

Dartmoor National Park Authority

Local Plan Review 2018 – 2036

Full Report on Proposed Modifications Consultation Examination Document 54

Respondent No: 0205

Name: Mr Daniel Rogers

Organisations: Bell Cornwell LLP

On behalf of: Moorhaven Ltd.

Representation Number: 1

Main Modification: MM45

Paragraph:

Policy:

Detail of Representation:

Modification MM45 is not sound, and it cannot be adopted in its current form. It does not take account of the points raised within our Hearing Position Statement (submitted on behalf of Moorhaven Ltd - respondent 0205). We observed the virtual hearing session that took place during the examination, and the Inspector encouraged the LPA to amend the settlement boundary to reflect the adopted methodology.



Figure 1: Proposed MM45 Modification - Bittaford Settlement Boundary including land (circled in red) which should be included within the boundary

The current boundary as drawn excludes a parcel of our client's land (highlighted in red above) which, in our view, should clearly be included within the settlement if the boundary is to meet the Council's own methodology. Since the Hearing Session the LPA have not engaged with us on the proposed change and the points raised in our hearing statement and previous representations do not appear to have been fully acknowledged.

Figure 2: (below) suggested amendment to settlement boundary - denoted by blue line



We are relieved to see that within the Inspector's Interim Report they have confirmed at paragraph 1.2 that the Inspector will be visiting the area when Covid restrictions allow. It is crucial that the Inspector visits the land in question to observe why it is suitable for inclusion within the settlement boundary of Bittaford, and that failing to include this land would not comply with the methodology.

In summary, the proposed modification does not respond to the points raised in our hearing statement. Examination Document SD104 (Vision and Spatial Strategy Topic Paper) contains the methodology which defines how Settlement Boundaries will be drawn for the Local Plan. The paper states that boundaries are drawn using a set of key principles in order to be robust, consistent, and precise. However, by not including the land we have highlighted the LPA have again failed to ensure consistency with the method for determining settlement boundaries. The current boundary as drawn fails to accord with criterion **2, 4 and 8** of the methodology.

Criterion 2 states:

"2. Settlement boundaries should, wherever possible relate to defined physical features such as field boundaries, roads, or water courses. The width of roads or rivers should normally be excluded."

Quite simply, the settlement boundary should follow the road and hedge line which encloses previously developed land. By bisecting our clients land ownership as they have done, they have not used a clear or logical boundary for the settlement. The road is a permanent defined physical feature which would be a much more suitable marker.

Criterion 4 states:

“4. Settlement boundaries can include greenfield areas that are not allocated for development or carrying a current permission only where they clearly form part of the settlement and are defined by strong boundary features. They would not normally exceed 0.3 hectares in size.”

The land should be included on the basis that it can be ‘previously developed land’. However, the methodology allows greenfield land to be included within a boundary where it clearly forms part of a settlement, it is defined by a strong boundary feature (such as the road shown) and it does not exceed 0.3ha in size. Looking at the screenshot below, the land we are suggesting should be included within the settlement boundary is under the 0.3ha threshold. Furthermore, it is previously developed land, and not greenfield land.

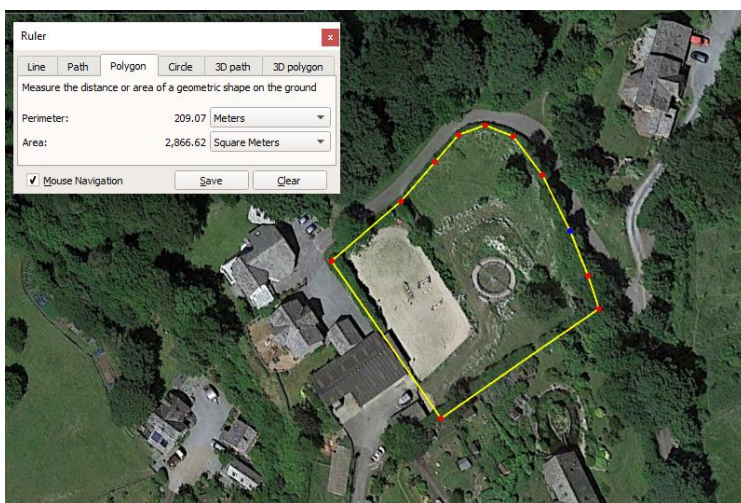


Figure 3:- The land proposed for inclusion within the settlement boundary comprises an area of approximately 0.288 h

Criterion 8 states:

“8. Settlement boundaries should normally follow the boundaries of the curtilage or properties except where buildings or structures are located in large grounds or open areas on the edge of settlements where the plot or area of extended garden may be excluded.”

If the Inspector visits the site, they will see that the line drawn on the plan by the LPA does not accurately bely the position on the ground. The site is clearly read as being associated with adjacent outbuildings and residential properties and it should be included within the settlement of Bittaford given its relationship to surrounding properties and landforms.



Figure 4 - our client's previously developed land which should be included in the settlement boundary for Bittaford

The settlement boundary for Bittaford is not appropriate and justified. In SD22 ([Dartmoor Local Plan 2018 - 2033: First Draft \(Regulation 18\)](#)) Map 7.11 shows the proposed settlement boundary for Bittaford. At the regulation 18 stage, the north western corner of the settlement boundary followed the road that encloses this land as a natural physical boundary. Our client submitted a representation supporting the inclusion of this land within the boundary as shown below:



Figure 5: The extent of the regulation 18 Bittaford Settlement Boundary

The settlement boundary should be amended to reflect the position taken in the earlier version of the plan

Modification necessary:

To make the modification sound the land highlighted in red below needs to be incorporated into the proposed settlement boundary for Bittaford.



Figure 6 - land to be included in Bittaford Settlement Boundary (image copyright Google 2021).

This change will make the plan sound because it will mean that the settlement boundary for Bittaford will have been drawn with appropriate regard to the Council's own methodology set out in the Council's Evidence Base.

Paragraph 3.4.1 of SD104 (Vision and Spatial Strategy Topic Paper) contains the methodology which defines how Settlement Boundaries will be drawn for the Local Plan.

By not including the land highlighted in red in figure 3, the LPA are failing to comply with criterion **2, 4 and 8** of their methodology.

Authority response:

While reference is made to criteria 2, 4 and 8 of the methodology for determining settlement boundaries, criterion 6 is also relevant to this case. Criterion 6 states:

“Settlement boundaries should normally exclude the following land uses; agriculture, forestry, equestrian, minerals extraction or landfill sites... Equally buildings or structures associated with these uses should normally be excluded.”

As such the starting point for considering an area of equestrian use is that it will normally be excluded from the settlement boundary. Officers have visited the site and come to the view that exceptional circumstances do not exist which would warrant including this area, indeed the presence of field boundaries to the south and east provide clear boundaries consistent with the aims of criterion 2. As such DNPA are comfortable that excluding this area of equestrian use and the associated buildings is consistent with the methodology for determining settlement boundaries.

Respondent No: 0219

Name: Ms Deb Roberts

Organisations: The Coal Authority

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy:

Detail of Representation:

Thank you for your notification below regarding the Dartmoor Local Plan, Proposed Modifications Consultation.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

As you are aware, Dartmoor National Park Authority area lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs etc.

