

Schedule 3 – The Council’s Response (no change) to the Inspector and other Respondents

The Inspector and other respondents made further comments. Schedule 3 outlines the Council response to why the Council are not making any further proposed changes to the DPD.

Ref	Policy/Section	Paragraph (Publication Stage)	Reason for Change	Comment from the Inspector	Council’s response	Further proposed changes (post submission)
PC187	3	New para 3.113		16. **New paragraph 3.113 - How will the Local Planning Authority determine need in this context? Will it be an excess of demand for permanent sites over supply in high season? Good weather on one year could lead to high demand? It may not be repeated for some time. Will that be a hostage to fortune? In the circumstances, does use of “need” here require an explanation?	The types of evidence that will be required to demonstrate need are already explained in 3.114. The onus will be on the promoter to demonstrate that take up of accommodation and hence tourism activity potentially beneficial to the local economy is being frustrated by a shortage of sites, and this evidence will be subject to normal scrutiny	No change proposed
PC190	Appendix 6			22. Appendix 6 The key omits “urban” without explanation. In both cases, urban areas are omitted from the map. Should they be included?	Urban areas were not assessed as part of the Landscape Character Assessment that forms the basis for Appendix 6. At a Devon County and South Hams District level, it has been recognised that, technically, Landscape Character Assessment is not an appropriate tool for the characterisation of urban areas. This view is supported in relevant policy and guidance. Paragraph 13 of PPS7 Sustainable Development in Rural Areas says ‘Landscape Character Assessment, <i>along with Village or Town Design</i>	No change proposed

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					<p><i>Statements and Village or Parish Plans</i>, is recommended as a tool to assist Local Authorities in the preparation of policies and guidance that encourage good quality design throughout rural areas.' This is expanded upon in current best practice guidance in the form of the Countryside Agency's Landscape Character Assessment Guidance for England and Scotland (2002), paragraph 8.20 of which says 'Urban characterisation is, however, quite different from Landscape Character Assessment as it deals predominantly with the built environment. It is a form of townscape assessment or urban morphology analysis. Although important in their own right, these techniques are not considered further in this guidance,</p>	

Responses from stakeholder Statements (post submission)

Ref	Policy/Section	Paragraph (Publication Stage)	Proposed change	Reason for Change	Council's response	Further proposed changes (post submission)
PC220	DP7	New policy clause d	Delete word 'and'	Proposed change in the Highways Agency Statement to Examination	No change required.	No change required.
PC221	DP7	New policy clause f	Insert text ' f. be supported by appropriate means of transport assessment, and travel plans where meeting the criteria discussed in paragraphs 3.78 and 3.79 above; and '	Proposed change in the Highways Agency Statement to Examination	No change. The requirement for a transport assessment and travel plans is set out in supporting text and is not relevant policy criteria. This follows the format for all policies, in that all evidence required by the developer is set out in the supporting text.	No change required.
PC222	DP7	New policy clause g	Insert text ' g. where necessary, mitigate any detrimental impacts on the Local and Strategic Road Network through measures to be funded by the developer. '	Proposed change in the Highways Agency Statement to Examination	No change. 'Mitigating any detrimental impacts' is too onerous a requirement and the Council needs to be able to apply some discretion and prioritisation in the use of potential developer contributions rather than these	No change required.

Ref	Policy/Section	Paragraph (Publication Stage)	Proposed change	Reason for Change	Council's response	Further proposed changes (post submission)
					automatically being directed to traffic issues and most probably to increasing the capacity of the strategic transport network.	
PC223	DP1	Clause 1c	The requirement to “provide a stimulating environment for play” should only relate to residential schemes where appropriate. This section is unsound as it is not Justified, Effective or consistent with National Policy. This is not clear from the supporting text or the Policy wording To make this section sound the following should replace the last line “ and for residential schemes, provide a stimulating environment for play”	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Providing for a stimulating environment for play relates to all public space, not just in residential areas. This is not a formal requirement to provide dedicated play spaces. It is a principle that good design should consider that children may play in these areas.	No change required.
PC224	DP4		In its amended form we consider this policy to be sound Following the Significant and Minor changes made we withdraw our objection to this Policy	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Support welcomed	No change required.
PC225	DP6		This policy does not provide the flexibility to allow consent to be granted to alterations, extensions, partial demolition or alternative uses where these changes are necessary to make any redevelopment or change of use economically viable. This policy could therefore be used to reject proposals which would	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	The tests set out in Clauses 2 and 3, relating to alterations, extensions, partial demolition and alternative	No change required.

