

14/5/10



South Hams  
District Council

## Comment

Consultee Dr Gavin Werrett (425506)

Email Address

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Event Name Rural Areas Site Allocations DPD

Comment by Dr Gavin Werrett

Comment ID 3

Response Date 08/05/10 19:44

Consultation Point 6.101 Paragraph ( [View](#) )

Status Submitted

Submission Type Web

Version 0.1

Legal compliance

Do you consider the DPD is legally compliant? No

Soundness

Do you consider the DPD is sound? No

Unsound

Do you consider the DPD is unsound because it is not: (1) Justified

Reasons for compliance and soundness

Please give details of why you consider the DPD is not legally compliant or is unsound, or if you consider the DPD to be legally compliant and sounds, please also use this box to set out your comments (please be as precise as possible).

Whilst Ermington might well benefit from some redevelopment, this process has been far from perfect. Firstly, unbeknown to the residents of Ermington, it was the Parish Council who decided they wanted Ermington to be included on the DPD Framework, not the residents. Whilst this is possibly laudable, the whole process occurred in a space of a few weeks, and only involved a public consultation after having recommended that the village be included. The subsequent document that was posted to households was positively "spun" suggesting many benefits but few drawbacks from the development.

Thus the initial public vote (which was in favour of the development) could thus easily be legally challenged to be unbalanced and not truly representative given the provision of information was not from a position of equipoise. At the Parish Council Meeting (attended by a very good number of residents) it was decided that should development occur, various stipulations must be in place to gain the "consent" of the village, by not only those present, but also the council, as published in their subsequent Parish Newsletter. These included provision of appropriate flood protection (especially for "run off" areas), high quality of development in keeping with the historical aspects of the village (including independent architect driven sustainability and design approaches), a reduced absolute number of properties from 35 to significantly fewer, appropriate transport/parking links (ideally with a bypass for the busy Church Street) and a limit of 25% affordable (housing association) houses. Whilst this may not sit with the Core Strategy for affordable housing or numbers of properties, this is what the village request to be a requirement. Given the village was not even in the original LDF then this should, and must be respected, especially since it could be argued the vote in favour of the development is legally "shakey". Equally one must wonder the real reasons why a relatively large town such as Salcombe might only be potentially hosting 50 properties and yet a tiny village of Ermington is allocated 35? It is clear that vested parties on both sides might be persuasive!

### **Changes necessary for legal compliance and soundness**

Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified in the question above (Justified/ Effective/ Consistent with National Policy) where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see the above to explain why it is not legally sound in its CURRENT form.

### **Participation at oral part of examination**

It is important to note that written and oral representations carry exactly the same weight and will be given equal consideration in the examination process.

If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination? YES, I wish to participate at the oral examination

### **Reasons for participation at oral part of examination**

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

Because a two way conversation is generally more constructive than one way opinion!