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Mr David Incoll,
Interim Chief Executive,
South Hams District Council,
Follaton House,
Plymouth Road,
Totnes,
Devon.
TQ9 5NE.

Your Ref:

Our Ref: PINS/K1128/429/2

Date: 25 June 2007

Dear Mr Incoll,

Sherford Area Action Plan Development Plan Document

As you know, I was appointed by the Secretary of State to carry out an independent examination of the Sherford Area Action Plan Development Plan Document, which was submitted on 30 June 2006, pursuant to section 20 of the Planning and Compulsory Purchase Act 2004 (the 2004 Act).

I held a pre-examination meeting on 21 November 2006 and conducted the examination itself by way of written exchanges and hearing sessions held between 23 January and 25 April 2007.

The purpose of the independent examination is set out in section 20(5) of the 2004 Act and falls into two parts. The first is whether the submitted DPD has been prepared in accordance with certain statutory requirements under the Act and the Town and Country Planning (Local Development) (England) Regulations 2004 (the 2004 Regulations).

The second part is whether the DPD is sound. In making an assessment of soundness I have applied the 9 tests set out in paragraph 2.4 of Planning Policy Statement 12 – Local Development Frameworks (PPS 12).

With this letter is my report containing my recommendations that the submitted DPD is sound in most respects but unsound in a few parts, albeit none which are critical to the overall vision and spatial strategy or incapable of being addressed in my recommendations, and the reasons why I have come to those conclusions, as required by section 20(7) of the 2004 Act. In arriving at these judgements on the soundness of the DPD I have had regard to all the representations which were made on it in the 6 weeks following submission in accordance with regulation 29 of the 2004 Regulations, along with subsequent written submissions and oral contributions made at the hearing sessions. However, as



the purpose of the examination is to consider whether the submitted DPD is sound, rather than to consider “objections”, I do not list or refer directly to individual representations in the report.

As one of the first AAPs to have reached examination stage under the 2004 Act, I recognise that the Council has had to innovate, to a degree, in relation to the preparation of the Sherford proposals and that there have been some difficulties arising, including some that were not easily foreseen. In particular, the absence of a “self assessment” of the contents of the AAP by the Council at the appropriate stage prior to submission contributed to the need for a list of proposed minor changes that ought not to have been necessary if the wording of the original document had been sound. The introduction of changes after submission should only occur in exceptional circumstances as the aim is for the examination to assess the document as submitted with a minimum of change. Accordingly, my task has been complicated by the need to assess the document in the light of the proposed changes. I have sought to be as helpful as possible by considering the changes submitted by the Council but this approach should not be seen as a template for others to follow.

In addition to the concerns of local residents regarding potential impacts on nearby settlements, the main issue arising was the choice of site for the new community. Whilst recognising that the alternative site, known as “Sherford Refined”, has a few advantages on a “compare and contrast” basis in relation to one or two matters, I have firmly concluded that, overall, taking into account all relevant factors, the identified site is clearly to be preferred. The AAP is therefore entirely sound in this respect.

This report is being submitted concurrently with that for the North Plymstock Area Action Plan, with which this AAP is directly linked, sent to Plymouth City Council by my colleague, Inspector Douglas Machin. Following the Joint Hearing Session in Plymouth on 13 February 2007, we have discussed our respective conclusions and recommendations and are satisfied that they are consistent. Consequently, these reports should enable both Councils to adopt the respective AAPs without delay.

Finally, I wish to thank all those appearing at the examination for their interesting and useful contributions. In particular, all of the Council’s representatives helped to ensure that the examination sessions were conducted efficiently and in a constructive spirit for which I am grateful. I also record my gratitude to the Programme Officer Ms Karen Boyle, whose hard work, despite difficult personal circumstances, contributed significantly to the smooth running of the examination proceedings, and to her deputy Ms Karen Duffield.

Yours faithfully,

Nigel Payne

Inspector