



# Newsletter

## Words from The Chair

The Levelling-up and Regeneration Bill, currently making its way through its Committee Stage in the House of Lords, remains a cause for concern.

Despite earlier opposition efforts the Secretary of State remains empowered to introduce National Development Management Policies, free from any further democratic oversight or scrutiny, that take precedence over both Local Plan and Neighbourhood Plan policies.

There has also recently been consultation on reforms proposed to national planning policies in the Bill, amongst which is the suggestion that 'under the reformed system, which we expect to go live in late 2024, there will be a requirement for local planning authorities... to start work on new plans by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months'.

The current Plymouth and South West Devon Joint Local Plan was adopted immediately prior to the end of March 2019, so work on a new Plan would have to start by 22 March 2024, and it would then have to be adopted 22 August 2026.

There is more on the Consultation on page 2, and you can find the Society's submitted response as an appendix to this Newsletter.

However on this page we start with the fact that many more homes than the existing Plymouth & South West Devon Joint Local Plan said would be required to meet the objectively assessed need are being built in the South Hams. Should we continue to do so, and it appears that we will, we may yet have to find sufficient land to accommodate the equivalent of another Malborough every year!

Then later on page 8, our Environment Lead Martin Forder looks at what we could learn from our presence at the Sustainable South Hams Rivers Assembly. Since then The Times has reported South West Water expects to add rivers later in the year to its Water Fit Live service. This will not only enable all those

interested to see in real time the pollution going in to our rivers and the sea, but it will also include historical data on the release of untreated sewage.

Before that, on page 4, Events Lead Cathy Koo reports on the success of our first two Crabshell Conversations featuring speakers Glen Peacham and Alan Mighall. Our sincere thanks goes to both. This initial short series concludes this coming Thursday, April 6, when chair of the South Hams Tree Wardens Network Cllr Mark Long and co-ordinator Dr Thelma Rumsey will be addressing the issue of trees and what we all can do to protect them.

On the same page you can also discover what is to happen at our forthcoming AGM, once the initial and brief formalities are concluded. Cllrs Judy Pearce and Julian Brazil are to join us to answer your questions about policies the Council can and should adopt to further protect and enhance the natural landscape and the built character of the South Hams.

And, as we report on page 11, with the Local Elections due to be held a mere two weeks after our AGM, we will also be inviting all candidates to complete a questionnaire, enabling us to learn their views on a number of issues of concern to the Society.

Elsewhere, amongst other topics, you can read more about much of the excellent work our Planning Team, led by Les Pengelly, has been doing over the past few months.

We also take a trip back in time on page 7, delving in to the Society's archives, looking back at events from 10 and 25 years ago.

Finally, we intend to hold more Crabshell Conversations in the future, beginning in the autumn. If you would like to speak on a specific subject, or know someone who might, do please let us know, using the email southhamsociety@gmail.com.

Needless to say we hope to see you there, at our AGM, or at one of the many events around the South Hams we will be attending this summer! •

## Adding another Malborough. Every Year!



*The village of Malborough occupies approximately 60 acres*

According to the Plymouth & South West Devon Joint Local Plan: The Housing Market Area and Updating the Objectively Assessed Need, in the 20 years between 2014 and 2034 an average of 196 new dwellings needed to be built in the South Hams every year in order to meet the objectively assessed housing need.

This meant land had to be found to accommodate a total of 3,924 new dwellings.

However, in the seven years between 2014 and 2021, to quote the Plymouth, South Hams & West Devon Local Planning Authorities' 2021, 5 Year Housing Land Supply Position Statement dated November 2021, no fewer than 2,957 of those dwellings were actually delivered, at an average of more than 420 a year. Then, in 2021/22, yet another 454 further dwellings were added to the total.

Nor are we due to stop building any time soon. The Council's Draft Revenue and Capital Budget Proposals for 2023/24 makes the assumption that the number of properties will increase by 500 per annum from 2023/24 onwards, while the Authorities Monitoring Report 2020-21 tells us there are already 6,869 homes secured by planning permission that have yet to start construction.

Simply adding together the 3,411

new dwellings that have been constructed between 2014 and 2022 to those 6,869 homes that have yet to start construction means that sites have already been found for no fewer than 10,280 dwellings, or comfortably more than two and a half times as many as the number of 3,924 supposedly required.

It's also worth noting that Devon County Council were far more modest in their projections. In their opinion, only an additional 2,700 households in the South Hams would be required in the 20 years between 2014 and 2034 to satisfy the number needed, a target that has already been comfortably exceeded.

So however you look at it, we are building many more houses than were originally thought necessary. Yet we clearly have a housing crisis. So how can this be?

And the answer is far too many of the houses actually being built are unaffordable to the vast majority of those who genuinely need them. To quote the ONS, the average salary in the South Hams in 2022 was £32,873, while Land Registry figures last October put the average South Hams house price at £453,301, or 13.8 times the average salary.

Bad as that might be, figures from the Department of Levelling Up, Housing and Communities suggest that in the ten years until

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# Newsletter / 2

## Responding to the Government

Closed consultation

### Levelling-up and Regeneration Bill: reforms to national planning policy

Published 22 December 2022

A few weeks ago, on 2 March, the Society submitted its response to the government's Planning Policy consultation on reforms being proposed to national planning policy.

A copy of that response is included as an appendix to this Newsletter. But it will come as no surprise to members to learn of our concerns, many of which we have articulated previously when discussing the Levelling-up and Regeneration Bill, the progress of which through Parliament we continue to follow both with trepidation and interest.

At present, having passed its 3rd reading in the Commons, the Bill is going through its Committee Stage in the House of Lords, with the last sitting scheduled for

20 April. Currently, and despite many objections, the Bill still allows the Secretary of State to introduce National Development Management Policies to override both Local Plan and Neighbourhood Plan policies without any further democratic oversight.

The Consultation also encompasses a number of other topics, amongst which was whether respondents agreed 'with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?' In response we wrote:

'Too many new developments in the South Hams fail to respect the local vernacular, which can vary significantly from place to

place. Instead identikit estates are being imposed on communities, fundamentally changing their character. The imposition of area-wide design codes will only accelerate such changes. One size, or design, will not fit all. Instead, if communities make clear in their neighbourhood plans that any new development should reflect the design – height, form, materials and density of its immediate surroundings, developers should be required to work within those constraints unless the immediate community agrees otherwise.'

We also questioned 'the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to

'well-designed places', to further encourage well-designed and beautiful development?'

Who, we wondered, was to say what is 'beautiful', suggesting that such as King Charles and Norman Foster were unlikely to agree. Consequently, we concluded, unless there was a definition of 'beautiful' upon which all could agree, the inclusion of the word was essentially meaningless.

Nor was this the only poorly or loosely defined proposal in the consultation, with the lack of precision often making it impossible to know what exactly the government intends.

Of course only a cynic could think that might in itself have been the intention. •

March 2022 no more than 24 social homes were built in the South Hams. Over the same period 107 social homes were sold, resulting in a net loss of 83 social homes. This at a time when in March 2022 there were no fewer than 1,795 people on the local authority waiting list for social housing in the South Hams.

Some might find this is little short of shameful. And it means that many key workers and the people we need to sustain and support the tourism and hospitality sectors, on which so much of our local economy depends, have nowhere they can afford to live.

Making matters worse, while land was found to deliver 2,957 new dwellings in the financial years between 2014/15 and 2020/21, a Freedom of Information request by the Society reveals no fewer than 943 properties with a property start date for Council Tax in those same years are currently classified as unoccupied but furnished, meaning that they are in all probability second homes, or are currently categorised as holiday rental homes or guest houses.

Suffice to say, not every property with a property start date for Council Tax will necessarily have

### ... adding another Malborough

been built in the year in question. Amongst their number will be existing properties purchased as second homes. Others will be previously residential properties that became holiday lets. But there can be no dispute that, rather than achieving a net gain of 2,957 new residential dwellings, the actual figure is nearly a third lower, at 2,014.

As a result it can be argued that nearly a third of all new dwellings being built in the South Hams are either second homes or holiday homes, or else are compensating for existing homes whose use has been changed from residential!

And much of this construction is coming at the cost of our countryside. Ever more land is having to be found. For example, accommodating 500 new homes, if built at the same density as the Bloor Homes development on land at SX 651 560 at Filham, on the outskirts of Ivybridge, would require 60 acres. That's the equivalent of imposing another settlement the size of Malborough on the landscape, precisely what our Council's Draft Revenue and Capital Budget Proposals for 2023/24 assumes we will be doing for the foreseeable future,

every year.

Of course, were those new dwellings to be built at a higher density, as say the 10 dwellings per acre being achieved at Applegate Park in Kingsbridge, then only 50 acres would be required. Conversely, the application for 35 new dwellings on a site at Dartmouth Road, East Allington, merely proposes a density of 5 dwellings per acre.

Significantly, not all the sites being proposed are necessarily sustainable. Where for example in East Allington are the jobs for people to go to? Clearly many new residents there will have to commute, adding still further to congestion and pollution on our 18th Century road system, already incapable of coping with existing traffic volumes. And what are the implications for schools, surgeries and the sewage system?

