

South Hams
Local Development Framework

Sherford Area Action Plan

Area Action Plan Examination
Topic Paper No. 5: Other Issues

Topic Paper No. 2: Other Issues

1. Introduction

- 1.1 This paper deals with the considerations of sustainability, retail/commercial issues and monitoring relevant to the Sherford AAP Examination. Initially it sets out the background to each element, but a fuller background to the Sherford proposal is contained in Topic Paper No.1 dealing with Location.
- 1.2 The Topic Paper then goes on to deal with more detailed matters raised by respondents during the public consultation on the submission stage of the AAP.

2. Background

2.1 Sustainability

- 2.2 Sustainability is a key element of creating a successful new community. The AAP has sought a broad approach and has addressed social, economic and environmental sustainability.
- 2.3 In particular this paper focuses on the development's response to the challenges of climate change and the need to reduce carbon emissions.
- 2.4 Key parts of this are the reduction in energy demand by buildings and the use of renewable energy. Indeed the two issues raised in the Submission stage consultation were carbon neutrality (the need to reduce the balance of carbon liberated into the atmosphere to zero) and the proposal for community wind turbines.
- 2.5 A Sustainability Appraisal, incorporating the requirements of the SEA directive, has been carried out as part of the AAP preparation. Further details of this together with the Enquiry by Design process are to be found in the Location Topic Paper.
- 2.6 The Council recognise the changes which now require it to reach a view in relation to the undertaking of an Appropriate Assessment (AA) for the AAP. Article 6 (3) and 6 (4) of the Habitats Directive requires the competent authority (the Council) to produce an AA for all Development Plans where such plans are likely to have a significant effect on the integrity of European sites. This work is in hand and will be published shortly.

2.7 **Retail / Commercial**

- 2.8 The delivery of a successful and sustainable new community requires a balanced mix of land uses and an appropriate level of employment, services and retailing. The Council have taken the view that the levels of the retail and commercial provision should be informed by comparison with well established towns which accommodate a rich variety of predominately small businesses which encourage local ownership and local loyalty – both key factors for social and economic sustainability. The Savills report on *Property Markets and Mixed Use Development Futures (February 2006)* has provided that comparator study.
- 2.9 The issues raised by respondents related firstly to the appropriateness of using a comparator study instead of a capacity analysis and secondly to the distribution of floorspace within the different centres within the new community.
- 2.10 A comparator study was used in order to ensure that Sherford should deliver a high quality response to retailing and commercial activities. Many of our older towns have a richness and diversity which has failed to materialise in most modern developments. It was to identify those elements and seek to facilitate them in the new community which led the Council to seek a comparative study instead of the more usual quantitative study. In particular the Council are concerned that different forms of retailing from the same level of floorspace can produce significantly differing levels of trading and thus differing impacts on other centres. It is considered that more traditional forms of retailing, particularly in smaller unit sizes, are less efficient and therefore generate a smaller impact. These types of units are what produce the diversity and vitality within older towns and which are sought for Sherford. To ensure that such an approach should not lead to an overprovision of floorspace and an unacceptable adverse impact on neighbouring centres the AAP requires that a planning application brings forward a Retail Impact Assessment (RIA) of its detailed proposals.
- 2.11 In order to give some clarity to the form and structure of the new community and its centres the Council have set down retail and commercial floorspace levels for each centre within the new community. This should ensure that the Town Centre remains the main focus for retail and commercial activity whilst ensuring that sufficient floorspace is provided in the neighbourhood centres to create an identifiable focus for the neighbourhood and to generate the local activity essential to sustainable communities. Not all of the floorspace identified in the AAP is allocated to the centres in order to allow flexibility of provision. The targets are not fixed and rigid but are clear guidance for the approximate proportions expected and are designed to assist in the creation of the urban form required.

