



Dartmoor Local Plan 2018 - 2036

Matter 9 - Site Allocations

Mr Edward Heynes, Heynes Planning Ltd

For Mr and Mrs Gorvin

Respondent No: 0015

- 1.1 Representations have been made by Heynes Planning on behalf of our Clients, Ken and Melanie Gorvin, in relation to the Regulation 19 version of the draft Dartmoor Local Plan 2018 – 2036 (LP) and earlier versions. Our representations dated 1st November 2019 confirm firstly, our Clients land interest in Yelverton; secondly, when various submissions have been made on behalf of our Clients; and thirdly, planning matters surrounding the Regulation 19 version of the draft LP itself.
- 1.2 The content of the submissions as set out above are relied upon in terms of evidence for the hearing sessions that we have been invited to on behalf of our Clients. That said, it is supplemented with additional material as a direct response to the matters and issues for investigation as set out in document ED11.
- 1.3 This paper deals specifically with Matter 9 – Site Allocations. Specifically, it deals with the Inspectors questions raised under Issue 2, questions 1 and 6. In addition to our own evidence, we anticipate the Authority (and other interested parties) producing evidence to address all questions and we will comment on that evidence at the hearing session.
- 1.4 In preparing this paper we have relied on i) the evidence base as contained on Dartmoor National Planning Authority's (DNPA) website and ii) Government policy/guidance e.g. NPPF and PPG with references provided accordingly.

2.0 Inspectors Questions and Answers

Matter 9, Issue 2

Question 1 - Are they appropriate and justified in light of potential constraints, infrastructure requirements and adverse impacts? Are the sites viable and deliverable?

And;

Question 6 - Overall, are the allocations justified, effective and consistent with national policy?

- 2.1 In our representation dated 1st November 2019 (and previous representations) we confirmed to the Authority that our Clients land in Yelverton was available for development. Taking into account its availability, deliverability and particular characteristics we considered it to be appropriate for development. We also highlighted the fact that we considered that it performed far better than the other two proposed allocations identified in the draft LP for development at Yelverton both at Elfordtown Farm (draft Proposal 7.18 (2)) and, in particular, at Binkham Hill (draft Proposal 7.19(2)).

- 2.2 We wish to emphasise that we understand that that the Examination will not include consideration of omission sites (our Clients land would fall into that category). That is confirmed at para. 2.5 of the Inspectors Guidance Note (document ED12) and in the Procedure Guide for Local Plan Examinations, November 2020 published by PINS. We are not therefore going to examine the merits of including this site into the draft LP within this Paper. However, we do wish to draw attention to two important points that go to the heart of whether the draft LP in terms of whether it meets the tests of soundness asset out in the NPPF (para. 35).
- 2.3 The first point is the Authority’s process of identification of site allocations. We first raised the availability of our Clients site for inclusion in the draft LP at the Regulation 18 stage. We explained that it had merit as being a site capable of being delivered for residential development and that it would be unconstrained noting that the vehicular/pedestrian access agreements were in the process of being agreed between our Clients and a third party. It is acknowledged that the proposed access arrangements were a particular concern to the Authority but it was confirmed that clarity would be provided.
- 2.4 The Authority chose not to include the site as part of the draft LP at the Regulation 19 stage although further evidence was then submitted on behalf our Client that confirmed that land was available to overcome any concerns regarding the provision of an access. A summary of the Authority’s position is stated in the response to representations at the Regulation 19 stage of the preparation of the draft LP (included in the documents supporting the preparation of the draft LP). Whilst we would ordinarily wish to respond to some of the points made, particularly the comment regarding the identification of an access at a late stage in the process (we actually confirmed that access was being addressed in representations at the Regulation 18 stage), as stated earlier, it is not for the Examination to consider the relative merits of omission sites or otherwise.
- 2.5 However, most importantly, in the knowledge that this site was available and deliverable, it is important for the Authority, to have undertaken a full analysis of this site (and all others known to be suitable, available and deliverable) so as to ensure that the best outcome for the draft LP and that it meet the tests of soundness. The failure of the Authority to properly assess and include an omission site that performs **significantly** (our emphasis) better than a site that is included would, in our view, lead to a serious question mark being raised against the soundness of the draft LP. Clarity therefore needs to be provided by the Authority on this point. This is because from having reviewed the evidence base supporting the draft LP it appears to be only in the comments by the Authority in response to representations made in respect of the Regulation 19 draft LP that any assessment of the site was made. Those comments, in our view, do not in our view represent a proper and thorough examination of the site to warrant it being put aside in favour of alternative sites.
- 2.6 The second point to make also relates to the test of soundness. It is clear that in many instances, particularly where a collection/selection of sites are put forward, that many are comparable and some have slight advantages/disadvantages over others. The NPPF refers to evidence being proportionate and that is understood. However, we take the view that where it becomes clear that an omission site does have very significant and distinct advantages compared to one that has been allocated then consideration should be given as to whether the Plan does indeed meet the tests of soundness as clearly the Plan may not be effective, justified etc. That is the case here, unless the Authority can point to a proper and robust assessment of all sites (not those contained in the SHLAA but others as well). Even if an assessment was undertaken we would be surprised at the conclusions drawn because any reasonable person would have to draw the conclusion that the site does performs better than those that have been allocated, in particular that at Binkham Hill.
- 2.7 We therefore consider that the process of how sites have been included must be scrutinised as part of the Examination. In this respect, it is clear that the Inspector will be considering the

soundness of the draft LP as a whole. This not only includes whether the spatial strategy is sound, together with other aspects of the draft LP, but also whether other policies are sound. This is particularly relevant in respect of the identification of allocated sites (which are subject of their own policies) that have been selected to ensure that the spatial strategy is delivered.

- 2.8 Finally, and even in the event it is concluded that a proper examination of all available sites has been undertaken we consider that the special qualities of the Park would not be enhanced by the inclusion of the site at Binkham Hill. The reasons for this are set out in our representations dated 1st November 2019 and we therefore do not wish to repeat them here. However, an additional point to make is that we consider that the objectives of the draft LP have not been met by the inclusion of the site at draft Policy/Proposal 7.18/7.19 and therefore this brings it into direct conflict with the draft LP.