There are of course financial reasons for our Council to continue building so many houses in which few can afford to live. For example, the Draft Revenue and Capital Budget Proposals for 2023/24 anticipate the Council will receive no less than £421,000 from the Government's New Homes Bonus from the projected construction

of 268 additional properties over the baseline. Additionally a further 454 properties are likely to be paying Council Tax, which will put at least another £85K in to Council coffers, collectively making a contribution of more than £0.5 million towards an estimated total budget of £11.74 million.

However with New Homes Bonus payments from the government possibly coming to an end it could be time for our Council to consider the wisdom of continuing to concrete over our countryside. Sufficient planning consents are already in place to more than meet our housing targets. No more should be granted prior to 2034. The only exception should be for sites to accommodate genuinely affordable social housing in those locations where it is needed.

Councillors have it within their power to use the planning system to put a stop to any more primary residences becoming holiday accommodation and impose a Devon residency requirement on all new builds, while council tax should certainly be doubled on all second homes.

Action needs to be taken. We can but hope it will be. •



## Society goes cold on Baltic Wharf proposals



*The Acorn Property Group and the TQ9 Partnership wish to replace many of the marine facilities with shops, restaurants and housing*

There is considerable concern in many quarters that plans for the complete redevelopment of the Baltic Wharf site by the Acorn Property Group and the TQ9 Partnership will result in a large number of expensive riverside houses and a boatyard reduced to one third its present size, and of very questionable long term viability.

Protestors led by District Councillors John Birch and John McKay, along with Totnes Town Councillor Georgina Allen, are instead canvassing support for an alternative proposal to create a Centre of Marine Excellence and Skill, so continuing the town's long association with the sea and, they claim, creating the potential for 100's of highly skilled and well paid jobs for the area.

At the end of January members of the Society's committee met with the two Johns. Amongst the issues raised were the implications of the developers' desire to add another 120 dwellings on the site on both air and water quality.

With Devon Highways estimating that, on average, every new dwelling results in an additional eight vehicle movements each day, what is being proposed would mean an extra 960 vehicle movements daily along Warland/Shute Road and New Walk/St Katharine's Way and The Plains. Living aside the inevitable disturbance to residents already living alongside those routes, Totnes is

already an Air Quality Management Zone along a stretch of the A385 between True Street junction and the junction of Clay Lane. In all probability many of the vehicles coming to and from the site would further degrade air quality.

Previously, when proposals were first put forward to redevelop Baltic Wharf, the officer report recommended that there should be no more than 500m<sup>2</sup> of retail, café and/or restaurant space. The reason given was 'to ensure retail facilities are limited in size so as to cater for the local needs of employees, residents and visitors to the site and that the retail facilities are not of a scale likely to have an adverse impact on the vitality and viability of Totnes Town Centre'.

The developers now wish to increase that to at least 3,300m<sup>2</sup> of B2 and E class employment space, ie: shops, offices, cafes, restaurants, GPs, light industrial, creches, gyms and more. Were this to be permitted, not only would there clearly be an adverse impact on the vitality and viability of Totnes Town Centre, but there would also be a significant further increase in vehicle movements by those wishing to work at or utilise the facilities.

Condition 18 of the original consent also stated 'the on-site parking provision shall not exceed an overall total of 399 car parking spaces – 'to ensure there is not

an oversupply of vehicle parking which would encourage less sustainable forms of transport and attract vehicles to the site.' The original Bloor Homes plan makes use of 95 of those spaces, the proposed additional 120 dwellings will also need spaces, so the question arises as to where visitors other than residents will be able to park?

The other problem a development on this scale poses is to water quality. In 2021, the most recent year for which data is available, the Totnes Town Pumping Station (Environment Agency permit 201662) saw 107 spills of sewage and storm water in to the Dart that collectively continued for a total of 585.85 hours. Separately the Sewage Treatment Works (Environment Agency permit 203080) saw 104 spills in to the river, lasting 935.59 hours in total.

South West Water themselves admit in their Level 2 Draft Plan for the Dart that the treatment works is 'approaching design capacity'. It is hard to believe a development on the scale being proposed will not further increase the pollution of the Dart.

However, of possibly greater immediate relevance, further research by the Society's Planning Team suggests that as a result of the first part of planning permission 56/1495/00/F being implemented, conditions 9 and 10 of that permission remain in

force. As a consequence, much of the site the developers wish to develop for housing and other purposes is limited to marine use only.

Then there is also the question of application 56/1939/10/O, approved on 29 November 2012. The Society considers this to be the key development permission for the houses already constructed by Bloor Homes, and this permission gave a seven year timescale. There is a variation permission 56/0103/13/O, approved on 26 March 2013, but that fails to change the seven year time scale. This means the seven year time limit for application 56/1939/10/O lapsed on the 29 November 2019, the date by which any reserved matters were required to be submitted.

It is therefore our opinion that it is now no longer possible to submit any further reserved matters for application 56/1939/10/O, meaning that there are no longer any valid permissions for the boatyard for the developers to rely on.

So, on 8 February, the Society asked the Local Planning Authority to confirm whether the observations and opinions arising from our research were correct.

A fortnight later, on 22 February, the Council's Assistant Director Planning informed us the case officer would reply to us directly.

We await that response. •

# Newsletter / 4

## Crabshell Conversations

April 06 – 11:00am

### The Devon Tree Strategy

Chair of the South Hams Tree Wardens Network Cllr Mark Long and co-ordinator Dr Thelma Rumsey on the newly published county-wide Tree Strategy for District Councils to use as a template and to promote and encourage/increase the protection of existing mature trees, including hedgerow trees and woodland, as well as new planting.

Crabshell Inn, Embankment Rd, Kingsbridge, TQ7 1JZ

## South Hams Society AGM

6:30pm, April 20, Council Chamber, Follaton House

## Question Time with Cllr Judy Pearce and Cllr Julian Brazil

After the elections on 4 May South Hams District Council will be controlled by either the Liberal Democrats or the Conservatives. Here the leaders of those two parties answer questions about the policies the Council can and should adopt to both further protect and enhance the natural landscape and the built character of the South Hams.

If you have a question on topics such as planning and the environment that you would like to ask, please send it to [southhamssociety@gmail.com](mailto:southhamssociety@gmail.com). We will try to ensure that as many of your questions are asked (and answered) as possible.

The event follows on from the Society's AGM, which begins at 6:30pm and should last no more than 30 minutes. All are very welcome to attend, both members and non-members alike, and we would ask you to be in your seats in the Council Chamber at Follaton House, Totnes, by 6:30pm at the latest.

Please email [membership@southhamssociety.org](mailto:membership@southhamssociety.org) to let us know if you wish to attend. If oversubscribed, members will be given priority.

## Starting Conversations

The 2023 events season has got off to a cracking start with a series of talks, the 'Crabshell Conversations', attracting members old and new to the delightful waterside pub in Kingsbridge.

Designed to offer members the chance to meet up in person – so important after the pandemic – the two talks to date have proved very popular. Provided interest in the talks is maintained, the Society hopes to hold more outside of the busy holiday season.

Glen Peacham, the Chair of Sparkwell Parish Council, opened the series with a truly inspirational talk about the parish council's campaign to stop Hemerdon Mine running roughshod over the interests of the village. Fortunately for Sparkwell, Glen was the right man in the right place to fight the good fight. And what a fight Glen and the parish council put up... His personal expertise gave him the edge when it came to knowledge of aggregate waste, which combined with his tenacity to keep going despite everything the mine owners could throw at him, clearly demonstrate the power that local councils in the right hands can wield. It goes to show that, just occasionally, the Little Guy wins.

Following on from Glen, The Evacuation Walk attracted a large crowd keen to hear Alan Mighall, Chair of the South Hams Ramblers, talk both about the Ramblers and also a 'new' 25 mile walk – the Evacuation Walk – following a route around the boundary of the South Hams villages evacuated to make way for the American troops preparing for D Day during WW2. Using original maps from the period Alan's enthusiasm and love of the South Hams was clearly evident and a real crowd pleaser.

The third and final talk, due to take place on Thursday April 6th at 11.00am, will be essential for all those concerned about the plight of Devon's trees. Dr

Thelma Rumsey and South Hams District Councillor for Salcombe, Cllr Mark Long – the Secretary and Chair of the South Hams Tree warden Network respectively, will take us through the newly published county wide Tree Strategy. Because of the proximity to Easter this talk will be starting at the earlier time of 11.00 as the Crabshell will more than likely be busier than usual. If you want to stay for lunch after the talk, booking is advised.

Do look out for more talks that we hope to schedule for this autumn, and if you know of anyone who would make an interesting speaker or have a topic that you'd like to learn more about, do let SHS Events Lead Cathy Koo know: 07813 021621.

Not to be missed is the Society's AGM, this year being held in the Council Chamber at Follaton House, and starting at 6:30pm. After concluding the Society's business – unlikely to take more than half an hour, there will be 'Question Time' with the current Leader of South Hams District Council Cllr. Judy Pearce and the opposition leader Cllr. Julian Brazil, when we can ask the questions that matter to the people who count.

