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# Report to South Hams District Council

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Inspectors appointed by the Secretary of State for Communities and Local Government

Date: 28<sup>th</sup> January 2011

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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

**REPORT ON THE EXAMINATION INTO:**

**DARTMOUTH SITE ALLOCATIONS**

**IVYBRIDGE SITE ALLOCATIONS**

**KINGSBRIDGE SITE ALLOCATIONS**

**TOTNES SITE ALLOCATIONS**

**RURAL AREAS SITE ALLOCATIONS**

**DEVELOPMENT PLAN DOCUMENTS**

Documents submitted for examination on 30 July 2010

Examination hearings held between 2 and 12 November 2010

File Refs: PINS/K1128/6, 9, 10, 11 and 12

## **Non-Technical Summary**

This report concludes that the five Site Allocations Development Plan Documents for Dartmouth, Ivybridge, Kingsbridge, Totnes, and the Rural Areas provide an appropriate basis for the planning of the district over the next 15 years approximately. The Council has sufficient evidence to support the site allocations and can show in almost all cases that they have a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- Deletion of mixed use allocations at Borough Park, Totnes, Marldon and Stokenham, and housing allocations at Thurlestone and Ugborough; because satisfactory delivery cannot be assured;
- Deletion of the employment allocation at Leigh Cross (Kingsbridge) because of the detrimental impact on the AONB which could not be mitigated satisfactorily;
- In accordance with the Council's resolution on the planning application, increasing the housing capacity of Baltic Wharf, Totnes and incorporating additional land, to ensure that the proposal is viable;
- Adjusting the phasing of proposals in Totnes in the light of new information about funding and to ensure an adequate supply of housing and employment land, and clarifying the proposal in regard to the Dairy Crest site, and
- Reducing the size of the housing allocation at Paignton Road, Stoke Gabriel in order to ensure that there would be no significantly adverse impact on the AONB.

While it has not been possible to obtain the Council's support for the changes recommended in this report, all of them have emerged in response to points raised or suggestions discussed during the examination. In most cases the changes are needed because sites are either no longer available for development or are affected by the scaling back of the Building Schools for the Future national funding programme. They do not alter the thrust of the Council's overall strategy.

## **ABBREVIATIONS USED IN THIS REPORT**

AA	Appropriate Assessment
AMR	Annual Monitoring Report
AONB	Area of Outstanding Natural Beauty
CS	Core Strategy
DPD	Development Plan Document
DRA	Design Review Assessment
dph	Dwellings per hectare
ha	hectare
IDP	Infrastructure Delivery Programme
IC	Inspectors' recommended change
KEVICC	King Edward VI Community College
LDS	Local Development Scheme
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
STA	Sustainability Threshold Assessment

## Introduction

1. This report contains our assessment of the Dartmouth, Ivybridge, Kingsbridge, Totnes and Rural Areas Site Allocations Development Plan Documents (DPDs) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPDs are compliant in legal terms and whether they are sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy. To avoid duplication the five DPDs are considered together in this report unless indicated otherwise.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be five sound plans. The basis for the examination is the submitted DPDs (July 2010) which are the same as the documents published for consultation in April 2010 except for schedules of suggested minor changes to the Dartmouth, Ivybridge and Rural Areas DPDs.<sup>1</sup>
3. This report deals with the changes that are needed to make the DPDs sound and they are identified in bold in the report (**IC**) and the detailed recommendations are set out in Appendix B. None of these changes should materially alter the substance of the DPDs and their proposals, or undermine the sustainability appraisal and participatory processes undertaken.
4. During the course of the examination the Council put forward a schedule and a supplement to the schedule of minor changes in order to bring the documents up to date factually, correct minor errors, add clarity or improve consistency. They have been available for comment on the examination website. As these changes do not relate to soundness they are generally not referred to in this report although we endorse the Council's view that they improve the DPDs. These are shown in Appendix A.<sup>2</sup> We are content for the Council to make any additional minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
5. A number of communities expressed concern about the public consultation that was undertaken by the Council in bringing forward the DPDs. However, the requirements of the Statement of Community Involvement have been met. Also, there is evidence to demonstrate that, although there may have been communication gaps within local organisations and bodies, the Council used its best efforts to engage all stakeholders in the process. We have taken into account the results of the public consultation, including community views which have been expressed at public meetings.

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<sup>1</sup> Core Documents CD6/88, CD6/89 and CD6/92.

<sup>2</sup> Where suggested minor changes put forward by the Council have been overtaken by our conclusions on matters of soundness these are not endorsed and are deleted from Appendix A as indicated.

## Assessment of Soundness

### Main Issues

6. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings there are three over-arching main issues upon which the soundness of the DPDs depends.

### **Issue 1 – Taken as a whole, whether the site allocations have a sound basis, having regard to the district’s context and needs and the relationship with other plans and strategies**