In the spirit of ensuring efficiency of resources and proportionality, it will not be necessary for the Council to provide the Coal Authority with any future drafts or updates to the emerging Plans. This letter can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.

Authority Response:

Noted, no response.

Respondent No: 0056

Name: Mr Adam Hesse

Organisations: Coworth Homes

On behalf of: Mr Nigel Haley

Representation Number: 1

Main Modification:

Paragraph:

Policy: Proposal 7.6(3) Land at Timbers Road Buckfastleigh

Detail of Representation:

We do not believe the parks decision to proceed with the proposed site at Timbers road to be sound. There appear to be a number of potential flaws and in particular guestimates with regards infrastructure costs that would have a material effect on the delivery of much needed affordable homes. There is also a timing issue in that it is going to be another 18 months before planning can be submitted on this site (eco surveys) and another 18 months to build even if they tick all of the required boxes. That's at least another 3 and a half years for the 52 families on the affordable housing list to wait. We understand less than 20 affordable homes have been delivered in Buckfastleigh in the last 10 years?!

In addition, in the report provided by the Park, it still does not make it clear why Timbers Road is more sustainable than Glebelands/Oaklands Road?

Green Ecology who carried out the assessment and mitigation of the Oaklands Road site in 2018 (attached) have reviewed the Timbers Road site and can confirm it is very close to the SSSI and a "greater horseshoe bat pinch point" which is where there is currently restricted habitat available for the movement of bats throughout the environment. This would include travelling into the Potters Wood SSSI which they will be utilising for foraging.

*Attachment: Mitigation and enhancement strategy.jpg

Modification necessary:

Our alternate site at Oaklands Road/Glebelands has already carried out every relevant survey back in 2018 (as requested by DNP), has highways support, has carried out public consultation and amended the plans accordingly on the back of resident's feedback. We do not require any infrastructure works as the access is to be brought through Glebelands, an existing adopted road. We have offered additional overspill parking to the residents of Glebelands, additional play areas and an orchard given over to the locals for recreation. On top of that we are offering 50% affordable housing as even if Barn Park gets delivered (debatable) the waiting list for 52 affordable homes is not going to have much of a dent made in it. We have been,

and are, ready to submit an application for the last 2 years and have Teign Housing supportive with regards the delivery of our affordable homes.

Authority response:

Examination Document ED43 (Alternative Site Allocation in Buckfastleigh) sets out in detail the process and considerations DNPA made when coming to its decision on an alternative allocated site in Buckfastleigh.

It discusses a broad range of factors for consideration in reaching the decision including placemaking, environment, infrastructure, housing need, and timescales for delivery. DNPA has updated and completed a technical process with Member engagement through the decision making process. DNPA has been clear that the principle driver for this decision was ensuring that the alternative site is the most appropriate site in planning terms for Buckfastleigh. Whilst the potential speed of delivery has been considered it is not overriding, and DNPA has ensured it is informed of the deliverability of all potential alternative sites.

The technical work indicates that on balance the landscape impact, ecological mitigation (in respect of the SAC) and highway impact are lesser for Timbers Road. Whilst Timbers Road requires an improved highway access this has been assessed by the Highway Officer as achievable, considered viable on the basis of the larger site size and provides a better access to the strategic route network. Whilst a greater yield it would be subject to the same requirements in respect of delivery based only upon an evidenced affordable housing need.

On balance Officers and Members considered that the Timbers Road site was the best long-term development option for Buckfastleigh. A more detailed discussion relating to the points raised in this representation is set out in ED43.

Respondent No: 0049

Name: Ms Alison Balsdon

Organisations: Devon County Council

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy:

Detail of Representation:

DCC has reviewed the necessary documents and has no comments to make on the proposed modifications.

Authority Response:

Noted, no response.

Respondent No: 0058

Name: Ms Harriet Fuller

Organisations: Environment Agency

On behalf of:

Representation Number: 1

Main Modification: MM03, 12, 17, 25, 13

Paragraph:

Policy:

Detail of Representation:

We welcome the proposed modifications as outlined in the Schedule of Main and Additional Modifications (documents ref. ED44 and ED43) and are encouraged to note that many of our previous comments have been taken into consideration.

In particular, we support the Main modifications which have been outlined as follows:

MM03 – We note the addition relating to minimising our contribution to the climate changes as well as the consideration of the necessary adaptation required for the effects which are now unavoidable.

MM12 – Paragraph 2.3.6 now references the impacts to habitat and species from weather events associated with climate change which we support.

We note the amendments to paragraph 2.3.18 which ensure that the related policy does not conflict with Policy 2.3 regarding Net Gain.

MM17 – Paragraph 2.7.1 now considers the broader role which that the Moors play in adapting to climate change including carbon offsetting and supporting water security. We support this change. Paragraph 2.7.4 also directly reflect our previous comments relating to the requirement and purpose of flood risk assessments, and the Sequential and Exception Tests. Similarly, Policy 2.9 (3) has been amended regarding the application of the Sequential Test, reflecting our previous comments.

MM25 – We note that flood risk is now included as a consideration regarding the provision of suitable gypsy and traveller accommodation in Policy 3.11.

Other Main Modifications

Under MM13, paragraph 2.3.30 relates to financial contributions in-lieu of off-site net gain provision. We reiterate a comment provided previously which suggests that your authority may consider undertaking a consultation, equivalent to a call for sites, for the purposes of finding sites which are available and appropriate for projects aiming to deliver net gain and other environmental benefits. Having a database of sites and their availability/suitability would enable off-site contributions to be secured and allocated efficiently in order to deliver such projects without delay.

Allocated Development

We have reviewed the Hearing Statement Matter 9 Site Allocations document (ref. ED23 part 2). With regards to Proposal 7.4(2) Chuley Road, Ashburton, we wish to reiterate the importance of undertaking a strategic approach to the proposed redevelopment of the site. We recognise the justification provided which alludes to the deliverability of each part under differing ownership with specific reference to the 'outdoor experience' proposal (ref. 0332/9) however the delivery of one plot, whether it is in flood zone 1, 2, or 3 could undermine the ability of another plot to address flood risk, ultimately prohibiting the delivery of site-wide regeneration.

Authority Response:

Noted.

Regarding the biodiversity net gain register of sites, DNPA are continuing to consider this as the national approach to net gain continues to develop. This is however not considered relevant to the soundness of the Plan.

Regarding development at Chuley Road. In principle, DNPA agrees that a strategic approach to development of this area is preferable. DNPA sought to achieve this through a Masterplan process for the entire site (a process which included an FRA and flood options for the site, with the close engagement of the Environment Agency in respect of evidence, and options). However the complexity of the landownerships, the small parcels of land owned in some cases, the mix of risk across the site, considered in the context of values and scale which do not overallly support a land assembly or value equalisation approach, mean that decision was reached to consider opportunities on a case by case basis. Indeed this may mean that some parcels of land may not currently be appropriate for redevelopment. Some are, and where development proposals come forward they must be supported by appropriate evidence of flood risk, and provide the necessary on site, up and downstream protection. In summary, the comprehensive approach identified and pursued in the current development plan is not considered achievable, and a more open approach to options, with a clear need for FRA and appropriate mitigation is considered to be the most reasonable approach for the site.