In the run in to the local council elections this May this is a golden opportunity for you to focus your council's mind on the topics that are close to your heart. Members are encouraged to submit questions for Cllrs Pearce and Brazil ahead of time to the SHS Chair Richard Howell ([southhamssociety@gmail.com](mailto:southhamssociety@gmail.com)). So, whether you are thrilled with the service provided by SHDC or looking for some answers, this is your chance. Don't miss it. More details here on this page.

Not long after our AGM the 2023 summer events season will be underway and we look forward to seeing as many of you as possible at the South Hams Society stand at the events shown below.

## Summer Events Programme

**Kingsbridge Fair Week - Town Square - Saturday 22nd July, 9am - 12noon.**

**Yealmpton Show - Wednesday 26th July, 9am – 5pm**

**Totnes and District Show - Sunday 30th July**

**South Hams Vintage Machinery, Sorley Cross - TBC**

**Celebrate Start Bay, Slapton Field Centre - Sunday 13th August, 11am - 5pm**

**Hope Cove Weekend - Saturday 26th - Sunday 28th August**

**Kingsbridge Show, Borough Show Ground - Saturday 2nd September**



## Trees for Spring!



*Acer Griseum*

Springtime is here! And no better time to give a plant to a young person to start their interest in horticulture and the realm of plants.

How about a small tree? Sounds a bit much? But they don't have to be big or grow enormously. A tree is a gift that reminds us of the donor every Springtime.

Take a Maple like Acer Palmatum Osakazuki which might reach ten or so feet (3m) over time which is small enough for a town garden or courtyard. It displays brilliant red-orange autumn leaves which are very rewarding for the gardener planting it however young (or not so young).

Another choice might be Acer Griseum, again with dramatic autumn colour and it exhibits shaggy ginger peeling bark which is unusual. Another attraction of all the Acers are the delicate star shaped leaves.

Acers grow in most soil conditions but do not like waterlogged ground and prefer acid to alkaline soils. Sunny aspects are fine, as are partly shaded conditions although full shade is not advised.

Another possibility is the Katsura Tree, - Cercidiphyllum Japonicum – also known as the Toffee Apple Tree from the smell of its leaves when crushed. The Pendula variety does not grow too large and looks unusual with its draping branches.

At the other end of the scale both for size and cost are decorative vegetables; also rewarding and fun to plant. It is worth trying Kale for the sculptural leaves and Artichoke. Leeks also make a statement. All three could look well in a flower border when suitably placed.

The gift of a spade might also be appreciated!

## Let Loddiswell breathe!



*The Old School Field in Loddiswell should be a community asset, not a site for development*

A few months before Christmas, on October 16 2022, pre-application reference 2164/22/PR6 obtained officer support. It appears our Local Planning Authority had no objection to Devon County Council selling off the Old School Field in Loddiswell to a developer, with outline consent to build ten houses.

Unsurprisingly, many local residents were not in favour. As Liz Montague, the Chair of Wild About Loddiswell, told the Society:

'The field was the playing field for the school before it moved to its new site in 2018. Since then it has been largely left alone and the wildlife has flourished. Dormice, hedgehogs and slow worms are resident there, a barn owl has been seen hunting there and greater and lesser horseshoe and barbastelle bats have been recorded foraging there. Having not been ploughed or sprayed for well over 50 years it is unimproved grassland with a rich diversity of wildflowers. There is a small copse of trees too, planted by the school children.

'It is the last remaining green space in the heart of the village. We would like to keep it as a green space for the village where we could plant a community orchard and create a nature reserve thereby conserving the wildlife and providing a peaceful place for

the community to enjoy, accessible to all, including the elderly and less able.

'There is already too much pressure on the road and sewage infrastructure and local people say they do not want more housing.'

Significantly the field itself is shown as being allocated for open space, sport and recreation use in the adopted Plymouth & South West Devon Joint Local Plan and, since 2014, 75 new dwellings have been built in the village. The JLP noticeably contains no proposals for any further housing in Loddiswell.

A separate outline application with some matters reserved for a residential development of 17 dwellings on the field was withdrawn just before Christmas. In objecting to that application the Parish Council noted the village: 'does not need any more housing nor does it need affordable housing.'

Perhaps more pertinently Sport England, a statutory consultee in the event of an intended loss of a recreational facility, had no objection to the 17 dwellings 'providing that the new replacement Loddiswell school site is open to the wider community in perpetuity and adequately maintained'.

Consequently the Society contacted the Primary School, only

to be told the facilities were not available for wider community use.

As a result we find it difficult to understand how officers could decide to support the pre-application request and, unless it can be shown that exceptional circumstances exist for deviating from both JLP policy and a previous Sports England consultation response, we fear the advice officers have given is incorrect.

'Although,' as Liz Montague explained to the Society, 'we have the playing fields on the outskirts of the village and are of course surrounded by lovely countryside, these are not easily accessible for the elderly and less able, especially as our village is on a hill. This is why the old school field would be a wonderful asset for the community, if we could save it, enabling us to protect the wildlife too.'

The Society fully supports Wild About Loddiswell in their campaign, and we have written to the Assistant Director Planning at the Council to request the Council publish the relevant pre-application officer advice. Then both the Society and the general public will be able to understand how officers came to their decision.

We can but hope a response will be forthcoming soon. •

## Spirewell Farm

This application for a new single storey three bed dwelling with an agricultural occupancy condition was a resubmission of the previously withdrawn application 4421/21/FUL for an identical building in an identical location.

As readers of our April 2022 Newsletter will remember, at that time the applicant's architect was claiming this new single storey three bed dwelling was needed to provide both a permanent home for the estate manager of Spirewell Farm as well as to help solve the recently declared housing crisis in the South Hams.

To which we responded: "It is now abundantly clear that this housing crisis statement is being misinterpreted and misused for supporting inappropriate development in the countryside, and in particular the South Devon Area of Outstanding Natural Beauty to override the LPAs Statutory Duty to 'Conserve & Enhance' as required by both NPPF guidance and JLP policies."

Our objection then went on to add: "an agricultural tied dwelling has already been justified for this farmstead," while "the farmstead is now being operated as holiday cottages," and a quarter of the land was now being used for pheasant shoots, again not an agricultural activity.

Separately, and as we have pointed out in our objection to this latest application, the proposed location is highly visible within the surrounding landscape. Objecting to the previous application, the South Devon AONB Unit had made the point that the 'site is in open countryside away from any cohesive settlement and outside any settlement policy boundaries. The introduction of residential development into this area would be detrimental to the open character of the AONB by virtue of the built development, residential activity and paraphernalia and light intrusion. It could also consolidate existing dispersed development in the area leading to a cumulative impact on the settlement pattern and character of the area.'

That objection, we noted, was still valid.

Concluding our objection to this latest application, we wrote 'the proposal should be refused because the justification presented does not carry the required weight in the planning decision process to override the planning policies in place intended to protect the designated landscape. •

## Butterford – not so sound after all



*Prior consent was given to building in the north west corner of the field, but no track then existed*

In our January Newsletter we reported how, some 16 weeks after the Council's Planning Business Manager told the Society she was 'seeking the opinion of the Council's Lawyers regarding the validity of the application', that opinion was finally received.

As far as the Council's solicitor was concerned the decision, that Prior Approval was not required for the proposed agricultural storage building, was 'sound'. The Council, she declared, 'does not intend to take any further action'.

Yet the decision had been based on information provided by the applicant's agent. And that information was incorrect.

As a result the Society submitted a Freedom of Information request in an attempt to understand how the Council's solicitor had arrived at her decision. Thanks also to one of our members, a former solicitor, the Society also provided the Council with a number of legal precedents that appeared not to support the decision.

A number of weeks elapsed

before a response was received from the Head of Legal Services at the Council on 6 February. He wrote:

'Having considered the matter again and notwithstanding what was said in our letter dated 23 November 2022, the Council accepts that the decision to issue the prior approval was unsound in the sense that the decision-making process was flawed because there was no assessment of whether the works for the erection of the proposed building were reasonably necessary for the purposes of agriculture within the agricultural unit; there was no express consideration of the proposed development in the context of the AONB and the Council proceeded on the basis that there was an existing access track when there was no such access track.'

He continued:

'As for the prior approval decision itself:

- (a) it is valid in law unless and until quashed by a Court;
- (b) the Council does not have the power to withdraw

or revoke it (and, moreover, it has no intention of seeking to do so);

(c) although the Council will not initiate any judicial review claim for an order quashing the prior approval decision, were such a claim to be filed by the Society the Council would not resist it (if legitimate grounds of challenge are identified). However while the Council would not resist a claim by the Society, the applicants might; and

(d) in the determination of the extant planning application, the Council intends to give the 4 November 2021 decision either no weight or very limited weight.'

Despite this, application 4012/22/FUL to regularise and retain the agricultural access track so destructively imposed upon the AONB still remains to be determined. •

## Salcombe Retreat

Last June the site owners submitted an application for a Certificate of Lawfulness, arguing they should be able to increase the number of static caravans being housed on this site from 34 to 52 without having to apply for planning permission.