#### Preamble

7. The site allocations DPDs have been brought forward in the context of the district’s Core Strategy (CS), adopted in 2006, and other adopted DPDs including one on affordable housing (2008). The CS looks to 2016, reflecting the adopted regional strategy (RPG10 2001) and the Devon Structure Plan which provided the strategic context that guided its preparation. The draft Regional Strategy for the South West (RS), while not having development plan status, provides an updated strategic framework that has informed the preparation of the DPDs and sets out a longer time frame up to 2026; on this basis the DPDs look to 2026 and beyond while not setting a specific end date.
8. Following the publication of the DPDs the Coalition Government’s commitment to abolish regional strategies was announced and subsequently this element of the development plan was revoked. The Council’s statement about the implications of this matter for the DPDs was published before the commencement of the hearings. During the hearings the revocation decision was quashed in the High Court; in response, the views of interested parties have been sought and are taken into account in this report.
9. The DPDs’ longer-term provision for housing is informed not only by the draft RS but by up-to-date evidence of the scale of housing need and the district’s capacity to accommodate it. The employment provision is based on the CS and in the absence of specific requirements in the draft RS, longer-term provision figures are generally an extrapolation of the CS figures. There has been no substantive challenge to the Council’s approach on these matters. Provision for gypsy and traveller sites is scheduled to be considered through a specific DPD in due course. Revision of the CS is expected to commence during 2011 and once adopted, it will provide a longer-term statutory planning context for the district.
10. DPDs for adjoining districts are at various stages of preparation. There is evidence of close working between the Council and neighbouring authorities and, so far as they are relevant, cross-boundary effects have been taken into account in these site allocations DPDs. CS provision for the new community at Sherford which serves sub-regional needs is dealt with separately in an adopted Area Action Plan, and similarly, urban extension of Plymouth in South Hams district is being taken forward with partner authorities in a separate DPD for the Plymouth urban fringe.

11. Concerns have been raised about the district's capacity to accommodate the scale of growth resulting from the site allocations and developments in adjoining districts. However, as referred to above, the proposed growth has a sound planning basis and there is no evidence that it would breach environmental limits in the South Hams or surroundings. The need for improvements to physical and social infrastructure has been properly identified, joint working with infrastructure providers is underway, and there is no indication that there are any insuperable obstacles to delivery of the plans in this regard.
12. In the current circumstances, it is reasonable to conclude that the DPDs have proper regard to the wider strategic planning context.

#### Site Selection

13. The Council's objectives for the district and the issues to be addressed are clear and are backed up with a comprehensive evidence base. This provides the justification for the selection of the allocated sites from the much larger number of sites that have been considered throughout the process. The evidence includes the strategic housing land availability assessment (SHLAA) which considered land availability and delivery; the sustainability threshold assessment (STA) which looked at the sustainability credentials of the sites; the design review assessment (DRA) which assessed the potential of sites to contribute to good design and place-making; the infrastructure delivery programme (IDP) which examined the relationship between the sites and infrastructure requirements and delivery; the strategic flood risk assessment (SFRA) and the Habitat Regulations Assessment (HRA).
14. All of this evidence formed a solid foundation for a thorough assessment of alternative sites and it demonstrates that the selection process followed by the Council has been robust. It also provides the justification for the sites that are allocated. Subject to the recommendations below, detailed concerns raised about design, landscaping and other matters can be satisfactorily addressed at a later stage in the planning process. The broad distribution of the sites accords with the CS's hierarchy of settlements and is sound. It is on this basis that allocations are proposed in the four Area Centres of Dartmouth, Ivybridge, Kingsbridge and Totnes, and in selected Local Centres and Villages in the Rural Areas.

#### Provision for Housing

15. The Housing Market and Needs Assessment as updated<sup>3</sup> demonstrates that there is a significant level of need and demand for both market and affordable housing in the district. However, the Council acknowledges that realistically these pressures cannot be fully met, particularly bearing in mind the environmental and infrastructure constraints which are evident in much of the area. Most of the settlements in the South Hams sit within very attractive landscape, much of which is protected. Accessibility to employment, services and facilities, especially by public transport, is comparatively poor in parts of the district. Several locations are at risk of flooding.

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<sup>3</sup> CD6/84 is the most recent annual update.

16. Against this background of significant housing need and demand, constrained land supply and the steer provided by the CS and draft RS, the DPDs represent a pragmatic and sustainable approach which set out the way forward but which will be kept under review through the Annual Monitoring Report (AMR). The housing requirement will be re-assessed when the CS is reviewed and the strategic picture has become clearer; at that stage the need for additional provision can be addressed.
17. The selection of sites for development in the two periods identified in the DPDs, by 2016 or beyond 2016, is generally guided by the need to meet the CS requirement and to prioritise the most sustainable, generally brownfield sites where such opportunities arise. This approach reflects national planning objectives and is supported. Where there is evidence that less sustainable sites may need to be brought forward earlier, to ensure a continuous supply of land, the phasing of the allocations reflects this. Overall, the selection of sites for delivery in one of these two periods is appropriate, given the DPDs' approach to monitoring (see paragraphs 77-78 below).
18. Site-specific matters are considered in more detail below but the overall conclusion is that five of the housing/mixed use allocations are not sound because there is no reasonable certainty of delivery. In another case the housing capacity should be reduced in order to prevent an unacceptably adverse impact on the AONB. In Totnes, an extended period for delivery on one of the sites should be allowed for, but overall, increased capacity/earlier delivery of other sites would result in about 80 additional dwellings being allocated up to 2016 in the town.<sup>4</sup>
19. The consequences of these recommended changes are that in the district as a whole there would be a marginal surplus against the CS requirement up to 2016, and a deficit of 250 dwellings, mostly in the Rural Areas, compared with the provision made by the submitted DPDs for the post-2016 period. In distributional terms, growth would be more focused on the Area and Local Centres, but this would reflect the settlement hierarchy as set out in the CS.
20. With regard to the implications for the post-2016 period there are a number of factors to be considered. The net effect of our recommendations on the housing land supply, based on scenario 4 of the Council's supplementary paper<sup>5</sup> is that the DPDs would provide for almost 13 years supply (not including windfalls). If expected windfalls are taken into account for the period 2021-2026, the supply would rise to 16 years.
21. Elements of the Council's housing land supply calculations were contested during the examination and the responses to the consultation on the supplementary paper have been taken into account. However, with regard to slippage of delivery rates at Sherford and Plymouth Fringe, we share the Council's view that it would be inappropriate to address this through the site allocations DPDs, in advance of joint working with adjoining districts and of the review of the CS.