Respondent No: 0185

Name: Ms Sally Parish

Organisations: Highways England

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy:

Detail of Representation:

Thank you for consulting Highways England on proposed Main Modifications to the Dartmoor Local Plan 2018-2036.

There are no proposed modifications to the quantum or spatial strategy of development to be allocated by the Plan as set out under Policies 3.1 and 5.1, 5.2 and 5.3, or the requirement for development to assess and mitigate its transport impact under Policy 4.3.

We are therefore satisfied that our previous representations to the Local Plan Review remain appropriate, and have no additional comments relating to the proposed Main Modifications.

I trust the above is clear, but please do not hesitate to contact me should you wish to discuss further.

Authority response:

Noted, no response.

Respondent No: 0220

Name: Ms Rebecca Harfield

Organisations: Historic England

On behalf of:

Representation Number: 1

Main Modification: MM11

Paragraph:

Policy:

Detail of Representation:

Historic England has considered the Schedules of Main and Additional Modifications (June 2021) in light of our Statement of Common Ground (SoCG) with the Dartmoor National Park Authority (signed 12 February 2021) and the Inspector's Note 8 on Post Hearing Action Points (dated 22 April 2021). We have also looked at the Final Draft version of the Dartmoor Local Plan 2018-2036 with tracked changes (June 2021).

Sound subject to amendment

While we welcome the proposed change, which accords with our SoCG, we have now seen the Inspector's related action point in paragraph 3.1. In view of this, we consider it would be worth explicitly mentioning heritage at risk in the wording of this Strategy.

To this end, we have suggested minor revisions to the wording:

Modification necessary:

Amend the proposed wording change to the Environment Strategy as follows:

Development will be encouraged where it will deliver significant enhancement, including positive outcomes for heritage at risk, and opportunities for the understanding and enjoyment of Dartmoor's cultural heritage.

Authority response:

Noted, to respond to this and paragraph 3.1 in the Inspector's Post Hearing note (ED42) a modification is proposed to amend the Environment Strategy to explicitly encourage positive outcomes for heritage at risk and opportunities for understanding and enjoyment.

Representation Number: 2

Main Modification: MM14

Paragraph:

Policy:

Detail of Representation:

We welcome the proposed changes, which accord with our SoCG.

Authority response:

Noted, no response.

Representation Number: 3

Main Modification: MM15

Paragraph:**Policy:****Detail of Representation:**

We welcome the proposed changes.

Authority response:

Noted, no response.

Representation Number: 4

Main Modification: MM16

Paragraph:**Policy:****Detail of Representation:**

As set out in the SoCG, Historic England remains of the view that the policy for enabling development should be deleted. That said we agree with the proposed wording change to this Policy if it is being retained.

We also still consider that footnote 29 in paragraph 2.6.22 [2.7.22] should be amended to refer to the latest version of Historic England's advice in GPA4: Enabling Development and Heritage Assets (June 2020).

Modification necessary:

Delete policy 2.8.(2) [2.9(3)] Enabling Development;

Update footnote 29 in paragraph 2.6.22 [2.7.22] to refer to GPA4: Enabling Development and Heritage Assets (June 2020).

Authority response:

As discussed in the examination hearings DNPA remain of the view that the enabling development policy contains additional safeguards and detail which are of benefit over relying on national policy alone. The policy brings into policy much of Historic England's guidance which does not in itself hold the weight of policy.

It is noted that Historic England's guidance has been updated and therefore the existing reference in the plan is unclear. To ensure consistency with NPPF (2021) Paragraph 16d DNPA is content to accept a modification to footnote 29 as proposed in this representation, in order to update the reference in the Local Plan.

Representation Number: 5

Main Modification: MM48

Paragraph:

Policy:

Detail of Representation:

While we welcome the proposed name change to Statement of Heritage Significance, the definition itself would benefit from amendment to avoid confusion regarding about its likely contents owing to the use of the words 'natural heritage values' and to better link to the proposed glossary changes under MM49 and MM51.

We suggest the following replacement wording as set out opposite with a hyperlink to HEAN 12: Statements of Heritage Significance (October 2019).

Modifications necessary:

Replace the definition of Statement of Heritage Significance with the following:

A report required to be submitted with an application where proposals have the potential to affect the significance of heritage assets and/or their settings. The report should assess the significance of affected heritage assets, including the contribution of their settings to their significance (see Glossary definitions for Heritage Assets and Significance (for heritage policy)). It should assess the impacts of proposed development on significance and settings. It should also set out how negative impacts have been avoided, minimised and mitigated and positive impacts maximised. Further advice can be found in HEAN 12: Statements of Heritage Significance (October 2019).

Authority response:

DNPA has carefully considered the proposed revised wording and on balance does not consider the proposed revision responds to a soundness issue. The existing definition is technically correct and provides a broad definition. It is right that guidance on how a Statement of Heritage Significance should be undertaken is provided in guidance, rather than a glossary.

Representation Number: 6

Main Modification: MM49

Paragraph:

Policy:

Detail of Representation:

We welcome the proposed change to this definition, which accords with our SoCG.

Authority response:

Noted, no response.

Representation Number: 7

Main Modification: MM51

Paragraph:

Policy:

Detail of Representation:

We welcome the proposed change to this definition, which accords with our SoCG.

Authority response:

Noted, no response.

Representation Number: 8

Main Modification:

Paragraph:

Policy:

Detail of Representation:

We have considered the update to the Sustainability Appraisal for the Main Modifications and do not wish to comment.

Authority response:

Noted, no response.

Respondent No: 0221

Name: Ms Joanna Lee

Organisations: Joint Local Plan, South Hams District, West Devon Borough and Plymouth City Councils

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy:

Detail of Representation:

The councils of Plymouth City, West Devon Borough and South Hams District continue to be supportive of the Dartmoor National Park Local Plan and do not have any formal objections on the modifications you are now proposing.

In particular we support the Modification MM18 that now makes clear that the housing strategy and policy “makes provision for at least” 1,125 homes to 2036 and commits to a trajectory and monitoring to assess whether the overall housing requirements for the Plymouth and Exeter Housing Market Area are being met.

We suggest that delivery figures are reported annually in both yours and our Authority Monitoring Report. We expect to publish our next one in February 2022 and look forward to working with you to share this information. This annual monitoring will help ensure that the delivery of homes in Dartmoor is contributing to the overall housing requirement originally identified for the Plymouth and South West Devon Joint Local Plan.

In addition we look forward to working with you on other cross boundary strategic issues as our plans are implemented and going forward to the next stage of the plan making process.

Authority response:

Noted. DNPA welcomes the continued support of the JLP Authorities and agrees that the regular sharing of housing monitoring will be of mutual benefit, ensuring the monitoring framework is upheld.