As reported in previous editions of the Newsletter the Society objected to this application, pointing out that back in June 2020 the Planning Inspector, David Wybourn, had dismissed an appeal by the applicants against

the refusal of an earlier application to add an additional 23 static caravans to the 34 already housed on the site.

The only apparent difference between that application and this was that the number of additional caravans had been reduced to 18. In all other material respects, the applications appeared identical.

Despite a target determination date of 31 August 2022, no decision has yet been reached. •

### Membership Matters

*There are a few who have yet to pay this year's subscription and unfortunately this is your last chance to do so.*

*Your support is greatly appreciated and we hope it's just an oversight. Please can you arrange payment as soon as possible, you can pay by Standing Order, BACs or cheque. We encourage members to pay by standing order where possible as this saves our team time - time which can be used more proactively. Our current membership rates are:*

*Individual - £10; Family - £15. Our bank details are: South Hams Society - Sort Code: 53-61-37; Account No: 08607397*



# Newsletter / 7

## Dennings yet again

After the Development Management Committee opted at their December meeting to reject the case officer recommendation and refuse an application to erect six new residential dwellings on this site, giving as their reason the proposal failed to satisfy the requirements of the recently adopted Neighbourhood Plan, the applicant has now returned with another application, a re-submission of an application first made in June last year, on that occasion for 14 dwellings.

Our initial objection to this latest application notes that as the reserved matters development proposal now fails to conform to the outline planning permission approval (2574/16/OPA), and because it is no longer possible to submit any new reserved matters, the Society is of the opinion that the LPA must refuse this reserved matters application or that it should be withdrawn.

Condition 1 of the decision notice for application 2574/16/OPA made it clear that 'in the case of any matter reserved by this permission application for approval of any reserved matter must be made not later than the expiration of three years beginning with the date of grant of outline planning permission.' Application 2574/16/OPA was given conditional approval on 24 May 2019.

Consequently any reserved matters needed to be submitted by the 24 May 2022 in order to comply with Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The Society has asked the LPA to confirm whether our understanding is correct.

No response has yet been received. •

In objecting to an application to carry out extensive tree works in East Portlemouth the Society feared the extent of the proposed felling, thinning and coppicing would be detrimental to the character and appearance of the area while the removal of all ash trees within the three Tree Groups was excessive and contrary to the Forestry Commission Guidance.

In response the Council's Tree Officer contacted the Society to say: 'It is my opinion that the works are suitable management, and there is applicant goodwill here

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## From the Archives

### 25 Years Ago



Former Society President Anthony Steen MP

*As the Society's 62nd AGM is due to take place shortly, this is a glimpse from the archives of AGM activities 25 years ago. There has been progress on some of the questions raised, but today's concerns are not substantially different.*

The Society's 37th Annual General Meeting in 1998 was held at Harbour House in Kingsbridge on Friday March 20th. 43 members attended and also the Society's new President Anthony Steen MP. One of the issues at the time was the Devon County Structure Plan, and the report of the President's comments illustrates the concern over development pressures.

"The Society was an important organisation, and had a particular role to play in the current discussions on the County Structure Plan and the level of development proposed in the South Hams. The gradual increase in development over the years, and the enormous increase currently proposed, combined to threaten a potential disaster for this essentially rural area. Although it was technically possible to fit in 79,000 houses, it could only be at

the expense of "suburbanising" the greater part of the area: the basis for forecasting the number of new dwellings required was also dubious, even though the Government had indicated their intention to alter the method used and put the emphasis on sustainable development."

At the time Mr. Steen chaired a Commons group on SANE Planning, which argued for sustainable development and no building without suitable infrastructure in place, and he had a particular interest in housing matters.

There were reports on the usual work on planning, and some further work on the limekiln restoration project at Frogmore. The Society was trying to promote a more co-ordinated approach to planning matters with other similar societies through the South Hams Amenity Federation. The comment was made that this was an example of the benefits of co-operation, as SHAF had been represented at the Structure Plan Examination in Public and had also made some progress on the restriction of 44-tonne lorries on rural roads. •

### 10 Years Ago

*If you travel across the bay at North Sands you cannot fail to notice the large area of newly cut cliff face covered in black plastic sheeting.*

*This is the result of an inspection by a party from the European Highway Authority last summer. It has been deemed that the road climbing over the hill from North Sands to South Sands exceeds the EU steepness criteria and is too narrow to meet the EU Highways regulations. Devon County Highways have been ordered to provide a tunnel between the two beaches to eliminate the hazardous trip drivers have to undergo at the moment.*

*The exposed cliff face currently being worked on is the start of this tunnel. To reduce cost the tunnel will be single lane. Access will be controlled by barriers at each end. These will be operated by driver by means of a simple ticket machine similar to those used in car parks.*

*Work is underway at present to be ready for next season, the tunnel is planned to open on the first of April 2013.*

This is an excerpt from the Society's regular 'Bulletin' in August 2012. No, it's not a serious project – just note the date in the final sentence which is appropriate for this time of year.

Author John Watling was the Society's chairman from 2000 to 2006, remaining a committee member until shortly before his death in 2012. A distinguished structural and civil engineer, he retired to Salcombe in 1996, involving himself in a number of other community groups as well as the SHS. He also enjoyed a joke – with a completely straight face. This last example both caused double-takes among SHS members and prompted a query email from the Devon County Council Highways Department! •

## East Portlemouth Trees

to replant as per our LAs requirements evidenced by the numerous tree plantings undertaken as part of the consented planning application.

'As ever with Ash Dieback I am between a rock and a hard place not wishing to lose Ash trees early but acknowledging the disease is endemic and once a sporulation density occurs in an 'Ash'ed' site it quickly moves to other trees. The fact that coppicing is proposed to Ash trees in Cpts 78 and 91 allows their

regrowth to be secured, and of course controlled through the TPO.

'In terms of woodland thinning by 20% and the felling of overtly dangerous trees and the pruning works proposed I would regard this as normal and beneficial management for woodland/ tree perpetuity and risk management, and those larger trees of landscape value could be conditioned to be replaced.

'As a compromise would the Society accept a condition along the

lines of all young/ newly planted as part of the planning consent Ash trees in Cpts 78, 90 and 91 (excluding any older healthy ones) to be coppiced, and their regrowth to be assessed in 5 years' time for presence of ADB, which if absent would require their retention and to be allowed to further mature?'

Thanking the Tree Officer for responding to our objection we added we genuinely appreciated his explanation and we were very happy to accept the compromise he proposed. •

<https://SouthHamsSociety.org>

## Stonehanger Court

In addition to the Society, the Council's Tree Officer objected to this application to build a two-storey house on land adjacent to Stonehanger Court in Salcombe on grounds of arboricultural merit, concluding that the application was contrary to Policy Dev28 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and/or BS5837: 2012 Trees in Relation to Design, Demolition & Construction.

Separately the Council's Landscape Officer was of the view that the detrimental effects on the landscape and environment of the AONB should be given great weight in the planning balance, while the proposed development was also in conflict with Local Plan policies and the Salcombe Neighbourhood Development Plan.

Since then Highways have also objected, citing as their reason 'the proposed development would be likely to result in an increase in the volume of traffic entering and leaving the Class C County Road through an access, which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 110 and 112 of the National Planning Policy Framework and Policy DEV29 of the SWDJLP.'

Yet despite the application having a target determination date of 22 December 2022, no decision has yet been reached. •

## Hendham View

Before Christmas the Society submitted a letter of representation objecting to this application seeking prior approval for the provision of some agricultural tracks, pointing out that given development had already commenced, the Prior Approval process was unavailable to the applicant, and provided photographic evidence in support.

On 22 March The Council informed the applicant's agent: 'As you are aware the Case Officer visited the site yesterday (21/03/23) where it became apparent that works have commenced to implement the development. Sections of the access track/private way for which prior approval was being sought are clearly visible. On this basis the development is not permitted under Part 6 as prior approval has not yet been given. In order to seek to regularise the development which has already taken place a retrospective planning application will need to be made.' We now await that application. •

## Go with the flow at the Rivers Assembly



In January's Newsletter I wrote about water pollution in the South Hams. It continues to be a hot topic as the attention garnered by Paul Whitehouse's recent two-part programme for the BBC 'Our Troubled Rivers' (still available on Iplayer- and highly recommended) shows.

On 28th February the House of Commons held a Westminster Hall debate about the performance of South West Water. Our MP spoke as did several others from South West Water's area. The record can be viewed in Hansard. The House of Commons Library produced a useful recent summary, 'Performance of South West Water'. See <https://commonslibrary.parliament.uk/research-briefings/cdp-2023-0029/>.

On 18th March Sustainable South Hams held a Rivers Assembly which saw around 150 project, group and community leaders gather to share knowledge, discuss projects and develop new ideas in relation to the issues.

The intention was to connect the dots between the many organisations who are working in diverse ways to try and combat the problems.

The day finished with Topic Spotlight sessions, with talks, Q&A and discussions on specific subject areas. In the Infrastructure & Regulation session there were people from twelve South Hams parishes as well as representatives from South West Water and the Environment Agency. Three new groups/concepts have been created as a direct result of that session:

- A Parish & Town council planning group to develop standard responses to planning applications that do not include sustainable drainage methods and are likely to increase storm overflows;
- An initiative from Totnes Town Council to ensure that South West Water is consulted on planning applications to ensure capacity is considered and addressed prior to planning approval;

- A scrutiny group to look at the plans put forward by South West Water for the next five years to improve drainage and sewerage infrastructure and to then scrutinise the company's delivery of those plans.

