbourhood plans can only relate to decision-making on planning applications. There are separate procedures for listed building consent and, as the WSDC point out, the works envisaged are likely to occur outside the LPA decision-making process. On that basis this policy fails to meet the basic conditions because it has not had regard to Government guidance on the content of neighbourhood plans. However, it may be mentioned in a non-statutory section of the plan.

Policies EC1 Local Economy and EC3 Business Space

25. *These two policies are very similar in wording with almost identical criteria which replicate others in the plan.*
- a. What is the intended relationship between policies EC1 and EC3? *As worded, policy EC1 is an over-arching and permissive policy which applies to all business premises without any locational or specific use criteria. There is, therefore inconsistency which would not assist in decision-making. Are both policies necessary?*

- b. *The fourth bullet point in policy EC3 applies to proposals for new retail premises. Irrespective of the WSDC request for clarification, the wording of this criterion suggests a restriction of proper competition contrary to national policy. Is not the correct test that any proposed retail outlet should not cause significant harm to the vitality and viability of 'the centre' i.e. the existing village shop?*

Policy EC2 Visitor Accommodation

- 26. *The same three criteria on 'harmful impacts' are repeated in all three parts of this policy.*
 - a. Would the policy be clarified by combining these parts of the policy?
 - b. Is it considered that this policy adequately reflects the positive support set out in the third bullet point in paragraph 28 of the NPPF?
 - c. What is the justification for restricting new build self-catering units to the locations specified in policy EN2? Does that not restrict the availability of land for residential development? What is the justification for a restriction in the floor area to 80 m²?; why that particular figure?
 - d. What is the justification for restricting occupation of self-catering units to a particular person rather than only a time limit on the use. What would such a restriction achieve?
 - e. *Camping and 'glamping'*. Why five? How would a condition requiring the removal of the temporary units should the use cease achieve a restriction of the use to visitor accommodation?

Policy EC4 Agricultural Land

- 27. *National and local plan policy on discouraging development on the 'best and most versatile agricultural land is mentioned in the introduction to this policy, but ...*
 - a. Is there a specific, locally based, justification for applying this policy to the lower grades, 3b and 4, of agricultural land? *Note WSLP Policy NH8*
 - b. What is meant by 'additional/mixed purposes'?

Policy EC5 Agricultural development

- 28. *It is recognised in the plan that most forms of development for agriculture are permitted development and refers to the prior approval procedure but fails to acknowledge that only 'siting, design and external appearance' require prior approval.*

The criteria listed in this policy (and in Policy EC6) are almost 'standard' ones repeated in numerous other policies. See comments on Policy O1 (paragraph 5 above).

- a. *The second paragraph under the heading 'Agricultural Development' on page 29 of the plan does not include a specific justification for the support given to those aspects of development. How does it relate to national and local plan policy?*
- b. *The statement in the text (end of second paragraph under the heading 'Agricultural Diversification) referring to tying conditions and/or s106 obligations is a statement of policy. Why is such a tie considered necessary? Would it meet the national policy tests for either measure?*

Policy EC6 Re-use of agricultural buildings

29. *Paragraph 55 in the NPPF, third bullet, refers to the re-use of redundant or disused buildings in the open countryside with no mention of their age or type.*
 - a. What is the justification for giving preference to the commercial re-use of modern steel-framed buildings? What regard has been had to national policy in that respect?
 - b. Is it intended that such a preference should apply to sites within or on the edge of settlements (policy EN2)?

Policy EC7 Dwellings on new holdings

30. *Questions:-*
 - a. Is it necessarily the case that a dwelling with low environmental impact would be 'readily capable of removal'?
 - b. What timescale is envisaged by the term 'temporary'?
 - c. Are there any particular circumstances applying in Stogumber parish which do not apply in other rural areas in order to provide justification for this policy?
 - d. What evidence is there to support the statements made about the difficulties of establishing viable new agricultural holdings without the ability to live on site? Are there examples of this having happened?

Appendix 2

31. *Appendix 2 appears, in part, to provide an evidence base for the plan.*
 - a. Is it intended that Appendix 2 should remain in the plan once 'made'? Would it have a useful purpose?

JRM

27.02.17