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<sup>4</sup> This figure does not include the capacity for about 30 dwelling on land north of the leat on the Dairy Crest site, given the caveats on this matter (see paragraph 58 and IC4 in Appendix B).

<sup>5</sup> Housing Supply and Dealing with Uncertainty, South Hams District Council, December 2010.

22. As referred to above, review of the CS will enable up-to-date assessment and determination of the requirements post-2016, and the contribution that could be expected from windfalls in the 10-15 year period will no doubt be re-examined. In the meantime, adoption of the site allocations DPDs will provide reasonable certainty of an adequate land supply for almost 13 years and, if monitoring demonstrates that it is required, adjustments can be made to bring forward post-2016 sites in order to maintain at least a continuous five year supply of deliverable sites.
23. It has been suggested that, in order to provide more flexibility and make a greater contribution towards meeting the district's need for affordable housing, the Council should allocate significantly more land to accommodate additional housing over and above that set out in the CS or indicated by draft RS. But for the reasons set out in paragraphs 15 and 16 above, this would not be justified. Also, the proposals are sufficiently flexible to ensure that the most appropriate contribution to affordable housing provision and other social and physical infrastructure can be decided on a case by case basis, taking economic viability and other factors into account.
24. A number of alternative sites were put forward during the examination, including some that had been considered as options during the preparation of the DPDs. Some of the alternative sites, including in the rural areas, may be suitable for development. However, given our conclusion about the adequacy of the land supply, it is best left to the Council to compare and evaluate the suitability of these sites for development and engage in a robust process of consultation before bringing them forward as required.
25. In terms of implementation and infrastructure provision, the DPDs include an Infrastructure Delivery Programme (IDP), and delivery mechanisms for each allocation are clearly set out. There is no evidence that key partners are not signed up to delivery. Overall, the DPDs are likely to be effective.
26. Taking all of these points into account, and subject to our recommendations, the housing allocations are sound in principle. Adoption of the DPDs will provide a significantly improved land supply and a firm basis to meet requirements for up to 15 years. This would accord with PPS3 and with the Council's aspirations for the district.

#### Provision for Employment

27. The focus for new employment provision is on Area and Local Centres. The distribution and quantity of the allocated employment land accords with the CS except in Totnes, where there would be a shortfall of about 3ha up to 2016 and to a lesser extent in Kingsbridge where the shortfall would be 0.4ha. For the period beyond 2016 the distribution follows a similar pattern and the quantity of development is generally an extrapolation of the CS, informed by guidance in draft RS and local evidence of known and projected needs, and balanced by the availability of developable sites.
28. In the particular case of Totnes, the shortfall against the CS requirement arises from the lack of suitable and available new sites and the extent to which existing employment sites are preferred for housing development. However, there is generally no impediment to the post-2016 sites in Totnes being brought forward earlier for employment development, should the demand

arise, and one of our recommendations would facilitate earlier development of a mixed use site. Other mixed use allocations such as Baltic Wharf (Proposal T1) and Dairy Crest (Proposal T4) are likely to provide employment even though this has not been factored into the land supply. Taking these matters into account, any shortfall in Totnes against the CS requirement would be marginal.

29. For the reasons set out in paragraphs 43-44 below we recommend the deletion of the allocation at Leigh Cross. As a result the employment land supply to serve the Kingsbridge area would be reduced by 3ha and 1ha respectively in the periods up to 2016 and beyond. However, there is little evidence of a pressing demand for additional employment floor space in Kingsbridge and bearing in mind that the preferred employment locations in the district<sup>6</sup> are the A38 corridor, Plymouth edge, Torbay edge and Totnes, it can be concluded that in this respect Kingsbridge is not the highest priority for new provision.
30. Even if a suitable alternative for Leigh Cross cannot be brought forward, other allocations in Kingsbridge are expected to provide 1.6ha by 2016 and the Quayside site, unlikely to be deliverable before 2016, includes an employment allocation of 1ha. Therefore, scope for some new development in the town will be available, and the small site allocations in nearby settlements will also help to generate employment opportunities in this part of the district.
31. As part of the review of the CS the Council will no doubt give detailed consideration to employment needs and will seek to refine estimates of future land requirements, informed by on-going work at county level.<sup>7</sup> Non-class B uses are likely to make an important contribution to employment growth and together with more efficient use of existing employment areas, mixed use development, flexible workspace and other new formats, the implications for site provision will need to be taken into account.
32. In this context and in the absence of firm evidence of requirements for the post-2016 period, the potential under-provision in the Kingsbridge DPD is not a significant concern. There is likely to be enough time for the Council to identify and bring forward alternative sites if necessary. For these reasons, subject to the deletion of Leigh Cross, the Kingsbridge DPD would remain sound.
33. Similarly, the loss of 0.1ha and 0.5ha from the pre- and post-2016 supply in the Rural Areas that arises from the non-deliverability of allocations in Marldon and Stokenham (see paragraph 71 below) is not of overriding concern. There is no evidence that the overall employment strategy for the district as set out in the CS or for the longer term would be undermined. Also, there are opportunities for suitable alternative provision to be identified in due course.

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<sup>6</sup> CD6/72 South Hams Employment Land Review 2006.

<sup>7</sup> CD5/12 Managed Workspaces research for Devon County Council; CD5/10 Devon Employment Space Strategy Stage 1 report (2008).

34. Taken as a whole, there is enough evidence to conclude that the DPDs, as changed in accordance with our recommendations, would provide a reasonable supply of employment sites and are sound in this respect.