I will be leading on the last of these initiatives, the Scrutiny Group, and I would like to take this opportunity to encourage any members of the Society who might be able to help us to come forward. In particular it would be great to have:

- Sewerage/drainage engineers – (but any engineering/construction expertise is probably adaptable and would be very welcome).
- Planners/building or other professionals from the civil engineering sector who can look at plans and identify defects/make suggestions for improvements
- Data analysts who can understand Excel sheets and graphs, extract data from them/run analysis of them and also formulate focussed requests for data from SWW.
- Lawyers/those with regulatory experience who can assist in looking at SWW's (and the regulators') obligations and in formulating arguments as to how the obligations are not being met.

'Inspiring' can be an over utilised description but I think it appropriately describes the Rivers Assembly event. In the Measuring & Data room, the role of citizen science in monitoring rivers and supporting the push for accountability from industry and government bodies was discussed, with a key focus on the Westcountry Citizen Science Investigations programme and its use in the Yealm Estuary to Moor project.

At the Assembly the exhibits and talks covered a huge range of projects, including those of the Devon Wildlife Trust who talked about the Beaver Project on the River Otter and the remarkable transformation of flood control that has taken place there. Ambios explained how they are re wilding 130 acres on the

Sharpham Estate next to the river Dart, where reducing cattle grazing and introducing pigs has led to amazing increases in wildlife diversity and abundance. The Gara River Water Vole Reintroduction Project talked about their programme. Bioregional Learning Centre described their new project for the Dart - Living Dart: The Saltmarsh Project. Find information on the event speakers and exhibitors at [www.sussh.org/ivers](http://www.sussh.org/ivers) which will give you a link to the the Rivers Resource Pack.

Elsewhere, SWW has just launched its own 'Water Fit' map – see <https://www.southwestwater.co.uk/environment/waterfit/waterfitlive/>. At the moment this is restricted to bathing waters and I am afraid it only shows very basic information. It fails to show Combined Storm Overflow operation 'in real time' in the way that the Thames Water's map at <https://www.thameswater.co.uk/edm-map> does. But it is a start, and it is only fair to recognise that South West Water does seem to be taking steps to try to promote engagement and understanding with its customers. Like the other water and sewerage companies it faces a long haul!

Our MP has organised a series of open meetings in South Devon with representatives of South West Water. Residents are invited to attend to hear from SWW about their work, pose questions and share their views. The first meetings was in Brixham on 30th March and it will be followed by Totnes at 5:00pm on 27th April. Further meetings in Dartmouth and Kingsbridge will be announced in due course. You can register your attendance for Totnes using this link: <https://www.eventbrite.com/e/totnes-open-meeting-anthony-mangnall-mp-south-west-water-tickets-529322506867>. Each event will take place in a town centre location. E\_vent attendees will be contacted on the day to confirm the exact location. •



## Beadon Road site partially cleared...



*but work is still required...*

On 29 January the Society wrote to the Council's Enforcement Team to say:

Now that Appeal Reference APP/K1128/C/22/3302395 has been withdrawn the Society would appreciate your confirmation that action will be taken to ensure that the Enforcement Notice issued on 20 June 2022 will now be complied with within the next 30 days to ensure the site owners:

- (i) Remove the storage of building materials
- (ii) Remove the storage of demolition waste
- (iii) Remove the storage of non-agricultural machinery
- (iv) Restore the Land to its previous condition and use as an agricultural field

We were concerned that the land to the north of Beadon Road in Salcombe had yet to be restored as required.

In response we were informed an Enforcement Officer had visited the site two days later and, in his opinion, the enforcement notice had been complied with. He wrote:

'The only matter outstanding when I visited, was the heras fencing blocking the entrance to the field, which was not part of the notice but was taken down the next day.'

We disagreed, sending the officer a series of photographs taken on 15 February, one of which is reproduced here, pointing out: 'There would still appear to be some debris and demolition waste on the site, as well as more Heras fencing than that is needed to simply close off the entrance.'

Not only did we consider there was still much work to be done before it could be said the land has been restored to its previous condition and could again be used as an agricultural field. It was also arguable whether all parts of the notice could really be said to have been complied with.

Further work is needed if the requirements of the Enforcement Notice are to be met. ●

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## An arguably unsustainable development



*The proposed development site is the brown field to the right of the existing settlement*

The Society objected to this application beside East Allington's Dartmouth Road for a multiplicity of reasons, best summarised by our belief that the proposed development was both inappropriate and unsustainable.

Inevitably any new residents needing employment will almost certainly have to commute to work by car. Devon Highways themselves have noted that 'the proposals will be likely to create additional inconvenience for drivers having to wait in certain places where the road is single track for passing traffic. In terms of whether that is acceptable, the National Planning Policy Framework stipulates that proposals should not be refused unless the residual cumulative impact on the existing road network in

terms of capacity is severe.'

Yet according to the Parish Council 'The problem that concerned people most was the access which was considered unanimously to be unsafe and problems with the lane access to the village also not able to carry increased traffic.' In particular the 'danger to children accessing the recreation area who would then have to cross a busy road was totally unacceptable.'

Consequently in determining the application it is to be hoped the case officer will consider comment made in respect of appeal reference APP/W3520/W/20/3245218, in which 'the Planning Inspector clearly felt that the highway safety implications of the appeal site were likely to give rise to a severe highway

impacts, contrary to paragraph 109 of the NPPF, caused specifically by the increase in vehicular traffic on Hawes Lane conflicting with the pedestrians walking in the road, given this road has no footways.'

The parallels with Dartmouth Road are self-evident.

In addition the existing sewage infrastructure saw 37 spills in 2021, the most recent year for which data is available, that collectively continued for 370.18 hours in total. The question therefore arises as to whether the existing infrastructure has the capacity to fully cope with this development.

The application currently has a target determination date of 28 April, but will probably go before the DMC. ●

## East Portlemouth platform 'in garden'



*The platform is the light coloured triangle in the top left*

As we reported in our January Newsletter on 14 November last year the Society emailed SHDC Enforcement Officers concerning a viewing platform and turreted wall that had been constructed in a garden of a house in East Portlemouth. As a member of the Society had informed us:

'the raised platform that has been built at some distance from the house, within the walled area, is a large and very visible structure. It is more than a large

paved patio - rather it resembles a large stage elevated from the ground. And it is very visible from all around.'

The platform, on which two deckchairs were visible, overlooked neighbouring properties, was located within the AONB, and could be clearly seen from a number of public viewpoints.

It also appeared not to have received planning permission.

However as far as officers were

concerned, it was their 'view that the land is garden, which has been established through planning.

'Also a look back over Google Earth timeline assures me,' the officer added, 'the land has been used as garden throughout the recorded time.'

'An image from 1947, shows that this area was the original garden for the property surrounded by a large wall all the way around it.

'The raised area is within permitted development rights, there is a very small piece of the wall, the end turret on the side wall that would appear to be approximately 200mm above what would be permitted development, but it is not considered that this in itself is harmful.

'As such,' officers concluded, 'a decision has been made that no further action will be taken.' ●

<https://SouthHamsSociety.org>

## ‘No justification in this protected location’



The site is the white property in the centre of the shoreline



Existing building (above) height 9 metres from water level to roof apex (scale 1:100). Proposed building (below) height 14.3 metres from water level to roof apex (scale 1:200).



The objection submitted by Newton and Noss Parish Council was damning.

‘There is no justification, in this protected location, for squeezing in 2 very large, 4 bedroom expensive homes, when as evidenced very clearly by the NP, there is no local need for such properties. A smaller footprint would allow space for sympathetic planting for screening and conservation of the ecology.’

‘The addition of 2 extra levels, removal of existing natural waterfront and substantial increase in the footprint of the built form in this location is completely

unacceptable. There has been no attempt to harmonise with the adjacent waterfront, to utilise the vernacular or traditional local materials or blend with adjacent buildings on the waterfront; the Harbour Office, Ferry Cottages or Old Coastguard Cottages on the opposite banks. The large areas of glazing would cause significant light pollution despite some attempted mitigation

‘The existing views from street level of the estuary and woodland beyond would be lost and the view from the river and South West Coast path would be completely compromised.’

The Council’s Landscape Officer was also less than enthusiastic, stating: ‘Officers are of the view that the proposals would be unacceptably harmful to the Natural Beauty and Special Qualities of the South Devon AONB. Officers do not consider the proposals to meet the tests of adopted policies including DEV23 Landscape character and DEV25 Nationally protected landscapes; the SD AONB Management Plan, and annexes, and are therefore unable to support the application on landscape grounds.’

In the absence of further information, Highways were also likely to recommend refusal. The South

Devon AONB Unit also objected, giving as their reasons both the proposed loss of sheltered rocky foreshore in terms of habitat area and quality along with their belief the proposal failed to conserve and enhance the natural beauty of the South Devon AONB.

