



02 March 2023

The South Hams Society Interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

Levelling-up and Regeneration Bill reforms to national planning policy consultation response

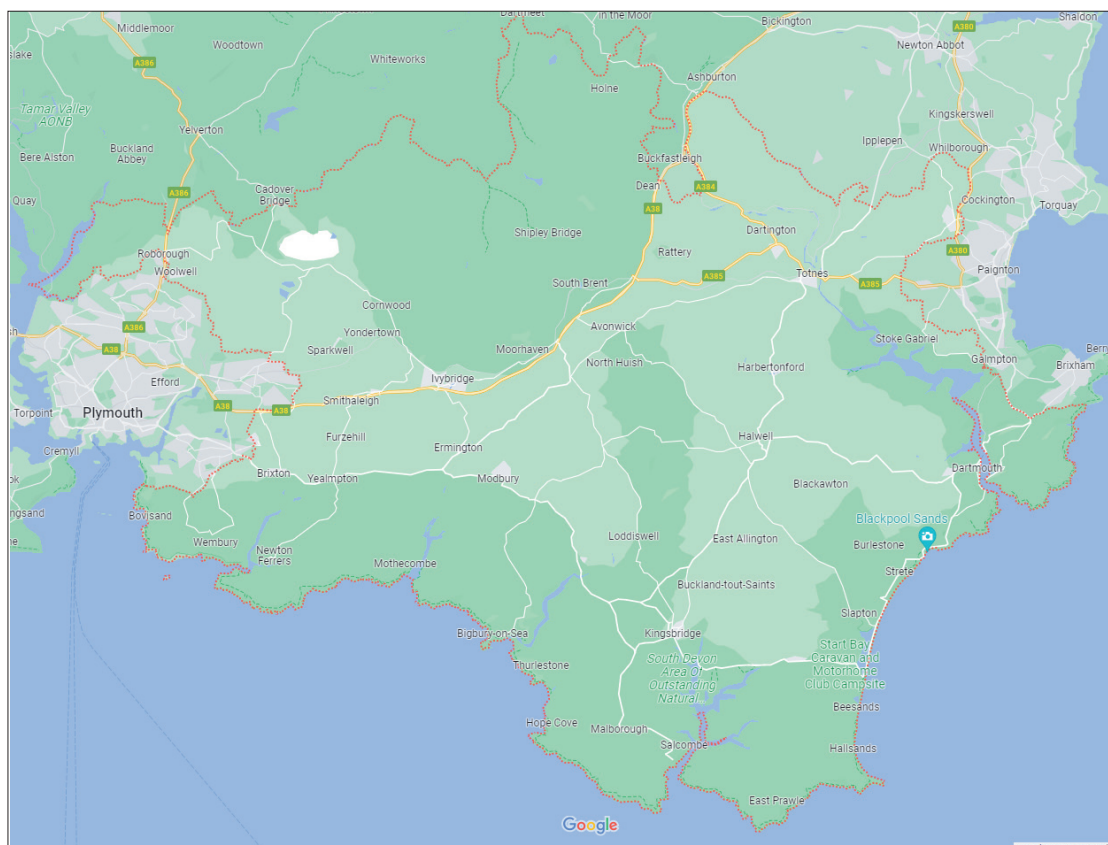
1. Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?
Yes
2. Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?
Yes
3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?
Yes, provided over the immediately preceding 10 year period it can be seen to be meeting its community's overall housing requirements.
4. What should any planning guidance dealing with oversupply and undersupply say?
See response to 3. above
5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?
In favour
6. Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?
It is crucial that the Framework needs to reflect the Conservative 2019 manifesto commitment that any necessary infrastructure will be in place before new housing is occupied if development is to be considered sustainable.
7. What are your views on the implications these changes may have on plan-making and housing supply?
Local authorities that have granted sufficient permissions to meet their housing supply needs should not be penalised for developer failure to deliver approvals within an agreed and reasonable time scale. Nor should areas with recently made neighbourhood plans find those plans overridden and open to unplanned development because the local planning authority cannot demonstrate a sufficient supply of housing, or their plans are set aside due to low performance in the Housing Delivery Test. Communities need to have the confidence that their plans will not be set aside because of the failures of others.



8. Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

In an area such as the South Hams it is not only demographic and geographic but also economic factors that can constitute an exceptional circumstance. A combination of housing demand from retirees from outside the area and would-be second home owners has meant there is insufficient genuinely affordable housing to accommodate those needed to staff not only our tourism and hospitality businesses, on which a significant proportion of our economy depends, but also the carers required by our ever-increasing ageing population. With a road system incapable of accommodating existing traffic volumes the planning system should ensure that sufficient genuinely affordable properties for both sale and rent are built in those locations where workers are needed without adding to the number of second homes, retirees arriving from outside the area, and commuters who will have to drive to work by car.

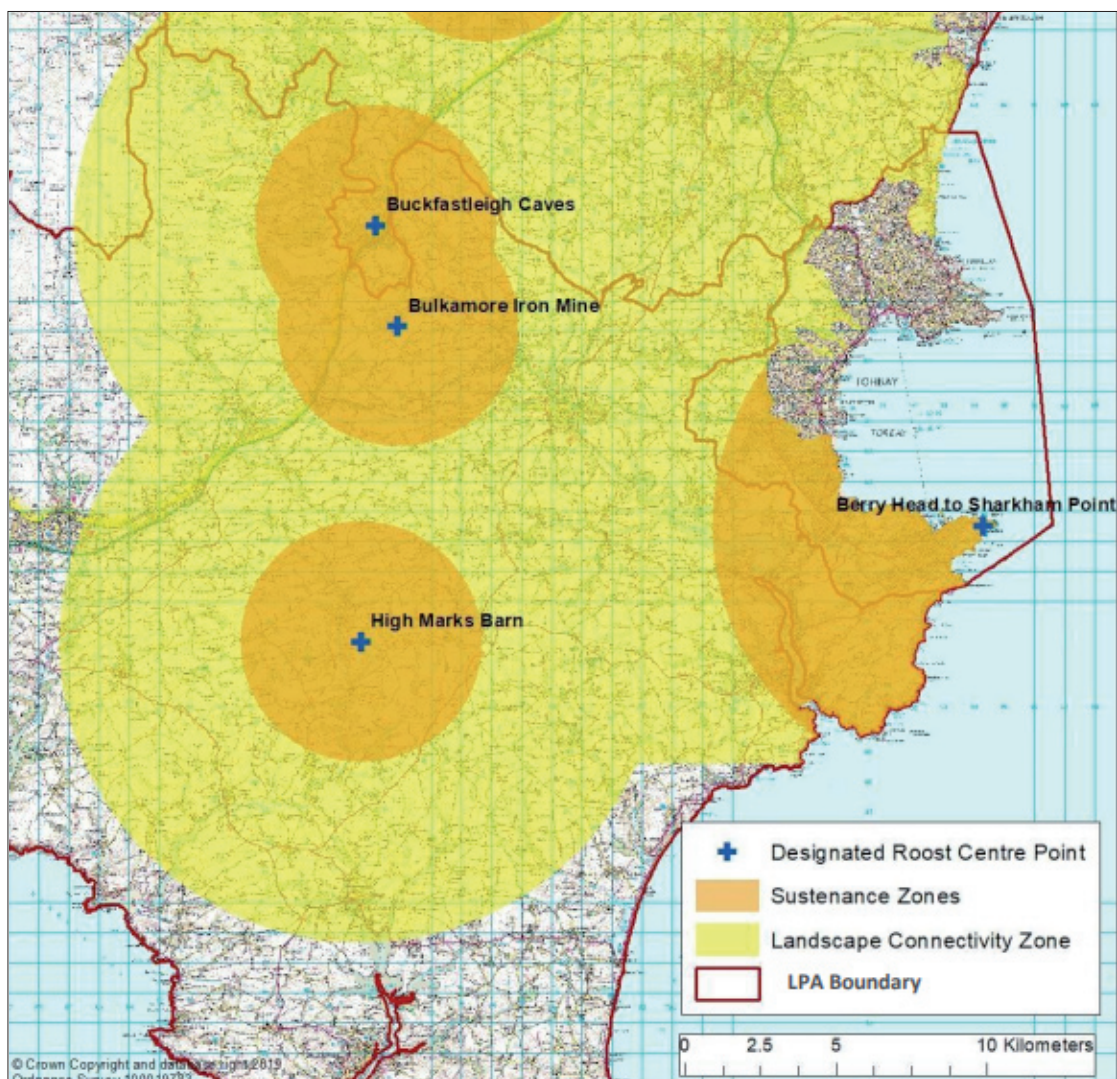
The map below shows the South Hams District Council Boundary. The dark green areas are the protected landscapes of the Dartmoor National Park, the South Devon Area of Outstanding Natural Beauty and Tamar Valley Area of Outstanding Natural Beauty.