2.12 **Monitoring**

- 2.13 Review and monitoring is an important aspect of evidence based policy making and it is a key factor of the Government's "plan, monitor and manage" approach to the new planning system. A crucial aspect of the new system is the flexibility to update components of the LDF and respond quickly to changing priorities in the district. The Planning and Compulsory Purchase Act 2004 requires local planning authorities to produce an Annual Monitoring Report (AMR). They are required to assess the implementation of the Local Development Scheme, and will be the main mechanism for assessing the AAP's performance and effects. Monitoring will play a critical part in identifying any review of the Sherford AAP that may be required. In response to the recent Inspector's Report on the Core Strategy this Topic Paper acknowledges some deficiencies within the Submitted Sherford AAP in terms of monitoring, and proposes amendments to the AAP which address such issues. The Sherford AAP Monitoring Framework is attached to this Topic Paper an Appendix, and is proposed for inclusion within the AAP and will be monitored through the Council's AMR when the Sherford development begins.

3. **The Main Issues raised in the Submission Stage Consultation**

- 3.1 The main issues raised in the representations on this matter relate principally to.....
- 3.2 **Sustainability**
- Carbon neutrality – definitions and implications
 - Wind Turbines
- 3.3 **Retail / Commercial**
- Impact
 - Distribution
 - Use of gross floorspace / hectarage
- 3.4 **Monitoring**
- Monitoring Regime
 - Response to Monitoring
- 3.5 The representations submitted consider that the Sherford Area Action Plan fails to meet the following Tests of Soundness;
- 3. The plan and its policies have not been subject to sustainability appraisal
 - 4. (a) It is not a spatial plan, or it has not properly had regard to any other relevant plans, policies and strategies relating to the area or to the adjoining areas

4. (c) It is not in general conformity with the regional spatial strategy
5. It does not have regard to the authority's community strategy
6. The strategies/policies/allocation in the plan are not coherent and consistent within and between Development Plan Documents (DPD's) prepared by the authority and by neighbouring authorities, where cross boundary issues are relevant.
7. The strategies/policies/allocation fail to represent the most appropriate in all the circumstances, having considered the relevant alternatives, and they are not founded on a robust and credible evidence base.
8. There are no clear mechanisms for implementation and monitoring.
9. The Plan is not reasonable flexible to enable it to deal with the changing circumstances.

4. Summary of the issues raised and the Council's position¹

4.1 Re: Test of Soundness 3

4.1.1 Sustainability

J Brophy (rep 2241) considers the Sustainability Appraisal does not adequately address traffic issues.

The Council's Position

4.1.2 The Sustainability Appraisal provides a detailed review of the sustainability issues of transport and movement and has been instrumental in directing the AAP to more sustainable solutions. These are detailed in the Sustainability Report.

¹Appendices referred to in this section can be found on the Councils website www.southhams.gov.uk/sherford, and identify all those respondents who have made similar comments.

4.2 Re: Test of Soundness 4

4.2.1 Sustainability

4.2.2 Devon County Council (rep. 920) require clarity in para 7.14 on number and scale of wind turbines, and the ability to generate substantial amounts of energy in this location. Impact on residential areas, Dartmoor and the AONB need to be fully investigated. Wind Farm needs to be tested against CO2, 3 and 12 of the Devon Structure Plan (Applicable to Test 4 and 6).

4.2.3 RPS Planning, on behalf of Plymouth City Council Asset Management (rep. 1936) Object to exclusion of "PCC's agreement" in respect of the contents of the Sustainability Checklist. (Applicable to Tests 4, 6 and 7)

The Council's Position

4.2.4 *The wind energy approach introduced in para.7.14 is further clarified in para. 7.42 and Policy SNC5 including the need for further investigation of, and consultation on, a wind energy proposal. At this stage wind energy appears to be the best option subject to testing. The AAP is an enabling document for this to happen and an Environmental Impact Assessment will be required at the time of a planning application to deal with these matters.*

The matter of PCC's agreement is dealt within the Deliverability Topic Paper.

4.3 Re: Test of Soundness 4a.

4.3.1 Monitoring

4.3.2 DPDS on behalf of Taylor Woodrow (rep. 1078) consider that the Annual Monitoring Report is inadequate to monitor the implementation of a new community, and that a more stringent monitoring regime is required (Applicable to Test 4b and 8).

