



Hearing Statement on behalf of Wainhomes (South West) Ltd

In relation to: Matter 9 – Site Allocations

for Wainhomes (South West) Ltd

Emery Planning project number: 17-040

Project : 17-040
Hearing : Matter 9 – Site
Allocations
Client : Wainhomes (South West)
Ltd
Date : February 2021

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1. Introduction

1.1 Emery Planning is instructed by Wainhomes (South West) Ltd (hereafter referred to as “Wainhomes”) to attend the Dartmoor Local Plan examination. This hearing statement sets out our response to the Inspector’s Matters, Issues and Questions in relation to Matter 9 – Site Allocations. It should be read in conjunction with our detailed representations to the Submission Version of the plan, and our other Hearing Statements submitted to this examination.

2. Issue 1: Methodology and application

Q1. How have the proposed allocations been identified?

South Brent – general approach

- 2.1 We appreciate that it is not the role of an examination to consider omission sites. However, to determine whether the plan is justified by the evidence base in the context of site selection, it is necessary to assess the robustness of the site selection methodology and how it has been applied, particularly for Dartmoor where the issue of assessing the impact on the National Park is so critical.
- 2.2 Through the Local Plan process, Wainhomes have promoted promoting the land at Noland Park, to the south of South Brent, as an allocation for residential development either on part or the whole of the site. Full details are set out in our Regulation 19 representations. The NPA has chosen to allocate an alternative site at Palstone Lane (parts a and b). However, the proposed allocation is at odds with the evidence base, specifically in terms of landscape and highways. These issues highlight that the selection of sites has not followed a clear and consistent methodology, and has not had full regard to the evidence base.

Impact on the landscape / National Park

- 2.3 Landscape impact is a critical issue in the National Park. The Landscape Sensitivity Assessment (LSA) is therefore a key component of the evidence base. It is important that selection of sites has full regard to its recommendations.
- 2.4 The LSA assesses 3 parcels around South Brent (S1, S2 & S3). The land at Palstone Lane falls under parcel S2, which is deemed to have lower sensitivity for accommodating development than the parcels S1 & S3. The overall assessment states:

*“The pockets of valued semi-natural wet grassland and woodland habitats, remnant medieval field patterns, and views across the landscape to Beara Common and the Dartmoor uplands increase sensitivity. However the gentle landform, large-scale field pattern, low density of overlying landscape features, lack of traditional field boundaries and the presence of modern development on the settlement edge, visual and auditory disturbance from the A38 reduces sensitivity to **moderate-high** overall. **The fields to the south of the settlement/north of the A38 have lower sensitivity.**” (our emphasis)*

- 2.5 The LSA therefore clearly identifies that the fields to the south of the village (i.e. Noland Park, site refs: DNP14/078 & DNP14/079) have lower sensitivity and are therefore more suitable for accommodating development. This is unsurprising given that the land to the south of the settlement is contained by the A38 to the south, which represents the outer edge of the National Park. This should have been a consideration of critical importance in the site selection methodology.
- 2.6 A stated reason for our client's site being discounted in favour of Palstone Lane was the scale of the proposal. As we have detailed in previous representations, any concerns in relation to the scale of the site could be overcome through a smaller allocation on part of the site only, potentially alongside land which would be set aside for community benefit. The site has always been proposed as having the potential to come forward in one or more small parcels. It is therefore a flaw of the site selection process that the NPA has continued to assess the site options around South Brent without due regard as to how sites are proposed.

Highways

- 2.7 Site 16/078 was specifically discounted by the Land Availability Assessment on the grounds that access cannot be achieved. Paragraph 10.3 of Topic Paper 9 claims that “*subsequent site visits and completion of the Cavanna site have established that access could be achieved.*” However, as we pointed out to previous consultation stages, access was not retained through the completed Cavanna development, and third-party land was required (and thus the site was not deliverable). Again, the site selection process has not been consistent and has not followed the Council's own evidence.

Sustainability Appraisal

- 2.8 The Sustainability Appraisal is used to justify the NPA's selection of sites in Topic Paper 9 and consequently it is important to consider whether the Sustainability Appraisal correctly assesses

each site. In relation to the assessment of development site options at South Brent (Appendix V of the Sustainability Appraisal), we raise the following concerns:

- Despite noting that the LSA 2017 specifically identifies that the fields to the south of the village have a lower sensitivity, this is not reflected within the scoring of sites 14/078 and 14/079 in Category 1 (landscape and settlement character). Sites 4/078 and 14/079 erroneously receive the same score as other sites which the LSA 2017 clearly identifies as being of higher sensitivity.
- When assessing site 14/078 undue reliance appears to have been placed upon the scale of the site, without due regard to the fact that part of the site could be allocated. For example, in relation to maintain and enhance community and settlement identities, the appraisal claims that the site would form a *“large extension which could have a significant effect on the settlement's identity”*. The site receives a negative assessment in this category. However, the Council is aware that the site has been put forward as an allocation potentially across part of the site only. Assessing a smaller parcel may have resulted in a different score.
- It is also not clear why the ‘erosion of the gap’ between the settlement and the A38 is considered to have a significant effect on the settlement's identity (Part 8 of the South Brent assessment table), when in the opening to the paragraph of part 8 it is correctly stated that *“the identity of South Brent is defined by the A38 to the south...”* This is a significant and important flaw because the Development Sites Topic Paper then relies upon this as justification for discounting the site as a potential allocation.

