

Matter 8 Statement

i In relation to housing site allocations proposed for development within the TTVA:

a. Is the scale of housing for each site justified having regard to any constraints and the provision of necessary infrastructure?

- 1.1 In relation to TTVA6 (Noss on Dart), the reference to 'in the order of 100 new homes' is not considered to reflect a robust or site-specific assessment process of understanding the site's capacity. Through the development management process and submission of a hybrid planning application (with EIA), we have demonstrated that the site is capable of supporting at least 130 residential units, with any impacts being capable of being avoided through design, mitigated or compensated.
- 1.2 Infrastructure provision can be complex, time intensive and expensive, placing a burden on development cash flow and therefore any policy approach requires flexibility in the phasing and scale of development allocations such that the infrastructure can be supported, justified and delivered reasonably through development proposals. Infrastructure delivery also has the potential to offer wider benefits to local areas and communities, and should be considered as a key element to weigh in favour of development proposals.

b. Is the housing trajectory (TP3C) realistic for each allocation: are there any sites which might not be delivered in accordance with the timescale set out in the trajectory?

- 1.3 We have responded to a separate request regarding the delivery trajectory of the site at Noss on Dart Marina.

c. Are the specific development requirements of each site allocation policy effective and justified by evidence?

- 1.4 We do not consider that, in relation to TTV6 (Noss on Dart Marina), all development requirements (expressed as points 1-10) are effective and justified.
- 1.5 The site-specific policy requirements should only contain points to that specific site and avoid the reproduction of matters adequately covered by other policies or legislation.
- 1.6 Therefore, points 1, 3, 4 and 5 of the policy are justified.
- 1.7 Policy point 2 is too specific to a particular user and does not consider potential changes in circumstances which would be beyond a site owner's control. As such, we request that this wording is amended to state: 'make provision for improved educational facilities', as this reflects the extent of what is within Premier Marinas' control and still reflects their intent to retain and enhance existing education facilities and operation at Noss Marina.
- 1.8 Points 6-10 of the proposed policy are not necessary to be dealt with under a site-specific policy but instead are sufficiently covered by other policies or legislation. We therefore propose the removal of these points in the policy.
- 1.9 Point 6 is able to be sufficiently enforced by Policy DEV27 (Nationally protected landscapes), Policy DEV24 (Landscape character) and Policy DEV10 (Delivering high quality housing). These policies clearly state that a proposed development within a sensitive setting must utilise high quality design, and consider a location, scale, massing and lighting appropriate to its surroundings. Furthermore, NPPF paragraphs 115 and 116 protect the AONB from unacceptable development impacts.
- 1.10 Point 7 can be addressed through Policy DEV22 (Development affecting the historic environment) and Policy DEV21 (Conserving the Historic Environment). Both seek to ensure development should conserve or enhance the historic environment, including through the protection of designated and non-designated heritage assets which have been identified to

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have a positive impact on their surroundings. NPPF paragraphs 126, 128, 129, 132-136 and 140 and the Planning (Listed Buildings and Conservation Areas) Act 1990 secure the principles of development management and heritage assets. Furthermore, whilst we consider that the policy requirement to ‘consider and investigate’ opportunities would be acceptable (although, as set out previously not actually required), the requirement ‘to ensure the future of undesignated heritage assets...’ goes beyond what is required by the NPPF in terms of assessing and balancing the benefits and harm of the proposals. Ensuring the future of a non-designated asset as part of development proposals without any evidence base or assessment is not a robust policy approach. This policy approach is therefore not compliant with national policy and should be removed. We also note Historic England’s comments to the regulation 19 consultation regarding the policy approach, which considers that the detailed assessment process should be undertaken at allocation stage.

- 1.11 Points 8 and 10 should be covered by general development policies and Building Regulations, given that remediation of contaminated land and management of flood risk and surface water drainage are common principles across all developments. The NPPF at paragraphs 109, 120, 121, 99, 100-105 specifically deal with the policy and development management responses to these points. We also note the EA’s comments to the regulation 19 consultation, however, would contend that these are development management issues (which are established by national policy and guidance principles) rather than policy requirements given the necessity for any assessments to be development and impact specific.
- 1.12 Point 9 requires a site-specific mitigation plan, which is too detailed a requirement for a planning policy, given that policy DEV28 (Protecting and enhancing biodiversity and geological conservation) and NPPF paragraphs 118, 119, 166 as well as the underpinning EU Legislation will sufficiently ensure that the mitigation measures are appropriately considered, assessed and implemented through the development management process. This is notwithstanding the South Devon AONB consultation comments to the regulation 19 consultation, which seeks to correct the wording. We consider that the existing policy approach and wider legislation as well as the EIA Regulations, will secure the required approach to avoiding adverse effects on protected species.
- 1.13 In addition to the main body of the policy, the supporting text to policy TTV6 is also considered to require minor amendment. Paragraph 5.35 references improved ferry connections to both Dartmouth and Kingswear. This is supported in principle and development of Noss-on-Dart Marina would seek to improve connectivity where possible, however, this is notwithstanding the deliverability of such links and the reliance on third parties to secure them. Therefore the text should be amended to ‘*redevelopment provides an opportunity to investigate ferry links between Dartmouth and Kingswear*’.
- 1.14 Clarification is also sought in respect of paragraph 5.37 which references the replacement of existing pontoons which are implied to be for the purpose of securing a ferry connection to Dartmouth. Premier Marinas would like to make clear that this assertion is not accurate and provision of a ferry link is not related to the pontoon replacement. The proposed pontoon replacement would be part of the holistic redevelopment of the marina. Consequently, it is suggested that this wording be amended or deleted from the proposed plan.