The Council's Position

4.3.3 *The Monitoring Regime is set out in the Core Strategy and has been tested at the Core Strategy Examination. However the Inspector's Report has modified the regime to ensure a more rigorous approach. Consequently it is proposed that the Sherford AAP will be revised in order to respond to this revision of the Core Strategy. Attached at Appendix 2 is the Sherford Area Action Plan Monitoring Framework, which will also be included in the Sherford AAP. This Framework identifies the key indicators and targets to be monitored at Sherford in order to ensure the delivery of a high quality, sustainable mixed use*

community. This Framework will also be monitored through the Council's AMR.

4.3.4 In addition to the Monitoring Framework, Chapter 9 of the AAP will be amended and text added in order to clarify the Council's approach to monitoring and implementation at Sherford.

4.3.5 Added text to Chapter 9...

4.3.5 Implementation of the policies contained in the Sherford AAP will require concerted action by a range of public, private and voluntary sector bodies working in partnership. The Council has neither the powers nor the resources to implement the Sherford Area Action Plan alone. The document's role is to provide a clear and robust framework for development in order that investment and action can be co-ordinated and geared to efficient and effective delivery.

4.3.6 Should annual monitoring of the key indicators set out in Appendix 2 reveal any significant failure(s) to meet targets, the Council will take action to rectify the situation as soon as possible. This will include a review of one or more of the policies or, if necessary the whole AAP. In the event of a material deficit arising in the delivery of new dwelling completions against the district housing trajectory, the Council will bring forward suitable sustainable / alternatives sites as soon as possible via the area specific DPD's and/or the development control process to meet the requirements of the soon to be adopted Core Strategy, Devon Structure Plan and the emerging Regional Spatial Strategy.

4.4 Re: Test of Soundness 4c.

4.4.1 Sustainability

4.4.2 South West Regional Assembly (rep. 1250) consider that Policy SNC1 does not meet requirements of carbon neutrality set out in Policy G of the Draft RSS.

The Council's Position

4.4.3 *The issue of carbon neutrality is currently being investigated with the South West Regional Assembly and a response will be made available in due course. This is a feature of the emerging RSS and where necessary the monitoring regime will ensure a review of the AAP to respond to changing policy requirements.*

4.5 Re: Test of Soundness 6.

4.5.1 Retail / Commercial

- 4.5.2 Plymouth City Council (rep 1110) asks whether the 16,000m² referred to in Policy SNC1 (7a) is net or gross. They also question the impact this level of provision would have on the vitality and viability of existing district centres.
- 4.5.3 GL Hearn on behalf of Plymouth and South West Co-Op (rep. 1298) consider that Policy SNC8 and the supporting text should clarify 'gross' floorspace figures, clarify split between convenience and comparison goods and make clear that retail provision must be phased with the growth of Sherford
- 4.5.4 Plymouth City Council (rep 1110) asks whether the 67,000m² referred to in Policy SNC1 (7b) is net or gross, and if its an appropriate interpretation of the 18ha within the Preferred Options.

The Council's Position

- 4.5.6 *The floorspace details in the AAP should have indicated that they are gross figures. This is addressed by an amendment proposed by the Council.*
- 4.5.7 *The retail provision is required to be developed in phase with the growth of Sherford as indicated in Policy SNC16.*
- 4.5.8 *Concerns about retail impact of AAP floorspace levels will be addressed by the Retail Impact Assessment which must accompany any planning application to implement the AAP proposal. Any floorspace proposal must take into account the impact of retail floorspace proposed at Sherford on nearby communities and avoid, or mitigate, any adverse effects as indicated in policy SNC17 (4).*
- 4.5.9 *The split between convenience and comparison goods will be dependent on an appropriate balance based on the outcome of the retail impact assessment but should remain flexible to allow normal fluctuations which occur in any healthy town or neighbourhood centre. Control will need to be exercised over excessive levels of convenience or comparison floorspace in the normal way.*
- 4.5.10 *The level of employment floorspace is derived from the Devon Structure Plan requirement for 18Ha (now reflected in the soon to be adopted Core Strategy) converted to a floorspace figure with support and advice from Devon County Council. It also reflects and is corroborated by the Savills report on Property Markets and Mixed Use Development Futures (February 2006)*

4.6 Re: Test of Soundness 7.

4.6.1 Retail / Commercial

- 4.6.2 Peacock and Smith on behalf of Morrison's Supermarket (rep 1923) states that a 'need assessment' should support the requirement of 16,800 sq.m of retail floorspace, and that the floorspace requirement should be deleted and replaced with the text which requires retail facilities proposed to be justified in respect of retail need.