As we said in our submission, having both considered and agreed with the expert opinion that had already been submitted, and having reviewed the application itself, we also believed the application should be refused.

Despite a target determination date of 31 January, officers have yet to reach a decision. •

On 3 February the Society wrote to the Leader of the Council, its Chief Executive and its Director of Strategy and Governance providing a number of examples of developments for which there would appear to be no planning consent, as well as others for which there is consent but where there has been a failure to adhere to the conditions imposed.

We were concerned that any failure to take enforcement action in such instances leads others to believe the Council will either approve developments not built in accordance with approved drawings or that the Council will often fail to ensure that developments have been built or are being used in accordance with their planning approval.

Similarly, we pointed out, we feared there appeared to be a further belief that no one from the Council will check that devel-

## Acting with expediency

opments are built in compliance with the planning permission given.

If we are correct, we wrote, this surely cannot be a circumstance the Council is happy to countenance?

Amongst the examples we gave was an application for the construction of an agricultural dwelling for a principal stockman now being advertised as a holiday let on AirBnB. Others were of buildings not being built in the approved locations on their planning consents, of being built without planning consent, or of

not being used for the purposes applied for and, in a number of instances, now being advertised on AirBnB.

A few days later we received a response from the Council’s Assistant Director Planning who said:

‘In relation to the cases, you have raised I have asked (the Council’s Planning Business Manager) to review our enforcement case load and if any of these are current enforcement case to add your information to the file and ensure you are aware of the outcome going forwards. If these

are new allegations we will open new investigation file and look in to them for you and again will feed back on them to you.’

As yet, we have heard nothing more.

The Council’s Assistant Director Planning went on to add:

‘I do need to be clear that development not in accordance with approved plans or condition requirements does not necessarily mean that enforcement action will be taken. I do appreciate that this is an odd concept but it is how the system is operated. We do however properly investigate but we do need it term of enforcement action to ensure that it is in the public interest and also expedient to act.’

Unfortunately, where enforcement is concerned, to many of our members it appears more expedient not to act. •

Don’t forget to book your place for ‘Question Time’ with Judy Pearce and Julian Brazil at Follaton House on 20 April at 6:30pm

For full details, see page 4



# Newsletter / 11

## The Candidate Questionnaire



# SHDC Elections 2023

## The Candidate Questionnaire

[Home](#)

If you want to find the candidates looking to represent the Ward in which your parish is located, just click on the name of your parish below. Similarly if you know the name of the Ward in which you live, and wish to find out who is hoping to represent you, simply click on the name of the Ward. Alternatively, if you wish to find a specific candidate and you don't know the name of either the Ward or Parish they hope to represent, type their name in the Search field above and click 'Search'.

Candidate responses to the Society's Questionnaire can be found by clicking on the relevant link beneath the Candidate's name, provided of course that the candidate in question has actually returned our Questionnaire.

To return to this page, just click on the 'Home' menu link above that can be found on every page.

And, should you wish to see an example of the actual questionnaire we have sent to all candidates you can find it [here](#).

Parishes		Wards
Ashprington	Yealmpton	Allington and Strete
Aveton Gifford	Woolwell	Bickleigh and Cornwood
Berry Pomeroy	Woodleigh	Blackawton and Stoke Fleming
Bickleigh	West Buckfastleigh	Charterlands
Bigbury	West Alvington	
Blackawton	Wembury	
Brixton	Ugborough	
Buckland-Tout-Saints	Totnes	
Charleton	Thurlestone	
Chivelstone	Strete	
Churchstow	Stokenham	
Cornwood	Stoke Gabriel	

On Thursday May 4th residents of the South Hams go to the polls to decide who is to represent them on the District Council for the next four years.

Chosen from amongst those we elect will be the twelve members selected to serve on the Development Management Committee. Sadly, we have no say in that process. But it is within our power to decide who will be the councillors that can be considered.

Consequently your vote could be crucial. And we hope you will opt for a candidate committed to both conserving and enhancing our natural and built environment, who favours the right development in the right places, and who will strongly and vociferously oppose the wrong development in the wrong places.

So, to help you decide, the Society is circulating a questionnaire to all candidates. And any candidate who has yet to receive

a copy should email southhamsociety@gmail.com – a copy will be sent by return.

All returned questionnaires will then be published on a website specifically set up for the purpose – [www.shdcelections2023.com](http://www.shdcelections2023.com), which will go live on 15 April.

Amongst the topics we are asking candidates to address will be the issue raised on page 1 of this Newsletter, namely whether we should continue building at the rate 500 new homes each year for the foreseeable future.

We are also asking candidates their views on Social Housing, wind turbines and solar farms, whether they think pollution is adversely impacting our rivers, rias or beaches, about air pollution, protecting trees, as well as other associated matters.

Needless to say, it is important we know what our candidates think.

And, for those who want our votes, it's only fair we should ask.



### Candidate Questionnaire

Please complete by typing your responses in to the appropriate boxes or by typing an 'X' in the relevant tick-box where appropriate, then save the file as 'Your\_Name.pdf' and email it back to [southhamsociety@gmail.com](mailto:southhamsociety@gmail.com).

Your name:

Political allegiance:

Ward in which standing:

### Housing

According to the Plymouth & South West Devon Joint Local Plan: The Housing Market Area and Updating the Objectively Assessed Need, in the 20 years between 2014 and 2034 a further 3,924 homes would have to be built to meet the objectively assessed housing requirement, or an average of 196 new dwellings each year.

However, in the seven years between 2014 and 2021, no fewer than 2,957\* of those dwellings were actually delivered, at an average of more than 420 a year. Then, in 2021/22, an additional 454 were added to the total.

Nor are we due to stop building any time soon. The Council's Draft Revenue and Capital Budget Proposals for 2023/24 is assuming that the number of properties is to increase by 500 per annum from 2023/24 onwards, while the Authorities Monitoring Report 2020-21 tells us there are 6,869 homes secured by planning permission that have yet to start construction.

In other words, we are building many more houses than were required.

Do you believe that we should continue building at the rate 500 new homes each year for the foreseeable future?

Yes:  No:

\* Plymouth, South Hams & West Devon Local Planning Authorities' 2021, 5 Year Housing Land Supply Position Statement November 2021



02 March 2023

## **The South Hams Society Interest**

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

## **Levelling-up and Regeneration Bill reforms to national planning policy consultation response**

1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?  
**Yes**
2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?  
**Yes**
3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?  
**Yes, provided over the immediately preceding 10 year period it can be seen to be meeting its community's overall housing requirements.**
4. What should any planning guidance dealing with oversupply and undersupply say?  
**See response to 3. above**
5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?  
**In favour**
6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?  
**It is crucial that the Framework needs to reflect the Conservative 2019 manifesto commitment that any necessary infrastructure will be in place before new housing is occupied if development is to be considered sustainable.**
7. What are your views on the implications these changes may have on plan-making and housing supply?  
**Local authorities that have granted sufficient permissions to meet their housing supply needs should not be penalised for developer failure to deliver approvals within an agreed and reasonable time scale. Nor should areas with recently made neighbourhood plans find those plans overridden and open to unplanned development because the local planning authority cannot demonstrate a sufficient supply of housing, or their plans are set aside due to low performance in the Housing Delivery Test. Communities need to have the confidence that their plans will not be set aside because of the failures of others.**