#### Other Elements

35. It has been suggested that the proposed allocations should set out more detailed requirements about density, type of employment/jobs targets, sustainable construction/climate change proofing and other matters. However the evidence supports the approach taken by the Council to the broad definition of requirements for the allocated sites. This ensures appropriate flexibility in determining planning applications, guided by the policies and guidance set out in the other documents in the Council's Local Development Framework (LDF). There is no evidence of any significant omissions from the site allocations DPDs.
36. Overall, on the first issue we conclude that the site allocations have a sound basis, having regard to the context and needs of the South Hams and the relationship with other plans and strategies. The requirement for development in the district has been clearly demonstrated by the Council. Bearing in mind the strategic objectives and locational principles established by the CS, the allocations for development in the Area Centres and in the Rural Areas are, in principle, sound.

#### **Issue 2: Whether the allocated sites are properly justified and are likely to be delivered**

***As concluded above, the site allocation DPDs are sound in principle. Accordingly the following sections only consider the specific points about the allocations that give rise to concern about potential unsoundness.***

#### **Dartmouth**

37. The allocations at Dartmouth would result in 200 dwellings and 2ha of employment land before 2016 and 345 dwellings and 2.6ha of employment land after 2016. This would accord with the requirements of the CS. A large proportion of future growth would be at Townstal (Proposal D1) and concerns have been raised about the scale of the development, links to the historic town centre and the need to retain the existing sports facilities on the site. As with many settlements in the district the topography and landscape around Dartmouth restrict opportunities for growth. However, the STA demonstrates that the proposed site fares better than a number of other peripheral sites.
38. Proposal D1 requires a masterplan for the site and provision for strategic landscaping, community facilities, cycle paths and footpaths. The IDP sets out a significant number of services and facilities proposed but no substantive evidence was submitted that raises doubt that the proposal will be delivered successfully. With regard to the existing playing fields, it is clear that they would be retained unless satisfactory equivalent provision could be found nearby.
39. Two other allocations in the town (Collingwood Road and Rock Park) are appropriate in terms of location and delivery and the detailed requirements for both sites are clear and justified. In conclusion, the proposals in the

Dartmouth Site Allocations DPD are justified, effective and consistent with national policy and are sound.

### **Ivybridge**

40. Proposal I1, East of Ivybridge, accords with Policies CS2 and CS3 of the CS by making provision for 100 dwellings and 5ha of employment land up to 2016. Beyond 2016 there is provision for an additional 275 dwellings and 5ha of employment land. On the balance of all the evidence this greenfield allocation is soundly based and will contribute to self-containment of the settlement. The details of the development scheme, including the relationship with the rugby club's grounds, can be resolved as part of the masterplanning process. The representation that the allocation should be enlarged to include land to the east of Crossways Cottage does not have merit since it would not be well-related to the main part of the allocation.
41. Proposal I2, Ivybridge Central Area, seeks to enable the comprehensive regeneration of part of the town centre focused on the River Erme, and its phasing post-2016 reflects delivery issues that may prove challenging, particularly if current economic conditions persist. Nonetheless, the expected yield of 50 dwellings is not unduly ambitious and on the balance of all the evidence the proposal is justified and likely to be deliverable in the longer term. Overall, the proposals in the Ivybridge Site Allocations DPD satisfy the criteria for soundness as set out in PPS12.

### **Kingsbridge**

42. The Council's proposed allocations at Kingsbridge would result in 200 dwellings and 4.6ha of employment land before 2016 and 300 dwellings and 2ha of employment land after 2016. With the exception of a marginal shortfall of 0.4ha against the employment land requirement, this provision reflects the CS.
43. However, the employment allocation at Leigh Cross (Proposal K6) raises a number of concerns. The site is comparatively isolated and visually prominent within the AONB and lies adjacent to a touring caravan park and on the other side of the road from a residential caravan park. There is insufficient evidence that the proposal's harmful effects, particularly on the AONB, could be satisfactorily mitigated.
44. The evidence demonstrates that there may be other sites which would not have such a detrimental impact on the AONB, would not cause significant harm to nearby residents and would be equally able to meet some of the employment needs of Kingsbridge. It is difficult for the Council to argue that this proposal is sound if there are significant doubts that it is the most appropriate alternative that is available. In these circumstances it has to be concluded that there is insufficient justification for the allocation which would conflict with national planning policy for the protection of AONBs and it is therefore unsound. It is recommended that Proposal K6 be deleted (**IC1**).
45. With regard to the housing allocations, the Council has adequately justified the proposed sites. The objectives are clear, the infrastructure implications have been addressed and there appears to be no significant impediment to delivery.

There is no justification for replacing the allocated sites with alternatives at Kingsbridge or West Alvington.

46. Subject to the recommendation above, the proposals in the Kingsbridge Site Allocations DPD are justified, effective and consistent with national policy and are sound.