The Council's Position

- 4.6.3 *The retail floorspace figures are derived from a comparator survey of similar towns and provide a guide for the scale of retailing at Sherford. This will be further refined at the planning application stage through retail impact assessment which will include details of the expected spending level of Sherford at stages in its growth and the reasonable proportion of that spend that should be captured through retail floorspace provision within a sustainable community.*

4.7 Re: Test of Soundness 8.

4.7.1 Monitoring

- 4.7.2 Devon County Council (rep. 920) considers that the AAP should identify clear mechanisms for changing policies, strategies and targets when they are found to be inappropriate, and considers that the AAP needs to clearly identify indicators and targets used to monitor progress.

4.7.3 Retail / Commercial

- 4.7.4 Turner Holden for Persimmon Homes (rep. 1130) question resources available to deliver the strategies and implementation programme in Policy SNC8.

The Council's Position

- 4.7.5 *The approach to monitoring is already addressed above. The matter of resources to deliver the strategies and the implementation programme is raised and dealt with in the Deliverability Topic Paper.*

4.8 Re: Test of Soundness 9.

4.8.1 Sustainability

4.8.2 The Home Builders Federation (rep. 1922) consider in relation to SNC2 that energy efficiency will be best achieved through Building Regulations. Inclusion of energy efficiency targets is inflexible and could result in unviable developments.

The Council's Position

4.8.3 *The Council is seeking to deliver an exemplar sustainable new community which positively addresses the immediate and long term issues of climate change. The current Building Regulations do not provide that lead at present (as identified in para.7.10). The targets here as in every area of the AAP are set deliberately high in order to achieve a step change in approach. The Council do not consider that this will discourage development proposals from being advanced to deliver Sherford. The targets will be monitored not just against performance but also to ensure they remain at an appropriately high standard over time.*

5 General Representations not related to Tests of Soundness

5.1 *Due to the length of this section the Council's position appears in italics after each representation.*

5.2 Sustainability

5.3 Turner Holden for Persimmon Homes (rep. 1130) consider the Sustainability Checklist (in para 7.5) is extensive and potentially onerous in the context of what is required by the rest of the Plan in terms of investment and infrastructure.

The Councils Response

5.4 *The Sustainability Checklist referred to in para.7.5 is a list of elements of sustainability which must be taken into account in the preparation of a proposal to deliver Sherford. It will mark the start of an audit trail through the proposal and will thus make explicit the approach adopted by the developer to each item. This does not introduce additional burden on the developer over and above the requirements set out elsewhere in the Plan.*

5.5 Red Tree (rep. 913) consider that the Policy SNC2 and SNC5 has demanding and challenging targets in terms of energy consumption and reducing carbon emissions. Within SNC5 (10) there needs to be consideration of the implications of SNC5(9a). SNC(5) should be

expressed as a % against those houses built in accordance with current building regs and standards. Para 7.38 and SNC5 (13) should not have a burden of proof on the supply of gas, particularly where there is no clear objective reference to decide what is proof. The demand should be that where there is a feasible, reasonable economic and practical alternative to the gas supply this will be provided.

The Councils Response

- 5.6 *With regard to the challenging targets of SNC5 (10) these will be less challenging if demand is reduced in accord with SNC5 (9a).*
- 5.7 *The Council consider that all fossil fuel usage should be minimised or removed from the operation of the new community and that the supply of gas to every home will undermine this objective. Instead of gas supply being an automatic option for the development it is now only chosen following review of the options but is not precluded. An integrated strategy for energy supply is required to ensure fossil fuel supplies are only provided where justified in the context of this strategy. If there is no feasible, reasonable economic and practical alternative to a gas supply then this would be justified.*
- 5.8 Devon County Council (rep. 920) consider that Policy SNC2's ambitious renewable energy targets should be accompanied by a risk assessment, and that energy targets should be complemented by targets relating to transport provision / modal change. The AAP should clarify whether Eco-homes / BREEAM standards will be retained as 'Excellent' through revisions of the standards during the construction period.