Ref	Policy/Section	Paragraph (Publication Stage)	Proposed change	Reason for Change	Council's response	Further proposed changes (post submission)
			<p>otherwise inject new life and preserve buildings and features for future generations and may result in decaying mothballed artefacts littering the area.</p> <p>This policy is therefore unsound because it is not Effective</p> <p>Include a paragraph which allows for the flexibility for changes to be made where without them the proposal would be economically unviable.</p> <p>Add a paragraph such as "Proposals for alterations, extensions, partial demolition or alternative uses may be permitted where without them the proposal would be rendered unviable".</p>		uses, will need to be satisfied in all proposals, as well as the principles for flexibility and viability which are set out in PPG15.	
PC226	DP6	Clause 2	<p>In its amended form we consider this policy to be sound</p> <p>Following the deletion of reference to non listed historic buildings we are content with this element of the policy and we assume that the reference in paragraph 24 of South Hams District Council LDF Examination Development Policies DPD – pre Hearing notes – 19 January 2010 to a local list of buildings of architectural or historic interest that lie outside conservation areas will not therefore be necessary.</p>	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Reference to non listed historic buildings has not been. Decisions made on planning applications will need to take into account the historic and architectural context of the building and this judgement will be made by the Council. It will require an element of 'common sense' as is required for design and landscape type policies. This is a proper issue for planning to take account of, but it	No change required.

Ref	Policy/Section	Paragraph (Publication Stage)	Proposed change	Reason for Change	Council's response	Further proposed changes (post submission)
					is deemed unnecessary to have a local list. This type of decision can be made on a case by case basis.	
PC227	DP6	Clause 4	In its amended form we consider this policy to be sound Following the deletion of reference to non listed historic buildings we are content with this element of the policy and we assume that the reference in paragraph 24 of South Hams District Council LDF Examination Development Policies DPD – pre Hearing notes – 19 January 2010 to a local list of buildings of architectural or historic interest that lie outside conservation areas will not therefore be necessary	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Reference to non listed historic buildings has not been. Decisions made on planning applications will need to take into account the historic and architectural context of the building and this judgement will be made by the Council. It will require an element of 'common sense' as is required for design and landscape type policies. This is a proper issue for planning to take account of, but it is deemed unnecessary to have a local list. This type of decision can be made on a case by case basis.	No change required.

Ref	Policy/ Section	Paragraph (Publication Stage)	Proposed change	Reason for Change	Council's response	Further proposed changes (post submission)
PC229	DP11		We consider this policy to be sound We welcome the policy that development "should reflect the identified local need... and may include... housing suitable for older people.."	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Support welcomed	No change required.
PC230	DP14	3.130	This paragraph requires that in order to prove that an employment site is no longer viable, 5 years accounts will be required. This is unsound as it is not Justified In policies DP9 Local Facilities - paragraph 3.96 and DP12: Tourism and Leisure – paragraph 3.116, only 2 years accounts are required to prove that a use is unviable. This paragraph should therefore be amended to 2 years accounts in order that general employment sites are not prejudiced in relation to other business uses particularly in rural areas. It is unreasonable that an employment site which is losing money has to carry on trading for a further 3 years in order to prove that it is unviable. In this area this would adversely impact upon many small local businesses and their owners. In order to make this policy sound change "5" to "2" in line 6 of paragraph 3.130	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Loss of employment land is a strategic issue in the South Hams and retention of employment land is important, therefore it is deemed reasonable to have a longer period of time for employment land compared to local facilities and tourism and leisure.	No change required.
PC231	DP14	Clause 2	This is unsound as it is not Effective The requirement that an element of a redeveloped site is retained for employment uses to deliver mixed uses and provide the same number of jobs will adversely impact on the viability of a redevelopment, has the potential to create conflicts with non conforming uses and is not sufficiently flexible where alternative employment land/buildings are available in the locality which could lead to an oversupply. Whilst the retention of employment is considered important off site contributions to alternative provision would be a much more flexible method of achieving this aim.	Proposed change/comment in the The Dartington Hall Trust Statement to Examination	Loss of employment land is a strategic issue in the South Hams and retention of employment land is important. The policy seeks to retain employment on the same site so that it is truly mixed-use and	No change required.

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			Add in line 3, after "element of employment" "or a contribution to alternative provision"		not to accept alternative off-site contributions.	