## Totnes

47. The allocations in the Totnes DPD provide for 413 dwellings and 2.1ha of employment land up to 2016 and 245 dwellings and 2.3ha of employment land beyond 2016. The local community's concerns about the traffic implications of this scale of growth and the potential impact of growth elsewhere, including beyond the district's boundary, are understood. But there is insufficient evidence to conclude that the projected traffic growth cannot be accommodated. Also, detailed proposals for future development of the sites, together with developer contributions to traffic management measures, will help to minimise adverse impacts and achieve more sustainable travel patterns.
48. Turning to Proposal T1 (Baltic Wharf), an application for mixed use development of the site was under consideration during the hearings, and subsequently the Council has resolved to grant outline planning permission, subject to the completion of a legal agreement. There are detailed differences between the application and the allocation, notably an increase in the residential element to a maximum of 190 dwellings and the enlargement of the site to provide a tract of open space. The evidence indicates that access, flood protection, other environmental and leisure interests, and protection for boatyard uses and river-based employment can be properly addressed as part of the planning application scheme. Overall, it is clear that this allocation merits its high ranking in the STA.
49. In order to retain flexibility, all the amendments sought by the site's promoters to the wording of the proposal are not supported; such details would be more appropriately left to the detailed planning stages. But due to their importance for the viability of the scheme, and reflecting the Council's satisfaction with the principles of the planning application, the boundary of the site and the wording of the proposal should be amended to reflect the enlarged area of public open space and the increase in capacity to a maximum of 190 dwellings. We recommend accordingly in the interests of a properly justified and effective plan [**IC2**].
50. Proposal T2 (KEVICC) allocates about 130 dwellings in total on lands that form part of the campus of King Edward VI community college. About 20 dwellings are proposed on the Sheepfield site post-2016, but there is no substantive reason why these should not be developed before then, and this may assist earlier delivery of the other elements of the proposal. The balance of the housing allocation, about 110 dwellings, is proposed for development by 2016 on the Lower School site. This would be associated with relocation and improvement of classroom facilities and playing field provision on the Upper School site, and with relocation of The Grove primary school to the Lower School site.

51. Detailed preparatory work has been completed in support of this proposal and the evidence indicates that it will yield significant benefits for the area, in terms of educational and leisure facilities, enhanced public open space and pedestrian access to the rail station. Planning permission has already been granted for relocation of the playing fields. The campus is reasonably accessible by non-car modes and while concerns about increased traffic and the implications for air quality are understood, the potential impacts can be mitigated satisfactorily. Implementation of the proposed management scheme for the A385 will assist significantly in this respect. Overall, the allocation's high score in the STA is fully merited.
52. Relocation of the community college's facilities to the Upper School site is essential for implementation of the proposals for the Lower School site. It had been expected that this would be funded by the Building Schools for the Future programme, but as a result of the scaling back of this programme there is now some uncertainty about delivery of these elements of the allocation by 2016. That said, improvement of KEVICC and relocation of the primary school are very important priorities of the education authority, not least to ensure that there is adequate provision of primary school places in the town. This supports the view that every effort will be made to secure the necessary funding for the proposal, and both the Council and the education authority maintain their support for its phasing.
53. In all these circumstances it would not be entirely justified to expect most of the dwellings on the Lower School site to come forward by 2016. But it seems likely that some of the residential component will be completed, given that it could commence before the relocation of the primary school. On balance, it is reasonable to anticipate that about 30 dwellings would come forward on the Lower School site by 2016, with the remainder in the later period. In the interests of soundness Proposal T2 and its supporting text should be amended accordingly **[IC3]**.
54. Proposal T3 (Totnes Central Area) comprises three sites. One of these, The Grove primary school, is to be redeveloped for about 20 dwellings and youth facilities when the school has been relocated to the KEVICC site. For the reasons set out above, doubts have been raised about deliverability of this proposal by 2016. However on balance, given the strong driver for relocation and the priority accorded to it by the education authority, it is reasonable to maintain this phasing while keeping progress under close review. There is potential to meet needs for outdoor play space within the scheme and overall, the proposed scale of development and mix of uses appears justified and deliverable.
55. The southern part of Proposal T3 is allocated for a mixed use scheme of about 50 dwellings and 0.1ha of employment land by 2016. Concern has been raised about the way in which this allocation has been brought forward. But there is no substantive reason to question its justification, including the respective quantities of residential and employment development, or to doubt that satisfactory arrangements for access to existing properties will be made at the detailed planning stage. The Council has rightly identified this land as a significant part of the central area that will benefit from more intensive use.

56. The third component of Proposal T3 is the redevelopment of the Market Square and Civic Hall that is expected to come forward after 2016. The clear intention is to deliver significant public realm improvements and enhanced community facilities that benefit the town and this key location in the heart of the conservation area. This appears to be an entirely appropriate objective.
57. Economic viability of this and the other components of Proposal T3, almost all of which is in the Council's ownership, is likely to be a significant factor affecting delivery. However, there is sufficient flexibility in the policy framework to achieve properly balanced schemes that are deliverable, and the longer time frame for redevelopment of the Market Square and Civic Hall area is reasonable, taking account of its complexity and the expectation that it will be self-financing. Overall, Proposal T3 is properly justified and reasonably likely to be delivered within the expected timescales.
58. Proposal T4 (Dairy Crest) will secure mixed use regeneration of an important brownfield site next to the railway station. The Council, Dairy Crest and the Environment Agency agree that, subject to the resolution of any flood risk issues, there may be potential for housing and employment development on land north of the leat. As a result the Council has suggested amendments to the policy and supporting text that provide a clearer basis for consideration of the site as a whole.<sup>8</sup> In the interests of clarity and effectiveness we recommend that the plan should be changed accordingly (**IC4**). The County Council has suggested that development of this area should make provision for a new vehicular link to the A385 through Proposal T2 in order to resolve traffic impacts, specifically at the Redworth junction. However there is no evidence that this requirement is justified or deliverable and it would be unsound to amend the DPD accordingly.
59. The proposals<sup>9</sup> at Dartington Lane and Ashburton Road (T5 and T6) have given rise to a number of concerns, especially about their visual impact and potential coalescence with Dartington. However their selection is underpinned and justified by the thorough comparative appraisal and technical evidence that supports the DPD and we agree with the Council that potential adverse impacts can be satisfactorily mitigated. Given the shortage of suitable, available new sites for employment in and around Totnes, it would not be justified to reduce the amount of employment land that is proposed here and, while there may be premises available within the Dartington Hall Estate, the two locations are not directly comparable in their offer.
60. The phasing of the residential components of Proposals T5 and T6 to post-2016 is justified for two reasons. It will help to maintain the focus on regeneration of important brownfield sites in Totnes and, having regard to the recommendations on Proposal T2, provide for a rate of development that can be more readily assimilated in this part of the town. However, if housing delivery on the KEVICC lands is delayed much longer than expected, the

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<sup>8</sup> The Council's suggested amendments were put forward in its supplement to the schedule of minor changes. However we consider that they do not fall within our definition of minor changes in paragraph 4 above.