The Councils Response

- 5.9 *The renewable energy targets were set with advice from a body of experts including the Energy Savings Trust and the Buildings Research Establishment. The consideration of targets for transport has been discussed with the Regional Assembly and is not an approach currently recommended. The Excellent standards will be retained through revisions of the standards and to this end the AAP refrains from identifying a specific version of the standards. The AAP review process enables it to respond where necessary to changing requirements and standards.*
- 5.10 Devon County Council (rep. 920) considers the AAP (in para 7.4 – 7.15) should show how Sherford will address the need for: climate change adaptation and mitigation, projections of climate change and consider climate change beyond 2026.

The Councils Response

- 5.11 *The aim set out in para. 7.4, sustainability checklist item c) in para. 7.5 and para.7.9 specifically require a response to the design issues raised by future climate change and is not limited to a 2026 time horizon.*
- 5.12 Devon County Council (rep. 920) considers that the AAP (in para 7.4) should specify the key priorities SHDC wants to see achieved and how they will be achieved and monitored.

The Councils Response

- 5.13 *A monitoring framework is being prepared in line with modifications now required to the Core Strategy monitoring framework, see responses above.*
- 5.14 Turner Holden, on behalf of Persimmon Homes (rep 1130) consider that energy efficiency requirements should be set through the review and reform of building regs, as it impacts viability.

The Councils response

- 5.15 *This issue is dealt with above.*
- 5.16 The Environment Agency (rep. 1202) Support the energy hierarchy in para 7.5, but considers it should be expressed as 'minimise usage, energy efficiency and renewable energy generation'. Welcome ref in 7.9 to necessary adaptations to take account of climate change.

The Councils response

- 5.17 *The Checklist sets out issues to be dealt with and not the answers.*
- 5.18 English Nature (rep 1252) suggest that page 57/58 of the Sustainability Appraisal (the sections on biodiversity indicators) should be combined and include bats.

The Councils response

- 5.19 *The monitoring the effectiveness of mitigation measures is an important element of ongoing sustainability work and will include the monitoring of bats.*
- 5.20 J Farrage (rep. 1911) is concerned about light pollution.

The Councils response

- 5.21 *A lighting strategy will be required as part of the Design Codes at the outline application stage and details of lighting schemes will require approval. The Council, together with the County Council, are concerned to minimise the levels of light pollution - both to enhance the night sky and to reduce energy wastage. An Environmental Statement which will accompany a planning application will also need to respond to this issue.*
- 5.22 Mr R Skinner (rep. 2238) considers that wind turbines mentioned in para 7.41 – 7.42 conflict with ‘sensitive treatment’ in para 7.95.
- 5.23 A Simper (rep. 2251), Mrs Mickley (rep. 1254) and Mr Ward (rep. 816) object to wind turbines, and considers they will be a blot on the landscape. Suggest that solar panels should be fitted to all buildings instead.

The Councils response

- 5.24 *Any conflict which may arise will need to be resolved to ensure the best holistic approach possible. The Council do not set either objective as being of greater weight than the other and further studies will be needed to inform the resolution of this issue.*
- 5.25 *The reference to embedded renewable energy technologies in Policy SNC5 9(c) will include the use of solar panels where appropriate.*
- 5.26 Wendy Rees (rep. 2259) suggests that contact should be made with the London Development Agency and Sherford should become a partner with the London initiative (based on the Dongtan eco-city in China).

The Councils response

- 5.27 *Best practice is constantly under review to assist Sherford in delivering an exemplar sustainable new community. Lessons learnt will be applied at monitoring and review stages.*
- 5.28 All respondents in Appendix 10 are concerned about noise / airborne pollutions.
- 5.29 *Noise and airborne pollution are matters of concern which will be controlled through the Construction Environmental Management Plan.*
- 5.30 GOSW (rep. 1) Has reservations about incorporating Criterion 2) of Policy SNC2 into upper case policy.

The Councils response

- 5.31 *The use of Sustainability Appraisals derived from the National Sustainability Checklist for Developments prepared by BRE and WWF-UK for ODPM and being used at regional level is recommended practice by Government. The Council considers this to be a significant measure of sustainable development and an appropriate requirement.*
- 5.32 Devon County Council (rep. 920) suggest replacing 'truly sustainable' in para 7.6 with 'ensure that Sherford achieved the highest sustainability standards in all key aspects of its design and development'. They also consider clarity could be improved if the AAP divided the issues / actions (in para 7.10 – 7.15) into demand reduction, energy efficiency, use of renewable energy technology.