Respondent No: 0046

Name: Ms Stephanie Parker-Stephenson

Organisations: Natural England

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy:

Detail of Representation:

Thank you for your consultation on the above dated 07 June 2021 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

Natural England has considered the main modifications to the Dartmoor Local Plan, and the Landscape evidence notes, and the updated SA and HRA report. We broadly welcome the modifications where they concern our strategic environmental interests and broadly agree with the conclusions set out in the evidence note and the updated SA and HRA.

Authority response:

Noted, no response.

Representation Number: 2

Main Modification: MM12

Paragraph: 2.3.18 (part 2 and 3)

Policy:

Detail of Representation:

Natural England welcomes these modifications to the supporting text, which now refers to net gains of biodiversity and correctly applies the mitigation hierarchy.

Authority response:

Noted, no response.

Representation Number: 3

Main Modification: MM12

Paragraph:

Policy: Strategic Policy 2.2

Detail of Representation:

[part 1]

Natural England welcomes the three modifications made to this policy, which has now been strengthened and is consistent with national policy.

It is noted that Policy SP2.2 has not been specifically modified to 'ensure reference to net gain principle' as set out in paragraph 3.2 of the Inspector's Post Hearing Action Points (ED42).

[part 2 a ii)]

Natural England welcomes the modifications to this part of the policy, which now more clearly sets out the policy approach for the exceptional circumstances test with regards to the hierarchy of protected sites and the application of the mitigation hierarchy to developments with the potential to have adverse impacts on biodiversity.

Authority response:

Noted.

DNPA believes the amendment of wording to policy 2.2 to conserve and enhance sufficiently references national policy, together with the net gain requirements set out in policy 2.3.

Representation Number: 4

Main Modification: MM13

Paragraph: Para 2.3.24

Policy:

Detail of Representation:

Natural England welcomes the modification made to this paragraph, which is now more consistent with national policy.

Authority response:

Noted, no response.

Representation Number: 5

Main Modification: MM13

Paragraph: Policy 2.3 (2)

Policy:

Detail of Representation:

Natural England welcomes the modification made to this policy, which is now more consistent with national policy.

Authority response:

Noted, no response.

Representation Number: 6

Main Modification: MM36

Paragraph: Para 7.1.10

Policy:

Detail of Representation:

Natural England welcomes the additional information provided in this paragraph, which now better describes the purpose of the Site Briefs. We still have some concern that because compliance with the Site Briefs are not a Policy requirement that they will hold minimal weight in the decision process, developers may choose not to comply with them and there is then no policy basis to require them to do so. However, Natural England accepts that other policies in the Plan are sufficiently robust to address potential adverse impacts on our primary interests (biodiversity and landscapes etc.).

Authority response:

Noted, no response.

Representation Number: 7

Main Modification: AM06 and AM07

Paragraph:

Policy:

Detail of Representation:

Natural England welcomes these modifications.

Authority response:

Noted, no response.

Representation Number: 8

Main Modification: ED49

Paragraph:

Policy:

Detail of Representation:

Natural England has no comments to make on the Policy Map Modifications.

Authority response:

Noted, no response.

Representation Number: 9

Main Modification: SA and HRA update

Paragraph:

Policy:

Detail of Representation:

Natural England has no specific comments to make on the Sustainability Appraisal update.

Natural England agrees that the key modification to be reflected in the updated HRA is the change to the site allocation policy – Proposal 7.6 – at Buckfastleigh, from the Holne Road site to the Timbers Road site. The replacement site has been correctly identified as also being within the South Hams SAC Greater Horseshoe Bat Sustenance Zone and Landscape Connectivity Zone but is further away from the Designated Roost than the Holne Road site. The replacement policy provides the appropriate safeguards and we consider that a conclusion of ‘no adverse effect on integrity’ is appropriate.

Authority response:

Noted, no response.

Representation Number: 10

Main Modification: Landscape evidence note (ED46 and ED47)

Paragraph:

Policy:

Detail of Representation:

Natural England welcomes the preparation of the landscape evidence notes (ED46 and ED7) which pull together the available landscape evidence and previous assessment work. The evidence notes make an effort to: re-appraise the landscape and visual impacts of the proposals; identify whether and how the impacts can be mitigated; propose changes to the Site Briefs in light of the available evidence; and provide reasoned justification for concluding that the Plan has achievable measures in place to avoid unacceptable harm to the protected landscape.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Authority response:

Noted, no response.

Respondent No: 0048

Name: Ms Judith Hart

Organisations: Buckfastleigh Town Council

On behalf of:

Representation Number: 1

Main Modification: General

Paragraph:

Policy:

Detail of Representation:

It is the opinion of the Town Council that consultation on the inclusion of the new allocated site at Timbers Road was inadequate and, on that basis, we are asking for an extension.

The online 'drop-in' workshop, which was pretty much the only engagement, was inadequately publicised and sign-posted and joining instructions were not made clear in sufficient time for the Town Council to promote this to residents.

Our engagement with residents adjacent to the proposed site has demonstrated a singularly low level of awareness that this site was being proposed for inclusion and little to no engagement from local residents. We understand that apart from one Town Councillor who was able to attend the on-line session, there was little representation of Buckfastleigh residents.

We have requested that the consultation period be extended, and further consultation exercise be undertaken which the Town Council can promote locally to ensure that residents are aware of the proposal and able to contribute effectively. The Town Council is more than willing to help in this process.

Here are the current issues that the Town Council has with this proposal. Once we have had time for a proper discussion with residents, there may be more issues to raise (for example around wildlife, access etc.).

Authority response:

DNPA regret to hear that the Town Council does not feel they have had sufficient time to comment on the modifications consultation.

Consultation was undertaken in line with the Statement of Community Involvement whilst taking into account the limitations to the ability to holding public meetings in person at this time.

Recognising the sites matter in Buckfastleigh, DNPA specifically provided the Town Council with 5 weeks advance notice of the upcoming 6 week consultation window, including the intention to hold online events, with an offer to engage further in order for the Town Council to be able to promote this further if they wished, thus giving the

Town Council 11 weeks notice of the consultation deadline. We note that the suggestion of an extension the consultation period was received by email 45 minutes before the consultation closed.

DNPA proposed 3 workshops; one for Parish and Town Councillors at the beginning of the consultation period, one specifically to discuss the Buckfastleigh sites, and a further general 'drop-in'.

Details of engagement including events, news and social media coverage, and direct notifications and reminders are set out in a Statement of Consultation for the Modifications consultation.

DNPA considers it has undertaken reasonable and appropriate efforts to promote engagement with this consultation exercise, comparable to other consultation exercises throughout the Local Plan's preparation.

Representation Number: 2

Main Modification: MM38

Paragraph:

Policy: Proposal 7.6 (2)

Detail of Representation:

Location

We have concerns about the implications of this potential site allocation being outside of the parish boundary and situated in South Hams rather than Teignbridge. Because of already severely diminished services within the context of ever-decreasing public transport links, the Town Council has increasingly stepped up to take on provision wherever possible. Despite the additional population of probably 200 people or more and subsequent drain on resources within the town, there will be no financial or other resource into the town through section 106 payments or ongoing council tax precept. This means we will struggle further to provide local basic services that have been lost, such as youth provision, community-based education and training etc. as externally provided services continue to be removed.