<sup>9</sup> The Council's suggested minor changes in Appendix A entail amalgamation and re-numbering of the proposals to reflect the up-to-date position. For the sake of convenience this report uses the proposal reference numbers in the submission DPD.

Council will no doubt re-consider whether there is a need to bring forward these or other post-2016 allocations. So far as the capacity of Lane End Field is concerned, 10 dwellings may not be achievable due to flood risk but this can be resolved at the detailed planning stage and there is no need to amend the allocation which allows flexibility in regard to the dwelling yield.

61. Land at Riverside (Proposal T7) is allocated for about 100 dwellings and 2ha of employment land post-2016 but it is available for development now. Its early release would help to ensure that the CS housing requirement is met and that the quantity of employment land more closely reflects the CS provision for Totnes. Compared with Proposals T5 and T6 that could also be brought forward for these reasons, Riverside's early release would provide for a spread of sites in different parts of the town. Concerns about its landscape and traffic impacts have been taken into account but these matters can be satisfactorily addressed in the detailed scheme for the site and as part of traffic management measures in the wider area. Accordingly, in the interests of soundness it is recommended that the plan's phasing of this allocation should be brought forward to pre-2016 **[IC5]**.
62. The allocation at Borough Park (Proposal T8) seeks major enhancement of the park and improvement of its gateway function. About 25 dwellings are proposed for the post-2016 period to support the viability of the scheme. The Council and Sport England have agreed that there should be no net loss of useable land for playing pitches and team sport, but it seems that this could only be secured if the site were to be enlarged to include land in other ownerships. There is nothing to suggest that this is achievable, even in the post-2016 period, although there is little doubt that significant benefits for Totnes and the district could be realised from such an integrated approach. Suggested amendments to the plan would not resolve these fundamental concerns. Given the available evidence, it has to be concluded that the proposal is neither justified nor deliverable and it is recommended that it be deleted **[IC6]**.
63. Proposal T9 for about 20 dwellings post-2016 at Bourton Lane would make a small contribution to longer-term needs but has raised questions in particular about access and connectivity. The highway authority is concerned about the impact of any increased traffic at the sub-standard junction with Bridgetown Hill (A385), but there is no evidence that this is currently unsafe. It may be difficult to make improvements for pedestrians and cyclists on the lane. Nonetheless, on balance, given the size of the proposal and the volume and speed of traffic that is likely to be generated, the Council's judgement that the site is suitable for the proposed scale of development is supported. The site's connectivity with Bridgetown and the town centre is acceptable and not significantly different from much of the existing development on the valley sides above the town. Overall, there is a sound basis for the proposal.
64. In reaching our conclusion about the soundness of the allocations in Totnes we have taken full account of the merits of other sites. But the Council's selection of sites has been based on a thorough and objective process of site evaluation and comparison, informed by extensive public consultation and community participation. There is insufficient reason to prefer alternatives, for example the sites at Follaton, Great Court Farm and Blackpost Lane that are preferred to the Ashburton Road sites by community and other organisations.

65. For the avoidance of doubt, the alternative proposals for development at Barracks Hill, including employment provision as part of a planned expansion of the north-western fringe of Totnes, would not be justified on current knowledge about the relatively limited scale of need for new employment land in the town. Nor is there adequate justification for the creation of a new eco-village in the Lower Bourton Valley.
66. Subject to the recommendations above, the proposals in the site allocations DPD for Totnes are justified, effective and consistent with national policy and are sound.

## **Rural Areas**

### Rural Settlements with Sound Allocations

67. The proposals for the Local Centres of Modbury, Salcombe and Yealmpton, and the Villages of Aveton Gifford, Avonwick, Blackawton, Brixton, Dartington, Diptford, Ermington, Harbertonford, Holbeton, Kingswear, Loddiswell, Stoke Fleming and Wembury are founded on a robust and credible evidence base and represent the most appropriate strategy when considered against reasonable alternatives. No evidence was provided to demonstrate conclusively that the sites in these settlements are not deliverable, and the Council has identified the infrastructure improvements that would be required and has set out methods of delivery. The proposals are consistent with national policy.
68. With regard to Salcombe the concerns regarding the potential visual impact of the allocated site at Bonfire Hill, which is within the AONB, are recognised. However, it has been confirmed that site 5 in the STA (land south of Batson Cross) is not fully available and other sites in the town (for example, sites 2 and 3 in the STA) received little public support and would have a significant visual impact. Salcombe is a Local Centre which provides a wide range of facilities and services and it is right that it should accommodate some growth. Taking all these matters into account, it is concluded that with an appropriate layout, design and landscaping, the proposal can be assimilated satisfactorily into the town without causing significant harm to its setting.
69. So far as Dartington is concerned, Proposal RA14 aims to make better use of Webbers Yard industrial estate, offering potential growth of employment and providing for a limited amount of new housing within the settlement up to and beyond 2016. There is no substantive reason to question its soundness. The case for further expansion of housing across all of Sawmills Field is not made, given its potential visual impact and the lack of justification for growth on this scale at Dartington.
70. Having regard to all the representations, written evidence and the debate that took place at the hearing sessions, including the discussions about alternative sites, it is considered that the DPD's proposals for the above settlements are sound.