The Councils response

- 5.33 *The Council consider this would not add significantly to the Plan*
- 5.34 **Retail / Commercial**

- 5.35 Red Tree (rep. 913) consider within Policy SNC11 – 14 there is a lack of justification / evidence for the proportion of retail and employment floorspace in each neighbourhood.

The Councils response

- 5.36 *The apportionment of floorspace to each centre provides guidance as to the relative scale and operation of each centre.*
- 5.37 GOSW (rep. 1) states that if training and development requirements at Sherford are distinctive it should be identified, if not remove reference from Policy SNC8.

The Councils response

- 5.38 *The learning and training opportunities afforded by a major sustainable construction project are distinctive for the local workforce and should be addressed as part of the economic sustainability of the development.*
- 5.39 Devon County Council (rep. 920) considers the AAP should provide more detail on the mix of different employment uses and how it fits in with the regional economic strategy. In addition justification of 1 job per dwelling (para 7.79 is required), and policy SNC8 should contain clear commitment to attract a mix of employers helping to attract a genuine social mix.

The Councils response

- 5.40 *The details of the mix of employment uses are found in the Savills report and will need to be developed further in the Employment, Commercial and Retail Strategy. The employment opportunities are aimed specifically at local rather than strategic employers at Sherford and will complement the strategic provision at Langage, in line with regional economic strategy. It is acknowledged that the AAP could provide more details on this matter and an amendment will be drafted with DCC to resolve this issue.*
- 5.41 All respondents in Appendix 24 are concerned there will be a lack of job opportunities at Sherford, and that jobs should come before housing.

The Councils response

- 5.42 *A substantial number of jobs will be generated in the supporting services and community facilities located at Sherford in addition to the jobs provided by commercial employers. It is very important that jobs are generated at Sherford to ensure the sustainability of the community. To this end employment opportunities will need to be delivered in step with housing. Some employment will however occur in other locations such as Langage.*
- 5.43 Devon County Council (rep 920) consider that the AAP should state that the objective is for a town centre to be designed along the principles of a high street and main square, and that the AAP should also emphasize the need for the high street to be designed as an attractive urban space.

The Councils response

- 5.44 *The Council recognises the importance of delivering these features and will ensure that these principles are embedded in the Town and Detailed Design Codes at the planning application stage. The Design Objectives set out in the AAP reasoned justification and identified in Policy SNC3 are considered to give sufficient guidance at this stage..*

5.45 **Monitoring**

- 5.46 The Highways Agency (rep. 1129) state that monitoring of trip generation of the site is required to show whether targets of modal split are met

The Councils response

- 5.47 *This is appropriate and will be a feature of any grant of planning permission. As is normal the modal split targets will be set with reference to the Transport Assessment which will accompany the*

planning application and trip generation will be monitored as the development proceeds.

5.48 Support - Sustainable Development

5.49 Plymouth City Council (rep. 920) support Policy SNC8

The Councils response

5.50 *Support welcomed.*

5.51 The Environment Agency (rep.1202), and Plymouth City Council (rep. 1110) support Policy SNC2.

The Councils response

5.52 *Support welcomed.*

5.53 South West Regional Development Agency (rep. 1308) supports the inclusion of employment space, which complements provision at Langage.

The Councils response

5.54 *Support welcomed.*

5.55 Tony Norton (rep. 920) supports the Energy Strategy.

The Councils response

5.56 *Support welcomed.*

6. Conclusions

6.1 The Council have sought to take an exemplar approach to sustainability and have received significant support and advice in preparing the AAP. It is considered that the approach adopted is a sound one as well as a challenging one.

6.2 The retailing and commercial elements of the AAP have been framed to best achieve a sustainable new community and have recognised the need to support sustainable lifestyles and movement patterns throughout the community.

6.3 The monitoring regime for the AAP has been reviewed in the light of the Inspector's report on the Core Strategy and is now considered to be fit for purpose.