Housing Need

The Town Council will support new housing development only if it provides truly affordable homes for local people to satisfy proven housing need. Given the DNPA preference for 45% 'affordable' homes and its actual agreement historically to something closer to 30%, we cannot see that this development is likely to substantially fit this goal.

Environment

The Town Council objects to green-field development, unless it can be shown to have a major positive impact on the community or environment. We feel that it is our duty to act wherever possible to protect and enhance the environment in this time of climate and ecological emergency in the National Park as an island of biodiversity. We do not

believe this site to demonstrate such a positive impact that it overrides the pressing environmental issues.

General Comments

1.1.4 – This has brought the Duty to “...foster the economic and social wellbeing of the local communities within the National Park” up to equal weight as the Purposes (of Conserving and enhancing beauty, wildlife and cultural heritage and promoting opportunities for understanding and enjoyment of the special qualities... and since the Sandford Principle (that the environment takes precedence over the enjoyment) does not apply to the Duty, then this opens the door for environmental destruction if it is considered to foster the economic and social wellbeing of local communities...

Authority response:

DNPA note that the alternative site in Buckfastleigh is located outside of Buckfastleigh Parish, however this isn't in itself a material planning consideration. The Local Plan seeks to ensure that development sites represent the most appropriate sites to allow communities to grow and meet their housing needs sustainably. It is acknowledged that the site's location outside Buckfastleigh Parish could present challenges in terms local service provision but also that boundary issues are resolvable and not a material planning consideration. Nevertheless DNPA has engaged with Teignbridge and South Hams District Councils in its consideration of the site options, and is committed to working closely through the Duty to Co-operate process, as well as with the Town Council and any other providers of local services to ensure that any issues are resolved.

DNPA has completed a review of the Local Plan viability assessment to support the consultation (ED48). The viability assessment continues to suggest that 45% affordable housing is achievable assuming standard infrastructure costs. Additional infrastructure costs are likely associated with the creation of a new access road, however, the road will also be of public benefit and help improve access into and out of Buckfastleigh which has existing traffic constraints. The creation of a new access has been assessed by the Highway Officer as achievable, and considered viable on the basis that the site is larger than typical in the National Park.

DNPA also prioritise brownfield development and this is reiterated throughout the Local Plan. Unfortunately there are no available brownfield sites in Buckfastleigh available to meet the affordable housing need in the town.

DNPA does not agree that the allocation of an alternative site elevates the status of the Duty. The Sandford principle does not apply to the Duty, the Duty however is only pursued where it is compatible with the purposes and this principle is a fundamental element of the balance of policy in the Local Plan.

Representation Number: 3

Main Modification: AM01

Paragraph:

Policy:

Detail of Representation:

1.1.8 – Addition of ‘open’ to ‘...windswept moors’ - If this change is used to restrict moves to reforestation in pursuit of enhanced biodiversity, it is not useful. It is important to remember that the moor is an artificial man-made environment that is low in quality of habitat, that the purposes are to ‘enhance’ as well as ‘conserve’ and that there be freedom to pursue more complex habitats (for example, more wet woodland as explored by the Dartmoor Headwaters project).

Authority response:

This modification is correcting a drafting error. The revision brings the special qualities into alignment with those that were agreed through consultation in the adopted National Park Management Plan.

Representation Number: 4

Main Modification: MM03

Paragraph:

Policy:

Detail of Representation:

1.2 - Addition of the blanket and primary statement ‘When considering development proposals, the Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework’ in the context of the definition of sustainable development within the national park.

We are concerned that this may be used to override the ability of the National Park Authority to have an input into ensuring that development is appropriate to the special conditions within the park. In our opinion the adoption of nationwide, generalised policy over local experience and expertise is a retrograde one.

Authority response:

This statement has been added to take account of the removal of Policy 1.3, which was considered to repeat national policy. The presumption in favour of development is national policy. The new Local Plan must be consistent with the presumption. For decision making this means that development which complies with an up to date Local Plan should be approved without delay.

Representation Number: 5

Main Modification: MM05

Paragraph:

Policy:

Detail of Representation:

1.3.1a) - “a) to give opportunities to meet identified local housing needs, providing around 60% of the ~~indicative housing delivery figure~~ of 65 dwellings per year provided for in this plan”

...Another small example of where the flexibility in terms of appropriate housing targets is being removed and the emphasis placed on delivery of the full government targets.

Authority response:

There is not a housing target for the National Park set by government and the Local Plan continues to seek to deliver a locally identified housing need figure. This modification was identified as part of the hearings process. It was considered necessary to align the Plan with the NPPF, better reflect precedent in the policies of other National Parks, and to give greater confidence in the delivery housing to meet local needs.

Representation Number: 6

Main Modification: MM06

Paragraph:

Policy:

Detail of Representation:

1.5.5 - Definition of ‘Major Development’ – throughout this consultation process, we have objected to the DNPA’s decision to avoid using the statutory definition of ‘Major Development’ (i.e., 10 dwellings or more, a building with 1,000m² of floorspace or more etc) as it sets no defined limits. If anything, we would consider a more stringent definition to be appropriate. Instead, when we highlighted that the Retirement Village at Buckfast should be considered a ‘major development’ in terms of the NPPF, we were told this did not apply!

Authority response:

The definition of Major Development for the purposes of this policy is provided by the NPPF footnote 60. It is for the decision maker to determine when a development is major development in the context of development in National Parks. Legal advice and precedent in other National Park policy strongly suggests that a fixed threshold is not appropriate as this could both needlessly constrain development above this threshold and not control harmful development below this threshold. As such development with

the potential to have significant adverse impact on National Park special qualities ensures that a development's impact is the key test.

Evidence supporting the Local Plan clearly indicates that development exceeding the statutory definition of major development (10 dwellings or more etc.) is needed in the National Park to meet local housing and business needs and indeed the Plan includes site allocations which are considered major development by the statutory definition. In practice were the two definitions of major development to be aligned it would lead to a considerable weakening of the National Park Major Development tests and it would likely be considerably more difficult to resist development with adverse impacts on the National Park Special Qualities in the future.

Representation Number: 7

Main Modification: MM08

Paragraph:

Policy:

Detail of Representation:

1.6.12 - We welcome any measures that enable DNPA to exceed current building regulation requirements in order to counteract climate and ecological emergency. We would like to stress again, that to have any chance to meet DNPA and government net carbon targets, far more stringent conditions than those currently required should urgently be placed on all new development.

Authority response:

This is noted, the standards introduced are as far as DNPA understand can be viably achieved at the time of assessment, whilst recognising the range of competing demands from development (e.g. affordable housing, infrastructure contributions, net gain). The Future Homes Standard, if introduced, will continue to push building standards in the future at a national level.

