

Newhouse Farm  
Totnes  
Devon  
TQ9 7UD

19th March 2018

Dear Mr Young,

**PLYMOUTH & SOUTH WEST DEVON JOINT LOCAL PLAN  
EXAMINATION  
Hearing 20th March 2018**

I should be grateful if you could convey to the Inspectors my sincere apologies for being unable to attend the Examination hearing on 20th March. I am currently snowed in and see no realistic prospect of being able to travel to Plymouth - or anywhere else - by tomorrow.

I had hoped to add to my written submission, which is set out below, evidence from another public consultation within the South Hams - that for the Harberton Parish Neighbourhood Plan. These further points are summarised below following the text of my written submission. I should be grateful if you could forward this document to the Inspectors.

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**Paragraph**

DEV35 Chapter 6 item g

**Policy**

DEV35

**Do you consider the Local Plan to be:**

(1) Legally compliant

No

(2) Sound

No

(3) Compliant with the Duty to Co-operate

No

**5. Please give details of why you consider the Local Plan is not legally compliant, unsound or fails to comply with the duty to co-operate.**

The wording of DEV35 at item 2 in the numbered list is such as to ensure that consideration of adverse effects to landscape are ignored unless the proposal falls in the AONB or National Park. There is a requirement for a robust assessment to be made of landscape sensitivity, but its conclusions are required to be disregarded in the planning decision making process. Similarly, it ensures that consideration of adverse effects upon heritage assets must be disregarded unless these assets have been Scheduled or

Listed by the Secretary of State, and it ensures that damage to wildlife and habitats is to be disregarded unless the wildlife or sites have nationally or internationally protected status. It also ignores cumulative effects.

This conflicts with central government policy in very many respects, for example the core planning principles as enumerated in the National Planning Policy Framework. Point 5 of the core planning principles requires that the planning process recognises the intrinsic character and beauty of the countryside, while point 7 requires that planning contributes to conserving and enhancing the natural environment and point 10 requires planners to conserve heritage assets in a manner appropriate to their significance. The acceptance of hierarchies for these assets does not authorise the dismissal of assets which fall short of national significance from even counting as material considerations in the planning balance. Indeed to dismiss material considerations before performing the planning balance, is in itself unlawful.

I suggest a better wording for point 2 of DEV35 would be as follows:

The proposal has been robustly assessed **and shown to be acceptable, both individually and cumulatively**, in terms of its likely impact on landscape sensitivity, **environment and heritage assets**, and it is demonstrated that it does not compromise the purposes of internationally or nationally important landscape, environmental or heritage assets.

I would add that point 4 is currently meaningless as it suggests no de minimis level of acceptability. Would a single bee hive or bird box in a large array of 20 hectares, for example, comply with this policy? The policy ought to require substantial agricultural or biodiversity use.

Similarly point 5 is ineffective as it requires consultation with local communities but does not require that any notice or amendments are to be made to the proposal based upon the results of that consultation.

## **6. Please set out what changes you consider necessary to make the Plan legally compliant or sound and why, thinking about what you identified in Question 5.**

The proposal has been robustly assessed **and shown to be acceptable, both individually and cumulatively**, in terms of its likely impact on landscape sensitivity, **environment and heritage assets**, and it is demonstrated that it does not compromise the purposes of internationally or nationally important landscape, environmental or heritage assets.

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### **Further points for 20th March 2018:**

- As part of the public consultation for the Harberton Parish Neighbourhood Plan [HNP], detailed questionnaires were sent to every household with security measures to prevent multiple entries by individuals. This consultation was supported by well-attended

community open days. A total of 377 responses were received, which compares favourably with the total number of responses received by the JLP public consultation. The HNP questionnaire shows that the residents of Harberton parish attach great importance to protection of the local landscape. Much of the parish used to be designated as an Area of Great Landscape Value [AGLV], but that designation has gone and the parish no longer has any landscape designation.