From this it will be observed that a large part of the district is highly designated landscape. What this map fails to show is the South Hams Special Area of Conservation (SAC) for Greater Horseshoe Bats (see over).



The SAC area covers a lot of the eastern area of the South Hams District outside of the highly designated landscapes.



These designations are obvious examples where exceptional circumstances should prevail as there is a statutory duty to protect both the designated landscapes and the designated conservation area.

SAC GHB Habitats Regulations Assessment Guidance October 2019

'The South Hams Special Area of Conservation (SAC) has been designated, in part to ensure the favourable conservation status of this population of greater horseshoe bats. SACs, sometimes referred to as European Sites, form part of a network of designated sites across Europe. They are designated under the EU Habitats Directive and UK Habitats Regulations.

This legislation requires Local Planning Authorities (LPAs), and other competent authorities, to assess plans or projects which may have a likely significant effect on a European Site, alone or in combination with other plans or projects. Such plans or projects can only proceed if the competent authority is convinced they



will not have an adverse effect on the integrity of a European Site, other than in exceptional circumstances [3]. These requirements are known as Habitats Regulations Assessment (HRA) requirement'

The Dartmoor National Park has its own planning authority, but the Society has seen a considerable deterioration of the Areas of Outstanding Natural Beauty since their designation. The Society believes it essential that national house building numbers must consider these designations at district level.

9. Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Yes to both parts of the question

10. Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

Area plans, Google Earth images and photographic evidence, contrasted against what will otherwise be required.

An example of new high density development impacting the South Devon AONB. (2020)



And above, the development driven by Government housing targets, described as sensitively designed to protect the highly protected landscape of the South Devon Area of Outstanding Natural Beauty (2022)



11. Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?
Yes
12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?
Yes
13. Do you agree that we should make a change to the Framework on the application of the urban uplift?
—
14. What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?
—
15. How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?
—
16. Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?
Yes
17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?
Yes, the date of 30 June 2025 is reasonable, but only if plan makers have at least 12 months from the time the government has published its response to the implications on the standard method of new household projections data based on the 2021 Census due in 2024 in order that the housing need is based upon the most up to date data.
18. Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?
Yes
20. Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?
No, given the need to demonstrate permissions given as deliverable, communities should not be penalised as a consequence of developer failure to build. Unless developers who fail to deliver within agreed timescales automatically forfeit planning consent there is always the danger that some may deliberately delay development, whether because of adverse market conditions or in order to open up additional sites for development.



21. Do you have views on a robust method for counting deliverable homes permitted for these purposes?
Once consent is given the developer and the local planning authority should, within three months, agree a realistic timetable by which the development can proceed to completion. This would incentivise local authorities to progress applications through to completion in a timely manner and discourage developers from coming back to seek changes to already agreed schemes. Once that timetable has been agreed the homes can be considered deliverable.
22. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?
The consequences should be suspended until the publication of the 2023 Housing Delivery Test results.
23. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?
Yes. In areas such as the South Hams where property prices are considerably higher than in many other parts of the country the expectation that 10% of homes in major developments should be available for affordable home ownership is both far too low – it is economically viable for developers to commit to a percentage four to five times higher, and the homes provided should also be genuinely affordable, based on local average incomes.
24. Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?
Only in those areas where it can be demonstrated existing healthcare facilities are capable of coping with any consequent uplift in demand – arguably if patients already have to wait more than 48 hours for a GP appointment and/or hospital waiting times exceed targets then those existing facilities currently cannot be said to be coping with the existing demand.
25. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?
No.
26. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?
–
27. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?
Yes.



28. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?
Community land trusts should be able to bring forward exception sites of less than 0.25 acres to provide genuinely affordable social housing for rent to meet a clearly identifiable need within that community, provided sufficient employment opportunities exist within that community, in localities where development would otherwise not be permitted.
29. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?
No.
30. Is there anything else national planning policy could do to support community-led developments?
–
31. Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?
Yes.
32. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?
Option 2.
33. Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?
Yes.
34. Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?
Too many new developments in the South Hams fail to respect the local vernacular, which can vary significantly from place to place. Instead identikit estates are being imposed on communities, fundamentally changing their character. The imposition of area-wide design codes will only accelerate such changes. One size, or design, will not fit all. Instead, if communities make clear in their neighbourhood plans that any new development should reflect the design – height, form, materials and density of its immediate surroundings, developers should be required to work within those constraints unless the immediate community agrees otherwise.
35. Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?
Who is to say what is beautiful? King Charles? Norman Foster? The Secretary of State? Me? Unless there is a definition of 'beautiful' upon which all can agree the inclusion of the word is essentially meaningless.



36. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?
Yes.
37. Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?
Only if a) the upward extension creates a separate dwelling or b) it is in an area where there is a demonstrable shortage of larger properties. Otherwise it will only succeed in making existing properties less affordable and possibly adversely impacting the amenity of neighbouring properties.
38. How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?
Rather than each new-build house being required to provide a minimum of 30m2 of private amenity or garden space the minimum should not be less than either 30m2 or the footprint of the building itself. For domestic properties there should also be an outright ban on artificial grass, while non-permeable areas of the amenity or garden space should not exceed, say, 30% or 20m2 of that space, whichever is the lower.
A review of each development should be undertaken on completion of the site to confirm that a 10% biodiversity gain has been achieved. Currently our local planning authority do not carry out any post development checks to confirm that a development has been built in accordance with its planning permission, instead relying on residents to report development planning breaches. This should be through an independent assessment.
39. Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?
Yes, but such is the imperative to increase current levels of food security the Best and Most Versatile land should now be amended to be defined as grades 1-3b in the Agricultural Land Classification. If the government continues to split the grade 3 land, the current 3a and 3b land grade mapping is nationally inadequate and there needs to be an independent assessment body.
40. What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?
Sites for housing should be located both where employment opportunities exist and health, education and other necessary infrastructure is present in order to reduce the need for car journeys and a realistic assessment should be made as to the pollution and congestion consequences of all developments.



41. Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?
Rather than review the case for implementing Schedule 3 to the Flood and Water Management Act 2010 concerning Sustainable Drainage Systems (SuDS), the government should simply implement Schedule 3.
42. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?
Provided: a) there is no increase in turbine noise or sunlight flicker impacting residential properties, b) protected landscapes are not impacted, c) all residents within audible distance of new turbines support their construction, d) all residents within one mile of new solar parks and wind turbines support their construction, e) there is no adverse impact on food security.
43. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?
Not unless Note 62 is rewritten to ensure any wind energy development has the full support of the affected community and that the community is defined as those living within audible distance and/or one mile of the turbines and a referendum is held to demonstrate that support. Similarly in Note 63, disagree with the proposed substitution of 'satisfactorily' for 'fully', as well as the substitution of 'their backing' for 'community support' – such changes represent a significant reduction in the protection afforded to those who will be most impacted by such developments.
44. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?
Do you have any views on specific wording for new footnote 62?
I fail to see what footnote 54 (Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007) has to do with 'Introducing more flexibility to plan for new onshore wind deployment'. Decisions about onshore wind are best made by those most immediately affected, not by those living several or many more miles away, and permission should only be predicated on fully addressing the planning impacts of onshore wind projects as identified by those living in close proximity, with demonstrable support by those individuals required for the scheme to be approved. Nor should digital engagement techniques provide the sole channel through which support can be ascertained – there is a danger that some may be disenfranchised.
Proposed specific wording for footnote 62: 'Wind energy development involving one or more turbines can only be granted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders when it can be demonstrated that each of the planning impacts identified by the local community most immediately affected have been fully addressed and the proposal has the support of that community'.
The NPPF wind turbine planning policies should include consideration of the effects on Bird and Bat migration and impact. When located in public areas, they have been found to kill birds to the embarrassment of the wind turbine owners (see over).



Gull killer turbines are removed

An aquarium in Devon has taken down two wind turbines after seagulls were killed when they collided with the blades.