Representation Number: 8

Main Modification: MM11

Paragraph:

Policy:

Detail of Representation:

2 Environment: Strategy - We do not welcome the addition of a statement starting 'Development will be encouraged...' as we believe it sets the wrong tone. The National Park is one of the few remaining islands of green space and (potentially high) biodiversity and biomass and as such, new development (on greenfield sites) should always be discouraged unless there is an overriding reason. We would suggest the following as a more appropriate stance:

“Development will ONLY be encouraged where it will deliver significant enhancement and opportunities for the understanding and enjoyment of Dartmoor’s cultural heritage AND impacts habitat and carbon footprint positively”

Authority response:

This amendment responds to a request by Historic England that the Local Plan to express clearer encouragement of the second purpose in relation to cultural heritage. It’s not possible nor desirable to require this of every development, simply because it won’t always be relevant in each and every case, e.g. residential extensions, changes of use.

Representation Number: 8

Main Modification: MM12 and MM13

Paragraph:

Policy:

Detail of Representation:

2.3.18.2 - We welcome the addition of positive provisions to limit adverse impacts on biodiversity and prioritise improvement of biodiversity over mitigation

Strategic policy 2.2 - Conserving & Enhancing Dartmoor’s biodiversity and geodiversity...

.1 - We welcome the positive commitment to enhance biodiversity rather than the original neutral position

.3 - We welcome the addition of specific detail to protect SACs, SSSIs, CWSs

2.3.30 - We welcome the removal of the ‘undesirable’ condition from financial option, cop-out clause for environmental enhancements – developers should indeed, in our opinion, be required to make environmental enhancements and not be allowed to wiggle out of responsibility by buying their way out.

Strategic Policy 2.3 – Biodiversity net gain

.1 - We welcome the strengthening of requirement for contribution to biodiversity enhancement. It is quite right to recognise all development will, by definition, have a negative environmental impact and to aim for a net improvement in the environment

Authority response:

Noted, no response.

Representation Number: 9

Main Modification: MM17

Paragraph:

Policy:

Detail of Representation:

2.5 - Water environment

2.5.1 - We support the implicit recognition of peat restoration as an offset to climate change

2.5.3 - As representatives of a high flood risk area, Buckfastleigh Town Council welcomes the further provision and increased clarity in the local plan around flood prevention and mitigation

2.5.5/2.5.6 - We welcome the emphasis on Sustainable Drainage Systems – our concern is that these are enforced and are actually sustained in the long-term...

Authority response:

Noted, no response.

Representation Number: 10

Main Modification:

Paragraph:

Policy:

Detail of Representation:

2.6 - Buckfastleigh Town Council are supporters of the goal to make Dartmoor a designated 'Dark Sky' area.

Authority response:

Noted, no response.

Representation Number: 11

Main Modification: MM18

Paragraph:

Policy:

Detail of Representation:

3.1.4 & Strategic Policy 3.1.1 - Buckfastleigh Town Council does not welcome the enforcement of government targets for house building on Dartmoor - we believe that new housing should be limited to that which is affordable and needed by local people and that these targets should indeed be set locally. We do not believe that actual

housing built effectively meets the 'identified needs of local communities.' Instead, the type and cost of homes developed generally contribute to net inward migration into Dartmoor communities, whilst communal resources are cut back and contributing to net destruction of the Dartmoor environment. We therefore object to the change in phrasing here to ensure government-set development targets are met.

Authority response:

There is not a housing target for the National Park set by government and the Local Plan continues to seek to deliver a locally identified housing need figure. This modification was identified as part of the hearings process. It was considered necessary to align the Plan with the NPPF, better reflect precedent in the policies of other National Parks, and to give greater confidence in the delivery housing to meet local needs.

Representation Number: 12

Main Modification: MM25

Paragraph:

Policy:

Detail of Representation:

3.12 Low Impact Residential Development

We welcome the more flexible approach to low impact residences in the new local plan as we have previously expressed but feel that the requirements are already onerous and maybe beyond the means of many individuals and small communities. We recognise that there should be some way to review the success of such projects but would like DNPA to take a proactive role in supporting these experiments and not set a bar that cannot be met by those who are trying to find low-impact and low-cost homes for themselves and their families.

Authority response:

Noted. DNPA is committed to supporting applicants where they are committed to achieving this policy. To ensure low-impact development is robustly controlled the policy tests do need to be scientifically robust and strictly enforced. The practical reality for this type of development is that personal lifestyle choices can easily undermine the policy's intentions and, in the process, also undermine public confidence. Strict tests are therefore necessary to ensure this type of development is managed robustly and consistently.

Representation Number: 13

Main Modification: MM28 to MM30

Paragraph:

Policy:

Detail of Representation:

5.3 - We recognise that changes to this section have been made in response to government-imposed changes to planning classes and we have responded on these matters directly as part of the government consultation. We recognise just how crucial local retail and service outlets are to small towns like our own and would very much like to see continued support for them, especially in our high streets. We hope that DNPA and indeed, local communities, can continue to have influence despite proposed and actioned national changes to planning regulations.

Authority response:

Noted. DNPA will continue to support local high streets where we can influence.

Respondent No: 0222

Name: Mr William Boughey

Organisations: Manaton Parish Council

On behalf of:

Representation Number: 1

Main Modification:

Paragraph:

Policy: Strategic Policy 1.3

Detail of Representation:

Although this is not a comment on a modification, some Manaton Parish councillors wish to record their concern that Strategic Policy 1.3 Spatial Strategy, para 3 (Villages and Hamlets) on page 20, while referring to meeting identified local housing needs, makes no reference to new housing also being affordable, as envisaged in Strategic Policy 3.1. Also, having regard to the good design and sustainable construction principles in section 1.6, they are concerned that the cost of construction will in any case make the delivery of affordable housing in the parish impossible, with the end result being acceptance by the DNPA under Housing Policy 3.5 of a financial contribution in lieu of on-site affordable housing while new housing is built in Manaton which is not affordable (as defined).

Authority Response:

It is an established principle that the Local Plan should be read as a whole and that all relevant policies relevant to a proposal should be applied and complied with when making a decision on any one development proposal. As such both policy 1.3 and 3.1 are relevant and it would not be the case that a decision on a planning application for housing could be made without referring to both these policies and all of their requirements. Policy 1.3 sets out the need for housing to meet local housing needs, policy 3.1 sets out the detail of how that is to be achieved. There are clear tests on the justification for an off-site financial contribution, together with a principle of equivalence meaning that it is not financially advantageous to provide a contribution as opposed to delivering on site.

Respondent No: 0050

Name: Mr David Seaton

Organisations: PCL Planning

On behalf of: Dean Court Business Partnership

Representation Number: 1

Main Modification: MM37

Paragraph:

Policy:

Detail of Representation:

On behalf of the Dean Court Business Partnership (the owners of the Timbers Road site at Buckfastleigh) we write to support MM38 and proposal 7.6 (3).

The site at Timbers Road is available and deliverable and is well suited to meet identified housing needs.

We note that the latest (December 2014) Housing needs assessment for Buckfastleigh identified a need for 39 affordable homes (31 one or two bed, 6 three bed and 1 four bed of which, in terms of tenure, 7 should be shared ownership and 32 affordable rent). This clearly points to the need to allocate the Timbers Road site which is capable of accommodating around 70 homes and meeting identified housing needs.

We concur that this MM is necessary to ensure soundness and consistency with the NPPF (in particular paragraphs 16(b), 35(c) and 67).

Authority response:

Noted, no response.