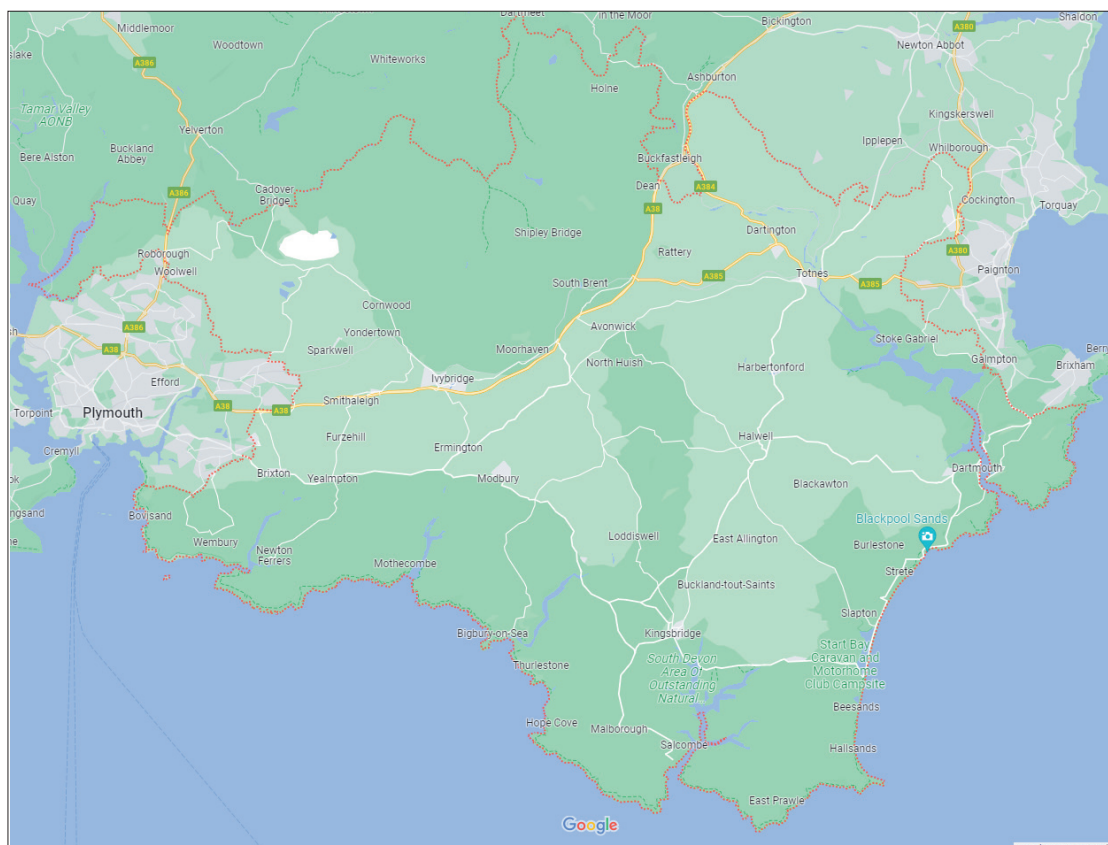




8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

**In an area such as the South Hams it is not only demographic and geographic but also economic factors that can constitute an exceptional circumstance. A combination of housing demand from retirees from outside the area and would-be second home owners has meant there is insufficient genuinely affordable housing to accommodate those needed to staff not only our tourism and hospitality businesses, on which a significant proportion of our economy depends, but also the carers required by our ever-increasing ageing population. With a road system incapable of accommodating existing traffic volumes the planning system should ensure that sufficient genuinely affordable properties for both sale and rent are built in those locations where workers are needed without adding to the number of second homes, retirees arriving from outside the area, and commuters who will have to drive to work by car.**

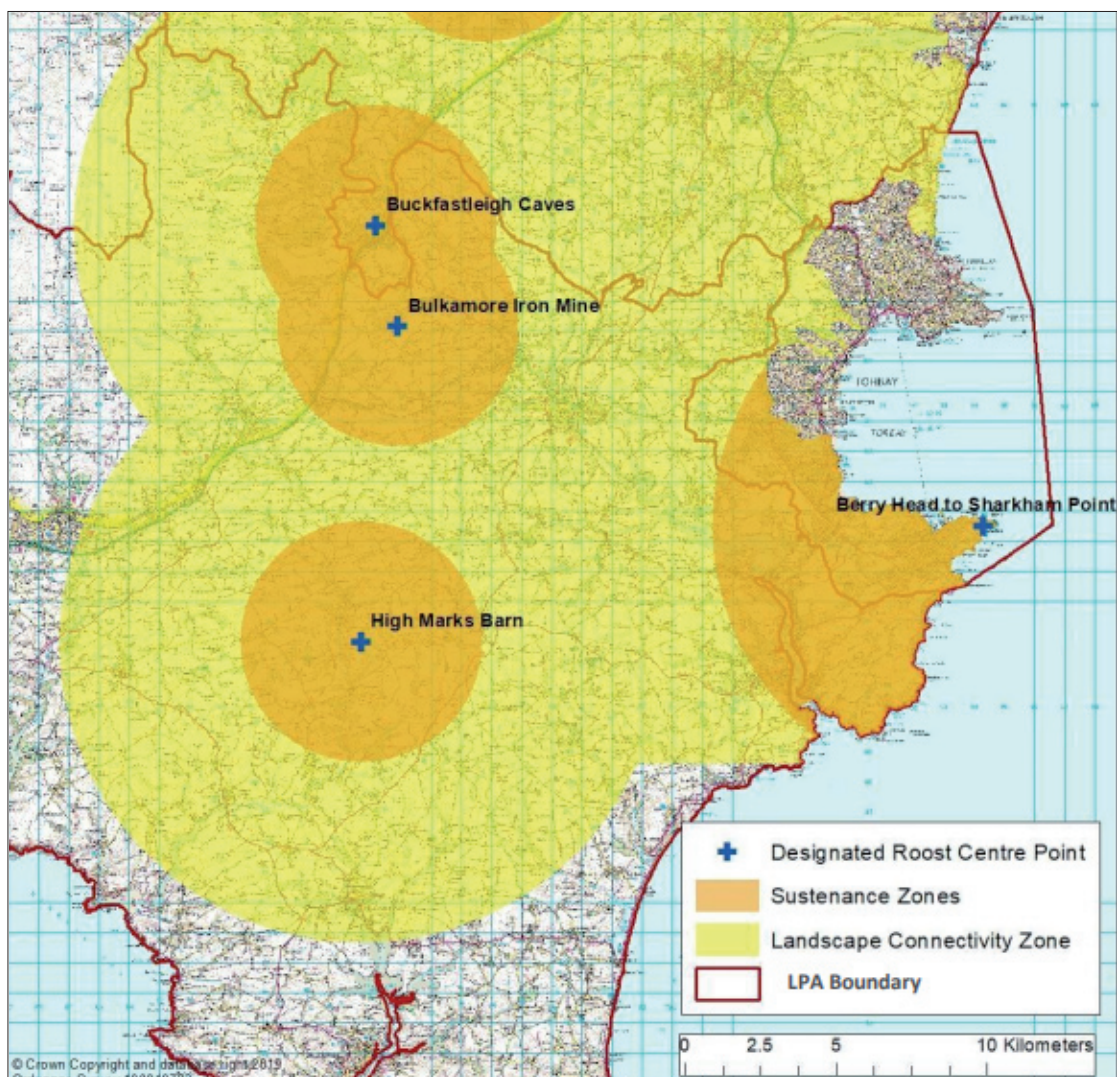
**The map below shows the South Hams District Council Boundary. The dark green areas are the protected landscapes of the Dartmoor National Park, the South Devon Area of Outstanding Natural Beauty and Tamar Valley Area of Outstanding Natural Beauty.**



**From this it will be observed that a large part of the district is highly designated landscape. What this map fails to show is the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats (see over).**



The SAC area covers a lot of the eastern area of the South Hams District outside of the highly designated landscapes.



These designations are obvious examples where exceptional circumstances should prevail as there is a statutory duty to protect both the designated landscapes and the designated conservation area.

***SAC GHB Habitats Regulations Assessment Guidance October 2019***

*'The South Hams Special Area of Conservation (SAC) has been designated, in part to ensure the favourable conservation status of this population of greater horseshoe bats. SACs, sometimes referred to as European Sites, form part of a network of designated sites across Europe. They are designated under the EU Habitats Directive and UK Habitats Regulations.*

*This legislation requires Local Planning Authorities (LPAs), and other competent authorities, to assess plans or projects which may have a likely significant effect on a European Site, alone or in combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced they*





*will not have an adverse effect on the integrity of a European Site, other than in exceptional circumstances [3]. These requirements are known as Habitats Regulations Assessment (HRA) requirement'*

The Dartmoor National Park has its own planning authority, but the Society has seen a considerable deterioration of the Areas of Outstanding Natural Beauty since their designation. The Society believes it essential that national house building numbers must consider these designations at district level.

9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

**Yes to both parts of the question**

10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

**Area plans, Google Earth images and photographic evidence, contrasted against what will otherwise be required.**

**An example of new high density development impacting the South Devon AONB. (2020)**



**And above, the development driven by Government housing targets, described as sensitively designed to protect the highly protected landscape of the South Devon Area of Outstanding Natural Beauty (2022)**



11. Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?  
**Yes**
12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?  
**Yes**
13. Do you agree that we should make a change to the Framework on the application of the urban uplift?  
—
14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?  
—
15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?  
—
16. Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?  
**Yes**
17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?  
**Yes, the date of 30 June 2025 is reasonable, but only if plan makers have at least 12 months from the time the government has published its response to the implications on the standard method of new household projections data based on the 2021 Census due in 2024 in order that the housing need is based upon the most up to date data.**
18. Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?  
**Yes**
20. Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?  
**No, given the need to demonstrate permissions given as deliverable, communities should not be penalised as a consequence of developer failure to build. Unless developers who fail to deliver within agreed timescales automatically forfeit planning consent there is always the danger that some may deliberately delay development, whether because of adverse market conditions or in order to open up additional sites for development.**





21. Do you have views on a robust method for counting deliverable homes permitted for these purposes?  
**Once consent is given the developer and the local planning authority should, within three months, agree a realistic timetable by which the development can proceed to completion. This would incentivise local authorities to progress applications through to completion in a timely manner and discourage developers from coming back to seek changes to already agreed schemes. Once that timetable has been agreed the homes can be considered deliverable.**
22. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?  
**The consequences should be suspended until the publication of the 2023 Housing Delivery Test results.**
23. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?  
**Yes. In areas such as the South Hams where property prices are considerably higher than in many other parts of the country the expectation that 10% of homes in major developments should be available for affordable home ownership is both far too low – it is economically viable for developers to commit to a percentage four to five times higher, and the homes provided should also be genuinely affordable, based on local average incomes.**
24. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?  
**Only in those areas where it can be demonstrated existing healthcare facilities are capable of coping with any consequent uplift in demand – arguably if patients already have to wait more than 48 hours for a GP appointment and/or hospital waiting times exceed targets then those existing facilities currently cannot be said to be coping with the existing demand.**
25. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?  
**No.**
26. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?  
–
27. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?  
**Yes.**



28. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?  
**Community land trusts should be able to bring forward exception sites of less than 0.25 acres to provide genuinely affordable social housing for rent to meet a clearly identifiable need within that community, provided sufficient employment opportunities exist within that community, in localities where development would otherwise not be permitted.**
29. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?  
**No.**
30. Is there anything else national planning policy could do to support community-led developments?  
–
31. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?  
**Yes.**
32. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?  
**Option 2.**
33. Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?  
**Yes.**
34. Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?  
**Too many new developments in the South Hams fail to respect the local vernacular, which can vary significantly from place to place. Instead identikit estates are being imposed on communities, fundamentally changing their character. The imposition of area-wide design codes will only accelerate such changes. One size, or design, will not fit all. Instead, if communities make clear in their neighbourhood plans that any new development should reflect the design – height, form, materials and density of its immediate surroundings, developers should be required to work within those constraints unless the immediate community agrees otherwise.**
35. Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?  
**Who is to say what is beautiful? King Charles? Norman Foster? The Secretary of State? Me? Unless there is a definition of 'beautiful' upon which all can agree the inclusion of the word is essentially meaningless.**





36. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?  
**Yes.**
37. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?  
**Only if a) the upward extension creates a separate dwelling or b) it is in an area where there is a demonstrable shortage of larger properties. Otherwise it will only succeed in making existing properties less affordable and possibly adversely impacting the amenity of neighbouring properties.**
38. How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?  
**Rather than each new-build house being required to provide a minimum of 30m2 of private amenity or garden space the minimum should not be less than either 30m2 or the footprint of the building itself. For domestic properties there should also be an outright ban on artificial grass, while non-permeable areas of the amenity or garden space should not exceed, say, 30% or 20m2 of that space, whichever is the lower.**  
**A review of each development should be undertaken on completion of the site to confirm that a 10% biodiversity gain has been achieved. Currently our local planning authority do not carry out any post development checks to confirm that a development has been built in accordance with its planning permission, instead relying on residents to report development planning breaches. This should be through an independent assessment.**
39. Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?  
**Yes, but such is the imperative to increase current levels of food security the Best and Most Versatile land should now be amended to be defined as grades 1-3b in the Agricultural Land Classification. If the government continues to split the grade 3 land, the current 3a and 3b land grade mapping is nationally inadequate and there needs to be an independent assessment body.**
40. What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?  
**Sites for housing should be located both where employment opportunities exist and health, education and other necessary infrastructure is present in order to reduce the need for car journeys and a realistic assessment should be made as to the pollution and congestion consequences of all developments.**



41. Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?  
**Rather than review the case for implementing Schedule 3 to the Flood and Water Management Act 2010 concerning Sustainable Drainage Systems (SuDS), the government should simply implement Schedule 3.**
42. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?  
**Provided: a) there is no increase in turbine noise or sunlight flicker impacting residential properties, b) protected landscapes are not impacted, c) all residents within audible distance of new turbines support their construction, d) all residents within one mile of new solar parks and wind turbines support their construction, e) there is no adverse impact on food security.**
43. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?  
**Not unless Note 62 is rewritten to ensure any wind energy development has the full support of the affected community and that the community is defined as those living within audible distance and/or one mile of the turbines and a referendum is held to demonstrate that support. Similarly in Note 63, disagree with the proposed substitution of 'satisfactorily' for 'fully', as well as the substitution of 'their backing' for 'community support' – such changes represent a significant reduction in the protection afforded to those who will be most impacted by such developments.**
44. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?  
Do you have any views on specific wording for new footnote 62?  
**I fail to see what footnote 54 (Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007) has to do with 'Introducing more flexibility to plan for new onshore wind deployment'. Decisions about onshore wind are best made by those most immediately affected, not by those living several or many more miles away, and permission should only be predicated on fully addressing the planning impacts of onshore wind projects as identified by those living in close proximity, with demonstrable support by those individuals required for the scheme to be approved. Nor should digital engagement techniques provide the sole channel through which support can be ascertained – there is a danger that some may be disenfranchised.**  
**Proposed specific wording for footnote 62: 'Wind energy development involving one or more turbines can only be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders when it can be demonstrated that each of the planning impacts identified by the local community most immediately affected have been fully addressed and the proposal has the support of that community'.**  
**The NPPF wind turbine planning policies should include consideration of the effects on Bird and Bat migration and impact. When located in public areas, they have been found to kill birds to the embarrassment of the wind turbine owners (see over).**





### Gull killer turbines are removed

An aquarium in Devon has taken down two wind turbines after seagulls were killed when they collided with the blades.

The 15m (50ft) high 6kW turbines at the National Marine Aquarium in Plymouth were installed in 2006 for a £3.6m sustainable energies project.

But the Hoe-based attraction has taken them down after several birds died, it said.

The aquarium also said they had not produced as much electricity as hoped.

Caroline Johnson, of the aquarium, said: "The major problems included where they were positioned.

"The eddying effect of the wind meant they weren't producing as much energy as they potentially could have.



The 15m high turbines were supposed to provide 6kW of electricity

45. Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?
- Yes, provided the solar panels are on the building themselves and that any noise from heat pumps will not cause disturbance to immediately adjacent local residential properties.**
46. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?
- Yes.**
47. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?
- Yes, provided plan makers have at least 12 months from the time the government has published its response to the implications on the standard method of new household projections data based on the 2021 Census due in 2024 in order that the housing need is based upon the most up to date data.**
48. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?
- Yes.**
49. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?
- Yes.**



50. Do you agree with the suggested scope and principles for guiding National Development Management Policies?

**No.**

Point 5 claims National Development Management Policies 'would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plan'. However the Bill, in its changes to Section 38 of PCPA 2004 (5C) states: 'If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy'. Consequently, should the Secretary of State introduce a National Development Plan Policy after the local plan has been adopted, and which conflicts with the policy in the local plan, then that National Development Management Policy would clearly impinge on the local plan.

Again Point 6 states: 'The policies themselves would, following passage of the Bill, be designated by direction of the Secretary of State. Before this could happen, full public consultation would take place on the draft policies', however 87(3) of the Bill does not require full public consultation, only that 'the Secretary of State must ensure that such consultation with, and participation by, the public or any bodies or persons (if any) as the Secretary of State thinks appropriate takes place.' Unless the Secretary of State thinks it appropriate, the Bill does not require any such consultation to take place. Nor is any parliamentary oversight promised. This is profoundly undemocratic.

Note 7 removes statutory weight from the National Planning Policy Framework and instead places power solely in the hands of the Secretary of State whose National Development Management Policies will take precedence over all other considerations.

51. What other principles, if any, do you believe should inform the scope of National Development Management Policies?

**Any review of existing policies aimed at decision-making already provided within the National Planning Policy Framework should only be undertaken by an independent and fully transparent panel of experts accountable to Parliament, and not at the exclusive discretion of the Secretary of State. It is entirely wrong that any one individual, no matter how well-intentioned, should have so much power, free from democratic oversight. It is also wrong for the Secretary of State to impose policies 'to reflect new national priorities' where there is little or no evidence to support their introduction at a district level. This is hardly empowering local communities, and it is akin to saying that because some people are overweight we must all eat less, even if some people are already going hungry.**

**And before accepting that any selective new additions in the form of National Development Management Policies are needed to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country, specific examples of such gaps should be provided and agreed by parliament before any policy is introduced.**

**Finally, it is again wrong for the Secretary of State to have the power to be able to dictate the determination of planning applications and the development and use**



of land without having to face democratic scrutiny. The government may claim to have a commitment to making improvements to the planning system... by giving communities a stronger say over where homes are built and what they look like', but it is obvious that, throughout this document, should the Secretary of State disagree with the conclusions they reach, he or she will simply overrule them.

52. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?  
**If needed, yes, but by parliament, and not at the sole discretion of the Secretary of State.**
53. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?  
—
54. What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?  
**Enabling local authorities to provide genuinely affordable social housing of a high standard to improve healthy life expectancy, enhance well-being, increase pride in place, reduce the number of non-decent rented homes to by more than 50%, and by improving neighbourhoods reduce homicide, serious violence, and neighbourhood crime.**
55. How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?  
**The government may 'want to empower local decision makers in those places to say yes to commercial development if it will drive economic growth, deliver new jobs, and stimulate innovation and productivity', but this should not be at the expense of the environment, air quality, flood risk and sewage spills, and the ability to access health care and other social and educational services.**
56. Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?  
**Yes. It makes sense to focus on housing around existing and planned transport infrastructure, so creating sustainable neighbourhoods that enable walking, wheeling and cycling to work supported by high quality local public transport, as long as all other necessary infrastructure is provided.**
57. Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?  
**It may be difficult to reconcile policies on lighting/street lighting with net zero objectives. More police on the beat could well prove more effective.**





58. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

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