iii Will the housing provision made within the TTVPA have a reasonable prospect of delivering its share of the five year housing land supply at the point of adoption of the JLP?

iv Does Policy DEV8 adequately address the needs of different groups in the TTVPA in accordance with the first two bullet points in paragraph 50 of the Framework?

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- 1.15 We suggest that as well as local housing evidence, appropriateness to the area and meeting specialist needs impacting on development proposals housing mix, the policy should recognise the site-specific conditions that impact housing mix, including layout and construction constraints, in order to ensure that each site is able to be assessed to achieve the most appropriate development across a range of social, economic and environmental/physical factors.
- v Are the levels of affordable housing proposed in DEV8 supported by the evidence or would a higher figure be justified? In particular:***
- b. Point 2 sets a requirement for affordable housing on schemes delivering 6-10 dwellings within rural areas and areas of special designations. Point 4 requires proposals in 'High Value Areas' for large single dwellings with a gross floorspace exceeding 200sqm in schemes of less than 6 dwellings, to provide off-site commuted sums to deliver affordable housing. Are these requirements consistent with the Written Ministerial Statement of 28 November 2014 and the Planning Practice Guidance affordable housing thresholds (PPG Paragraph: 031 Reference ID: 23b-031-20161116)? Why is the amount of affordable housing not included in point 4?***
- 1.16 Point 2 ii. should be amended to allow greater flexibility, in recognition that not all sites and locations are appropriate for the delivery of on-site affordable housing for a number of reasons (which may include Registered Provider capabilities and willingness in relation to delivering on-site provision), and it may be preferable to seek off-site contributions to instead allow the LPA to make best use of contributions. The following wording should be added to the policy to state: 'unless site specific conditions would better allow an alternative method of provision to be secured.'
- 1.17 Point 4 is not consistent with the PPG approach to affordable housing thresholds and therefore should be removed from the policy.
- 1.18 The provision of affordable housing should be subject to viability testing, regardless of the size of the proposals.
- c. 'High Value Areas' consist of specific postcode areas in South Hams. Are these areas clearly identified within the plan (or on the policies map) and are they justified? How has the floorspace threshold and number of units been determined?***
- 1.19 As set out above in response to b., point 4 is not consistent with the PPG approach to affordable housing thresholds and should be removed from the policy.
- d. Is it clear that the affordable housing requirements are subject to viability and Policy DEL1?***
- 1.20 No. Policy DEV8 should therefore either include or reference Policy DEL1 (Approach to Development Delivery and Viability, Planning Obligations and the Community Infrastructure Levy) which acknowledges the need for viability evidence and open book assessment when considering development proposals and planning obligations, in line with national policy (NPPF paragraph 173) and guidance (PPG Paragraph: 002 Reference ID: 23b-002-20140306).
- e. Is it clear how and where affordable homes will be delivered and what mechanism will be used to determine the commuted sum levels?***
- 1.21 Notwithstanding the above comments regarding the unsoundness of the approach (i.e. in relation to viability testing), Part 2 i. is not clear on how 30% equivalent commuted sum will be applied (i.e. using fractions of unit values), and how the sum will be calculated.

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Additionally, it is not clear if there is a strategy for the use of this commuted sum or any principles guiding this.

vi Would a restriction on the use of new dwellings as holiday homes be justified in South Hams?

- 1.22 A restriction would be unjustified.
- 1.23 This matter was addressed during the Examination in Public for the Cornwall Local Plan Strategic Policies (2016) where the final Inspector's Report concluded that there was nothing within national policy or guidance to require a local planning authority to consider the issue through the local plan process and therefore, such restriction would not be required for soundness.¹

¹ Cornwall Local Plan Strategic Policies, Inspector's Report September 2016, Paragraph 62: 'Some parties sought the imposition of restrictions to preclude new dwellings being acquired as second homes/holiday homes, as now proposed in the St Ives Neighbourhood Plan. But there is nothing in national policy or guidance to suggest that this is something that a planning authority has to consider in a local plan. Accordingly, the absence of any such restriction in this Plan does not make it unsound. I recognise that the changing market and tax environment may affect future demand for second homes/holiday homes and it is a factor that the Council may wish to monitor. But for the present, there is no evidence to justify a different figure to the 7% uplift I previously put forward and which is incorporated in the Council's evidence. This uplift remains necessary.'