Representation Number: 2

Main Modification: Site Brief

Paragraph:

Policy:

Detail of Representation:

Site Brief Comments

The scope of advice

We also note that a site brief has been published and is also being consulted on. We note that the site brief is not a policy document, but an advice note.

We accept that advice can be useful in helping to shape proposals and we are grateful for that. However, we must point out that advice/guidance is exactly that – and it can't be definitive in advance of considering application submissions – thus words/phrases like 'requirements', 'must' and 'will not meet' are overly definitive and don't accord with Government policy on the matter (PPG 61-008-20190315). Nor can such statements pre-determine matters of judgement for which the evidence is not yet available to make that judgement. For example, the statement that:

"Standard house types with little modification will not meet the design requirements set out in policy"

appears, to us, a little pre-determinative. We appreciate the sentiment but, until we know what house types or layout are the starting point for assessment we can't start the inherently judgemental exercise of assessing those against the provisions of policies. We suggest a more general form of words such as 'proposals should respond to local context' are more appropriate in an advice note.

Supporting Information

We note, and accept the point, that evidence to inform an appropriate assessment should be provided to support applications and that evidence should include bat surveys. However, we are a little concerned with the advice that supporting evidence;

'Must consider cumulative impacts from other developments'

We attach the determination of Mr Justice Hickingbottom (as he was then) on this matter (for ease the relevant passage is set out below):

"137. For the sake of completeness, I should say a word about in-combination effects, to which Miss Wigley referred under this ground. Indeed, by the close of her submissions on this ground, this formed the real core. She submitted that the Council and Natural England simply failed to consider in-combination effects.

138. I do not consider that that has any proper foundation. The application submitted that the in-combination effects were neutral at local level. It is apparent, from (e.g.) the draft AA and Natural England's comments on it, that both the Council and Natural England were sensitive to in-combination effects: it cannot be suggested that they

were not aware of the obligation to consider in-combination effects. They each eventually concluded that the proposed development, in the context of the other developments which had been granted consent, would have no adverse effect on the SAC. Any future applications will have to be considered in the context of the Local Plan and all of the grants already given. In that consideration, the Council will have to consider whether likely significant effects will be caused by the further development, in the context of what has already been granted. This submission therefore fails on the same basis as the similar submission failed in *Smyth v Secretary of State for Communities and Local Government* [2015] EWCA Civ 174 in which Sales LJ rejected the argument in elegant and comprehensive terms (see [98]-[100]).

139. This ground is unarguable, and I refuse permission to proceed in respect of it.”

The point that we make is that an applicant can do their best to consider impacts from other developments, but it is unreasonable to expect any applicant to have a full and detailed knowledge of all development implications. They simply cannot be expected to have the same level of knowledge as the Council, or NE, on this matter (the applicant is not a consultee on the applications of others). So, whilst it is accepted that the applicant can do their best to place their proposal in the context of published information, that’s as far as they can go. The AA responsibility rests with the Council (as the competent body) and it needs to be accepted that there must only be reasonable expectations placed on the applicant to provide evidence in this matter – as Justice Hickingbottom points out:

“the Council will have to consider whether likely significant effects will be caused by the further development, in the context of what has already been granted.”

And whilst the applicant can assist in this process, that responsibility cannot simply be ‘shifted’ to the applicant (who may, quite reasonably, not have full knowledge of all of the other grants). We therefore suggest that a better expression would be that the applicant ‘should consider, as far as is reasonable, the in-combination impacts of other developments’.

Site Specific Matters

We note that an area of public open space and equipped play space should be provided. Presumably the quantum of this is based on the scale of the development (in accordance with CIL regulation 122) and not an amount that is not related to an impact of the development (in breach of CIL regulation 122)? Some further clarification on this point would be helpful.

Similarly, in relation to any potential impacts upon GHB the phrase ‘as necessary’ should be replaced by ‘if/as appropriate’. Surveys that will support an application will investigate this matter but, bearing in mind that the land is used for growing vegetables and that GHB generally prefer land that is grazed by cattle, it is unlikely that the site performs any significant role in the provision of foraging habitat for GHB. We accept that this is, to some extent, a pre-judgment (based on experience) and survey will clarify the point – but we just want to point out that, in this particular case, it may not

be necessary to provide off-site foraging land (although a final judgment on that matter cannot be made now).

Form of applications

Finally we just observe that the brief/note is drafted to catch all matters of relevance (and this is helpful). We simply observe that not all matters mentioned in the note will be directly relevant to all applications (for example, an outline application may reserve some matters for future consideration).

We trust the above comments are useful and will be considered prior to finalisation.

Authority response:

As noted, the Site Briefs are guidance documents which sit alongside the local plan, but do not form part of the Development Plan. DNPA has prepared these documents in tandem with the Local Plan review process for transparency of process. The points raised are noted and DNPA does intend to undertake a final review of the Development Briefs before they are formally published.

Respondent No: 0118

Name: Ms Coral Ducroq

Organisations: Stride Treglown

On behalf of: Mr S Hutchins

Representation Number: 1

Main Modification: MM18 and MM19

Paragraph:

Policy: Strategic Policy 3.1

Detail of Representation:

The rural exception sites should include housing for local people who do not necessarily fit the housing need criteria as set out by the authority, but local people forced to move away and can't afford housing within the NP and therefore can't move back to the area to be with family and support the local facilities.

Include option for 'local people' to be included in this list.

Authority response:

The definition of Local Person at section 3.3 includes allowance for the scenario where someone has moved away and is returning to the National Park.

Respondent No: 0198

Name: Mr Christopher Tofts

Organisations: Stephens Scown LLP

On behalf of: Imerys Minerals Ltd.

Representation Number: 1

Main Modification: MM32 and MM35

Paragraph:

- **Policy:**

Detail of Representation:

Imerys are content with MMs 32-35. Imerys note that MM34 amends para 6.1.11 to include Lee Moor, but that this modification is not picked up in the tracked changes version. Imerys have been reassured that the list of the Main Modifications is the definitive list. Imerys note that Lee Moor is included on the Policies Map.

Authority response:

We note the discrepancy between versions. DNPA considers that the list of Main Modifications is the definitive list of changes being consulted up, and that this will be updated in the final version of the Local Plan.

Representation Number: 2

Main Modification:

Paragraph: Appendix A, Box1

Policy:

Detail of Representation:

Imerys simply note that Appendix A (Box 6) retains reference to large and small scale mineral development – this is not a concern to Imerys, but appears to be out of step with the modifications proposed.

Authority response:

Respondent No: 0091

Name: Mr Matthew Cuthbert

Organisations: Aggregate Industries UK

On behalf of:

Representation Number: 1

Main Modification: MM33

Paragraph:

Policy: Strategic Policy 6.1

Detail of Representation:

This proposed modification is supported.

Authority response:

Noted, no response.

Representation Number: 2

Main Modification: MM33

Paragraph: 6.1.4

Policy:

Detail of Representation:

This proposed modification is supported.

Authority response:

Noted, no response.

Representation Number: 3

Main Modification: MM34

Paragraph: 6.1.11

Policy:

Detail of Representation:

The proposed addition of the Lee Moor Quarry Complex to the Minerals Safeguarding Areas is supported.