3. Issue 2: Site allocations – South Brent

Q1. Are they appropriate and justified in light of potential constraints, infrastructure requirements and adverse impacts? Are the sites viable and deliverable?

Q6. Overall, are the allocations justified, effective and consistent with national policy?

3.1 We respond below to questions 1 and 6 in relation to sites 7.14(2) and 7.15(2).

Proposal 7.14 (2) Land at Palstone Lane(a), South Brent

3.2 The allocation of the site is not consistent with evidence base, particularly in relation to the key issue of landscape impact. We refer to our response to Issue 1 on the site selection process.

3.3 We understand that the site is under option to South Hams District Council and is proposed for development by a Community Land Trust. A planning application has been submitted (LPA ref: 0147/19) and is subject to a resolution to grant planning permission. The emerging Local Plan allocation has played a key role in the Council's assessment of the planning application. The officers committee report (November 2019) states:

“Whilst this is an exception site, the application has been ‘caught up’ by the review of the Local Plan, which identifies this site and an adjoining parcel of land for housing development. Whilst the emerging Local Plan does not at this point carry any notable weight, it would be unreasonable to ignore the emerging intentions of the Plan in this area.

This is therefore being treated as an exception site to meet an identified need for custom/selfbuild housing, in the context of an emerging allocation.”

3.4 However, the Section 106 agreement has not been completed and the decision notice has not been issued more than 12 months after the committee resolution. Until this is signed, any material changes of circumstances (such as conclusions of the Local Plan examination) would need to be considered before the decision is issued, and the draft allocation still needs to be examined. The soundness of the allocation must still be considered.

3.5 The justification for allocating the site in Topic Paper 9 is that the site:

“presents an opportunity for community-led custom/self-build housing on the northern portion of the site and discussions with landowners have advanced.”

3.6 Land ownership should not have been a material consideration in the allocation of sites. As we set out below, our client could look to include an element of community-led custom/self-build housing on part of the site at Noland Park. The same benefits could be achieved irrespective of land ownership.

3.7 Furthermore, in the planning application for the site (LPA ref: 0147/19) access is taken directly from Palstone Lane, which is extremely narrow. The committee report for application 0147/19 states:

*“Given the emerging local plan context, there is a requirement to show the ability to link the vehicular access to this site, the site to the south, and Middle Green in the future. A road link between the two sites does not form part of this proposal, **however needs to be achievable to support delivery of an allocated site in the emerging Local Plan.**” (our emphasis)*

3.8 It is therefore not clear how these necessary links will be delivered.

Proposal 7.15 (2) Land at Palstone Lane(b), South Brent

3.9 We refer to our comments in relation to Proposal 7.14(2). Part (b) forms an extension to part (a). Part (b) has not been subject to any planning application. As set out above, the evidence base does not support the allocation of the site, particularly in relation to landscape harm.

3.10 In addition, the policy states that the development of sites 7.14 and 7.15 must provide highway access in conjunction with each site. The evidence base clearly refers to access being taken from the Cavanna site to the north (i.e. via Middle Green). Table 24 of Topic Paper 9 summarises the LAA, and states in relation to the land west of Palstone Lane:

“Palstone Lane is inappropriate for use as access to the site to any significant extent. Any access should be routed through the Cavanna site in the longer term, if site considered suitable, or there should be significant improvements to Palstone Lane”

3.11 The recommendations at paragraph 10.4 of Topic Paper 9 state:

“Long term access should be through the adjoining housing, and not via Palstone Lane.”

3.12 Therefore, Site 7.14(2)(a) involves access being taken directly from the narrow Palstone Lane, with no access through to the land to the south (i.e. Site 7.15(2)(b)) and no connectivity with the

Cavanna site. It is therefore unclear how a further 34 homes can be accessed directly from Palstone Lane.

3.13 We consider that both allocations 7.14(2)(a) and 7.15(2)(b) should be deleted. Our client's land at Noland's Park is proposed as an alternative allocation which performs better against the Council's own evidence base. Notwithstanding the above, we consider that additional allocations are needed in South Brent in any event, as it is evident that the proposed allocations at Fairfield and Palstone Lane fall significantly short of meeting identified needs within the settlement.

4. Proposals 7.14(2)(a) and 7.15(2)(b) Palstone Lane, South Brent

Q1. In light of identified highway constraints would these sites be likely to be developed within the Plan period?

There is an issue over suitability and whether the sites should have been selected in advance of other options given the issues raised in the evidence base and the lack of robust evidence to justify their allocation. There is then a question as to whether they can realistically be delivered, particularly in relation to 7.15(2)(b), given the failure of to secure the necessary links to the wider land through the recent planning application on 7.14(2)(a).