### The Other Rural Settlements

71. Turning to the proposals for Stokenham and Chillington (RA6), Marldon (RA22) and Thurlestone (RA28), there are significant concerns about their

deliverability. The evidence suggests that the sites (or parts of them) are not available for development or cannot be satisfactorily accessed. As a result, there is currently no reasonable prospect that they can be developed within the time horizon of the DPD. Therefore, it has to be concluded that these allocations are unsound and it is recommended under **IC7, IC8 and IC9** that they be deleted. With regard to the site at Ugborough (RA29) there is insufficient evidence to demonstrate that a suitable vehicular access to the site can be achieved. Although it is possible that the constraints to development could be satisfactorily overcome (potentially enabling delivery of the site), as it stands the proposal is not sound and therefore it is recommended under **IC10** that it be deleted.

72. Stoke Gabriel enjoys a number of facilities and services, including a school and shop, which make it an appropriate settlement for some growth. However, part of the proposed allocation at Paignton Road (RA26) would have an unacceptable impact on the AONB which could not be mitigated sufficiently, and for this reason would not be sound. This is acknowledged by Cavanna Homes (who control the land) and who have suggested that the site could satisfactorily accommodate 55 dwellings (rather than the 80 which are allocated). The reduced number of dwellings would be deliverable without significant harm to the AONB. Therefore it is recommended that the proposal be amended to allocate about 55 dwellings and require that the south-eastern part of the site be kept free from development (**IC11**).
73. With regard to the allocation at Rows Farm (RA25), concern has been raised about its capacity to accommodate 50 dwellings. However this would entail a density of 28-29 dwellings per hectare (dph), which falls below the guideline of 30-40 dph for rural areas as set out in the CS.
74. In dismissing a recent appeal on the site the Inspector concluded that one of the main problems would have been the loss of the hedgerow on Aish Road. The hedgerow is an important feature which should if possible be retained. However, there is no substantive evidence that the allocated site could not be satisfactorily developed to include the retention of the hedge (or a replanted hedge in the vicinity of any access). The appeal Inspector was considering a specific proposal and while it was found unsatisfactory, this does not preclude an alternative layout from meeting the objectives of the Council.
75. Consideration has been given to potential allocations in a number of other settlements, including Down Thomas, Harberton, Lee Mill, West Alvington and Rattery, but having concluded in paragraphs 26 and 34 above that enough suitable, deliverable land is allocated elsewhere in the district for housing and other requirements and consequently the DPDs are sound, there would be insufficient justification for recommending further allocations.
76. Subject to the changes recommended in Appendix B, the proposals in the Rural Areas Site Allocations DPD are sound.

### **Issue 3: Whether the DPDs are sound in terms of their approach to monitoring and the need for flexibility**

77. Each of the DPDs contains a monitoring framework, including targets that are linked to indicators in the Council's AMR. The AMR will play a key role in assessing the performance and effectiveness of the DPDs. Current economic circumstances, inability to secure funding and other factors may impede delivery of sites, and therefore expectations may need to be adjusted.
78. However if circumstances change there is sufficient flexibility so that the Council could, for example, bring forward post-2016 sites or reconsider other sites assessed in the STA and SHLAA, and the DPDs identify a number of contingency measures that could be applied as necessary. Overall, with the changes proposed, there is enough evidence to conclude that the DPDs are sufficiently flexible and capable of satisfactory monitoring and are likely to be effective. Therefore in this respect they are sound.

## **Legal Requirements**

79. The examination of the compliance of the five Site Allocation DPDs with the legal requirements is summarised in the table below. It is concluded that each of the DPDs meets all the requirements.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The five DPDs are identified within the approved LDS July 2010 which sets out an expected adoption date of April 2011. The content and timing of the five DPDs are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 and consultation has been compliant with the requirements therein.
Sustainability Appraisal (SA)	SA has been carried out as a parallel process to the preparation of the DPDs and is satisfactory.
Appropriate Assessment (AA)	In accordance with the Habitats Directive, we are satisfied that, where necessary, Appropriate Assessment has been undertaken and that there would be no significant harm to the conservation of any European sites as a result of the proposals within these DPDs.
National Policy	The five DPDs comply with national policy except where indicated and changes are recommended.
Regional Policy	The Regional Planning Body (RPB) has been consulted throughout the stages of preparation of the DPDs. No concerns about the general conformity of the DPDs with the adopted regional strategy (RPG10 2001) or the draft regional strategy have been raised by the RPB.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the South Hams SCS.
2004 Act and Regulations (as amended)	The five DPDs comply with the Act and the Regulations.

## Overall Conclusion and Recommendation

80. Subject to the recommendations above, all five DPDs are justified, being founded on a robust and credible evidence base. There have been significant opportunities for public consultation and the DPDs will deliver the most appropriate strategy when considered against reasonable alternatives. The DPDs are deliverable, include appropriate mechanisms for infrastructure provision, are sufficiently flexible (bearing in mind the number of constraints which exist in the district) and are capable of monitoring. They are therefore effective. Finally the proposals are consistent with national policy.
81. **We conclude that with the changes we recommend, set out in Appendix B, the Site Allocations DPDs for Dartmouth, Ivybridge, Kingsbridge, Totnes and Rural Areas satisfy the requirements of s20(5) of the 2004 Act and meet the criteria for soundness in PPS12. Therefore we recommend that the plans be changed accordingly. For the avoidance of doubt, we also endorse the Council's suggested minor changes, set out in Appendix A.**

*David Hogger*

*Mary Travers*

Inspectors

This report is accompanied by:

Appendix A (separate documents) Council's suggested minor changes<sup>10</sup>

Appendix B (attached) Changes that the Inspectors consider are needed to make the plans sound<sup>11</sup>

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<sup>10</sup> These comprise of six documents, Appendix A and its supporting appendices A and B, and Appendix A Supplement and its supporting Annex 1.