Authority response:

Noted, no response.

Respondent No: 0150

Name: Mr Mark Wells

Organisations: Bovey Tracey Town Council

On behalf of:

Representation Number: 1

Main Modification: General

Paragraph:

Policy:

Detail of Representation:

Bovey Tracey Town Council's Planning & Environment Committee has reviewed the main modifications and as they will not significantly affect the parish, we have no further comment to make and wish to acknowledge the hard work and effort of the officers which has gone into the plan making process.

Authority response:

Noted, no response.

Respondent No: 0223

Name: Ms Beshlie Pool

Organisations:

On behalf of:

Representation Number: 1

Main Modification: MM38

Paragraph:

Policy: Proposal 7.6 (2)

Detail of Representation: To whom it may concern, Re: comments on additions to Dartmoor Local Plan Review, Buckfastleigh/Dean communities. I am writing to register my objection to the building of up to 70 houses on green field land at Timbers road, Buckfastleigh, on the following bases: bases outlined below. Firstly, I would like to have it noted that this proposal has come as a surprise to many - and I am still speaking to stakeholders who remain unaware. Those who are aware are shocked that a proposal already objected to by many has been reinstated by another means. The short time frame and digital by default nature of the consultation, within a community known for being 'poorly connected' and during a time dominated by recovery from the impacts of covid19 represents a barrier to participation and has been inadequately considered by the Authority. Building on greenfield land, although permitted, is diametrically opposed to the Government's 25 year environmental plan, which seeks to "improve the environment within a generation" - a fact in plan view with this proposed site. Specifically: Local residents will experience further negative impacts on breathable air quality within an existing air quality management area. The lack of accessible public transport will further increase the requirement for residents to use cars, thus bringing further negative impacts to our breathable air. There will be negative impacts on foraging/reproduction behaviours of WCA90 /Habs Regs species, such as greater horseshoe bats (and others) associated with increased light pollution from housing and a need for access realignment. This will also bring negative impacts on mammals, birds and amphibians of concern which are known to live within the area proposed for development , as well as impacts to mature trees and hedgerows from access realignment (also linked to air quality). In addition: There will be cumulative impacts of development to the Western end of Buckfastleigh, which is on the border of the community at Dean. Any development within this area will fundamentally change the nature of both communities, resulting in a loss of their rural character. Impacts on local services, such as roads, schools, doctors and similar. Local facilities and services are unable to provide what is required by the community presently. Any additional pressure on our infrastructure will result in a further reduction in quality of life for existing residents. An insufficient quantity of "affordable homes". The whole South West is facing an unprecedented housing market boom in the light of people wanting to relocate to rural and coastal areas 'post covid'. Homes truly affordable to those already receiving lower than

national wages, in addition to further provision for the Devon covenant should be a prerequisite for any additional development within the Dartmoor Local plan area. Again, this consultation has been poorly timed and poorly considered. We urge holding the review at a time when proper consultation and community participation can take place. Yours faithfully, B. Pool

Authority response:

The allocation of an alternative site in Buckfastleigh is necessary to ensure that local housing needs in Buckfastleigh can be met over the plan period, following the deallocation of the Holne Road site. The Local Plan requires the delivery of affordable housing to meet local needs, indeed affordable housing delivery is necessary to justify housing development in the National Park. The process DNPA has undergone to ensure this site is suitable is explained in detail in Examination Document ED43, available on the Authority's Local Plan examination web page.

This technical work indicates that on balance the landscape impact, ecological mitigation (in respect of the SAC) and highway impact are lesser for Timbers Road. This site does require a new highway access, though this has been assessed by the Highway Officer as achievable, and considered viable on the basis of the larger site size. Whilst a greater yield it would be subject to the same requirements in respect of delivery based only upon an evidenced affordable housing need.

Respondent No: 0224

Name: Gordon White

Organisations:

On behalf of:

Representation Number: 1

Main Modification: MM38

Paragraph:

Policy: Proposal 7.6 (2)

Detail of Representation:

I support the modification because I feel the alternative locations being proposed are more suitable for such a development.

Authority Response:

Noted, no response.

Respondent No: 0225

Name: Ms Susan Hamston

Organisations:

On behalf of:

Representation Number: 1

Main Modification: MM05

Paragraph:

Policy: Strategic Policy 3.1

Detail of Representation:

There is a desperate need for affordable housing in Buckfastleigh. As long as the modification relates to affordable housing I would support it. House prices have recently increased dramatically pushing affordability further away for many local people.

Authority response:

Noted, no response.

Respondent No: 0226

Name: Sheena Felton

Organisations:

On behalf of:

Representation Number: 1

Main Modification: MM13

Paragraph:

Policy: Strategic Policy 2.3

Detail of Representation:

The notion that developments have to have at least 10% net gain biodiversity is good but the modification is not sound because it does not state how the gain will be measured and monitored for in perpetuity. Developers can make claims at planning stages that they do not honour. For example Barton St David South Somerset District Council required developer to maintain hedge, they removed it during development. Also some people evidentially do not understand the interconnectiveness of the natural environment. For example using fake flowers believing they are enhancing the natural environment (Tor Garage). Thus others need help understanding how to improve biodiversity.

Authority response:

Paragraph 2.3.25 states that biodiversity net gain is to be measured against Natural England's Biodiversity Metric, this provides extensive control to ensure that net gain will be achieved.

Representation Number: 2

Main Modification: MM13

Paragraph:

Policy: Strategic Policy 2.3

Detail of Representation:

All development impacts on biodiversity. It is good that a gain of 10% net biodiversity enhancement is expected. But how is this to be measured and ensured that it happens.

Explain how the expected biodiversity enhancement will be measured and monitored over a significant period. Developers often make promises to enable development that they do not adhere to

Authority response:

Paragraph 2.3.25 states that biodiversity net gain is to be measured against Natural England's Biodiversity Metric, this provides extensive control to ensure that net gain will be achieved.

Respondent No: 0083

Name: Mr Jeremy Maddock

Organisations: Elford Maddock Architectural Practice

On behalf of:

Representation Number: 1

Main Modification:

Paragraph: 3.8.12

Policy:

Detail of Representation:

Paragraph 3.8.12 proposes to remove PD rights following approvals to extend dwellings. However, Appeal decision APP/J9497/W/17/3174261 (new dwelling, Princetown) states the following: 'The Park Authority has suggested a condition that would remove domestic permitted development rights. The Planning Practice Guidance confirms that such conditions should only be used in exceptional circumstances. I do not consider that there are exceptional circumstances and that condition is unnecessary and unreasonable'. The application was for a new house in a conservation area, so if PD rights are not taken away in that situation, they should not be taken away carte blanche to all extension approvals, which would contravene the PPG.

PD rights not to be removed as a matter of course - the LPA to follow the PPG.

Authority response:

This issue was discussed at the hearings and main modification 22 introduces wording to state that normally permitted development rights will be removed, allowing for circumstances where this is not appropriate. The Housing Topic Paper section 9.3 sets out evidence and justification for the removal of permitted development rights to ensure the 30% rule is not bypassed after planning permission is granted.