- Specifically, the questionnaire demonstrated that the rural environment and character of the Parish is extremely important to local residents. The questionnaire results show that 94% of residents strongly agreed or agreed that the landscape should be protected, while 91% supported the protection of public views. 97% supported the protection of rivers, streams and ponds, while 95% supported the protection of Devon banks, hedgerows and hedge trees. Many residents also nominated heritage assets of particular importance to them. Residents also place great value on the local ecology; 95% strongly agreed or agreed that the Plan should protect and regenerate wildlife in the Parish. Both the questionnaire results and draft HNP can be read at:
  - <http://www.harbertonparishcouncil.org/hnp/>
- There is every reason to suppose that, had similarly detailed public consultations been carried out elsewhere in the South Hams, the results would have been similar.
- DEV 35, as currently worded, places no value upon and gives no protection whatever to landscape, ecology and heritage assets in Harberton Parish and many other parishes in the South Hams which are of great importance to local residents and to the tourists on whom much of the economy of the South Hams depends.
- Point 2 of DEV 35 only requires that landscape is not compromised by renewables developments where the landscape has a national or international designation. Where, as in Harberton, there is no such designation, Policy DEV35 merely requires that the proposal is 'robustly assessed in terms of its likely landscape sensitivity.' It does not require that any particular level of damage would be unacceptable. So it could be robustly assessed as trashing the landscape, but that would not count against it. Therefore it provides no landscape protection whatever to areas like Harberton parish and to large areas of the South Hams.
- Similarly, it provides no protection whatever to environmental or heritage assets which do not have a national or international designation, such as the South Hams' many archaeological monuments which have not been listed by the secretary of state as being of national importance.
- Harberton Parish lies within an archaeologically sensitive area and contains numerous monuments stretching back to at least Neolithic times. Many prehistoric archaeological sites and finds have been located along the ridges of the South Hams. Further monuments date from the Bronze Age, Iron Age and Saxon times, when defence arrangements against the Vikings were established by King Alfred the Great. On the high ground of the Stanborough /Halwell Ridge, are five groups of scheduled ancient monuments, which make up the densest concentration of scheduled monuments in the South Hams and one of the most important historic landscapes in Devon. Some of these monuments are scheduled but many other important sites are not.
- Along the Hazard / Blakemore ridge within Harberton Parish, Hazard Hill Neolithic Settlement Site was partially excavated in 1950s and found to date from 3650 – 3450BC

by radiocarbon dating. There is evidence of occupation over an area covering about 2 hectares only a small part of which has been excavated. Finds include 13 stone axes, 140 flint arrow heads, 320 flint scrapers, post holes suggesting sizeable structures, pottery and other artefacts showing widespread contacts with other areas of Devon & Cornwall. Finds from the excavations are to be found at Totnes and Exeter Museums. This site is not scheduled and would be unprotected by DEV 35.

- Aerial photographs at Blakemore have indicated a sizeable double-ditched structure. This may be a Romano-British double-ditched enclosure, or, possibly, a double-ditched Neolithic Causewayed Enclosure, of which only about 80 are known to exist in the country. This potentially important site is also not scheduled.
- A recent excavation at Hazard Farm has revealed evidence of an Iron Age enclosure and post-Roman activity, while a Bronze Age Spearhead was found at East Leigh. Again, these sites are not scheduled. Numerous areas of worked flint scatter have been found in the Parish, although flint does not occur in the local geology.
- A pitched battle was fought in Harberton on 12 October 1645 during the Civil War when troops led by Sir Hugh Pollard (a force of 200 foot and 20 horse) were sent to quell activities by the Harberton Clubmen. Pollard's men were not only defeated but soundly beaten. The site of this battle has yet to be established.
- Few of these sites have been excavated, but such sites do not exist in isolation. The confirmation of the nature of the monuments, their development and purpose, and the dating of their construction and use, will depend on future archaeological work.
- It is important therefore that they remain as well-preserved as possible. It is also important to appreciate that the presence of such significant monuments suggests that the surrounding landscape is highly likely to contain further archaeological structures and material left by the people associated with these monuments. Developments can destroy the archaeological record for ever.
- Policy DEV35 does not provide adequate protection from inappropriately sited renewables developments and needs to be redrafted.

Yours sincerely,

Nuala McDonnell