<sup>11</sup> Appendix B should be read with Plans 1 and 2 (separate documents).

## Appendix B – Changes that the Inspectors consider are needed to make the plans sound

*These changes are required in order to make the DPDs sound.*

Inspector Change No.	DPD/Proposal/Paragraph/Page	Change
IC1	Kingsbridge, K6, paragraphs 4.7, 6.27-6.29, pages 33 and 34, Table 1, Appendix 2 and Vision Diagram.	i) Delete Proposal K6, the third bullet point of paragraph 4.7, paragraphs 6.27-6.29, pages 33 and 34, and make consequential changes to Table 1, Appendix 2 and the Vision Diagram.
IC2	Totnes, T1, page 39, Table 1 and Appendix 2.	<p>i) Amend Proposal T1 by replacing "about 150" by "a maximum of 190" in the first bullet point, and replacing the 5<sup>th</sup> bullet point as follows, "about 5ha of public open space, including formal public open space within the site and along the river frontage and about 0.25ha of play provision."</p> <p>ii) Amend the outline of the site on page 39 in accordance with Plan 1 (separate document).</p> <p>iii) Make consequential changes to Table 1 and Appendix 2.</p>
IC3	Totnes, T2, paragraphs 6.17 and 6.19, Table 1 and Appendix 2.	i) Amend Proposal T2 by replacing "by 2016" with "by 2026", in reference to the Lower School site and replacing "beyond 2016" with "by 2016" in reference to the Sheepfield site. Also with reference to the Lower School site, replace the first bullet point with "the relocation of The Grove Primary School in the early part of this period", and replace the second bullet point with "about 110 dwellings, of which about 30

		<p>will come forward by 2016”.</p> <p>ii) Delete the words “...all as part of the Building Schools for the Future (BSF) national funding programme” from the final sentence of paragraph 6.17.</p> <p>iii) Add the following sentence to the end of paragraph 6.19: “Delivery on the Lower School site cannot be assured by 2016 due to uncertainty about funding and therefore it is scheduled to come forward in full by 2026. However the earliest possible development of the site will be sought and completion of about one third of the dwellings is anticipated by 2016.”</p> <p>iv) Make consequential changes to Table 1 and Appendix 2.</p>
<p>IC4</p>	<p>Totnes, T4, paragraphs 6.33 and 6.34, page 40, Table 1 and Appendix 2.</p>	<p>i) Amend paragraph 6.33, 4<sup>th</sup> sentence onwards, as follows: “The part to the north of the leat is currently assessed as in Flood Zone 3a (1 in 100 years event) and Flood Zone 3b (functional floodplain). Provided it can be demonstrated that development to the north of the leat can overcome flood risk issues, the whole site can be developed on a comprehensive basis. Failing this, the northern part is only suitable for less vulnerable water-compatible uses.”</p> <p>ii) Delete the first sentence of paragraph 6.34 and amend the 2<sup>nd</sup> sentence as follows: “The emphasis is on regeneration of the area and incorporating some residential development to support its viability, including affordable</p>

		<p>housing.”</p> <p>iii) Replace the 1<sup>st</sup> and 2<sup>nd</sup> bullet points of Proposal T4 by the following 3 bullet points: “•Provision of a number of jobs at least equivalent to the site’s previous use; • to the south of the leat, about 30 dwellings and employment development with retention of the listed building; •to the north of the leat, subject to it being demonstrated that satisfactory access can be achieved and that flood risk can be satisfactorily overcome, about 30 dwellings and employment development together with improvements to the riverside environment and public access.”</p> <p>iv) Amend the outline of the site on page 40 in accordance with Plan 2 (separate document).</p> <p>v) Make consequential changes to Table 1 and Appendix 2.</p>
IC5	Totnes, T7, paragraph 6.46, Table 1 and Appendix 2.	Replace “beyond 2016” in Proposal T7 and “post 2016 in paragraph 6.46 with “by 2016” and make consequential changes to Table 1 and Appendix 2.
IC6	Totnes, T8, pages 37 and 40, Table 1, Appendix 2 and the Vision Diagram.	Delete Proposal T8 and page 37 and make consequential changes to page 40, Table 1, Appendix 2 and the Vision Diagram.
IC7	Rural Areas, RA6, page 34, paragraphs 6.38, 6.39, 6.43-6.46, Table 1 and Appendix 2.	Delete Proposal RA6, page 34, paragraphs 6.43-6.46 and 2 <sup>nd</sup> bullet point in paragraph 6.38. In paragraph 6.39 replace “greenfields” by “a greenfield”, and make

		consequential changes to Table 1 and Appendix 2.
IC8	Rural Areas, RA22, pages 72-74, Table 1 and Appendix 2.	Delete Proposal RA22 and pages 72-74 and make consequential changes to Table 1 and Appendix 2.
IC9	Rural Areas, RA28, pages 82-84, Table 1 and Appendix 2.	Delete Proposal RA28 and pages 82-84 and make consequential changes to Table 1 and Appendix 2.
IC10	Rural Areas, RA29, pages 85-87, Table 1 and Appendix 2.	Delete Proposal RA29 and pages 85-87 and make consequential changes to Table 1 and Appendix 2.
IC11	Rural Areas, RA26, page 79, Table 1 and Appendix 2.	<p>i) Amend Proposal RA26 by reducing the residential allocation from 80 to 55 dwellings and by adding a sentence below the fourth bullet point to read: "Development should not extend into the elevated south-eastern part of the site".</p> <p>ii) Make consequential changes to Table 1 and Appendix 2.</p>