The 15m (50ft) high 6kW turbines at the National Marine Aquarium in Plymouth were installed in 2006 for a £3.6m sustainable energies project.

But the Hoe-based attraction has taken them down after several birds died, it said.

The aquarium also said they had not produced as much electricity as hoped.

Caroline Johnson, of the aquarium, said: "The major problems included where they were positioned.

"The eddying effect of the wind meant they weren't producing as much energy as they potentially could have.



The 15m high turbines were supposed to provide 6kW of electricity

45. Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?
- Yes, provided the solar panels are on the building themselves and that any noise from heat pumps will not cause disturbance to immediately adjacent local residential properties.**
46. Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?
- Yes.**
47. Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?
- Yes, provided plan makers have at least 12 months from the time the government has published its response to the implications on the standard method of new household projections data based on the 2021 Census due in 2024 in order that the housing need is based upon the most up to date data.**
48. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?
- Yes.**
49. Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?
- Yes.**



50. Do you agree with the suggested scope and principles for guiding National Development Management Policies?

No.

Point 5 claims National Development Management Policies 'would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plan'. However the Bill, in its changes to Section 38 of PCPA 2004 (5C) states: 'If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy'. Consequently, should the Secretary of State introduce a National Development Plan Policy after the local plan has been adopted, and which conflicts with the policy in the local plan, then that National Development Management Policy would clearly impinge on the local plan.

Again Point 6 states: 'The policies themselves would, following passage of the Bill, be designated by direction of the Secretary of State. Before this could happen, full public consultation would take place on the draft policies', however 87(3) of the Bill does not require full public consultation, only that 'the Secretary of State must ensure that such consultation with, and participation by, the public or any bodies or persons (if any) as the Secretary of State thinks appropriate takes place.' Unless the Secretary of State thinks it appropriate, the Bill does not require any such consultation to take place. Nor is any parliamentary oversight promised. This is profoundly undemocratic.

Note 7 removes statutory weight from the National Planning Policy Framework and instead places power solely in the hands of the Secretary of State whose National Development Management Policies will take precedence over all other considerations.

51. What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Any review of existing policies aimed at decision-making already provided within the National Planning Policy Framework should only be undertaken by an independent and fully transparent panel of experts accountable to Parliament, and not at the exclusive discretion of the Secretary of State. It is entirely wrong that any one individual, no matter how well-intentioned, should have so much power, free from democratic oversight. It is also wrong for the Secretary of State to impose policies 'to reflect new national priorities' where there is little or no evidence to support their introduction at a district level. This is hardly empowering local communities, and it is akin to saying that because some people are overweight we must all eat less, even if some people are already going hungry.

And before accepting that any selective new additions in the form of National Development Management Policies are needed to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country, specific examples of such gaps should be provided and agreed by parliament before any policy is introduced.

Finally, it is again wrong for the Secretary of State to have the power to be able to dictate the determination of planning applications and the development and use



of land without having to face democratic scrutiny. The government may claim to have a commitment to making improvements to the planning system... by giving communities a stronger say over where homes are built and what they look like', but it is obvious that, throughout this document, should the Secretary of State disagree with the conclusions they reach, he or she will simply overrule them.

52. Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?
If needed, yes, but by parliament, and not at the sole discretion of the Secretary of State.
53. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?
—
54. What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?
Enabling local authorities to provide genuinely affordable social housing of a high standard to improve healthy life expectancy, enhance well-being, increase pride in place, reduce the number of non-decent rented homes to by more than 50%, and by improving neighbourhoods reduce homicide, serious violence, and neighbourhood crime.
55. How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?
The government may 'want to empower local decision makers in those places to say yes to commercial development if it will drive economic growth, deliver new jobs, and stimulate innovation and productivity', but this should not be at the expense of the environment, air quality, flood risk and sewage spills, and the ability to access health care and other social and educational services.
56. Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?
Yes. It makes sense to focus on housing around existing and planned transport infrastructure, so creating sustainable neighbourhoods that enable walking, wheeling and cycling to work supported by high quality local public transport, as long as all other necessary infrastructure is provided.
57. Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?
It may be difficult to reconcile policies on lighting/street lighting with net zero objectives. More police on the beat could well prove more effective.



58. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

—