



Newsletter

Words from The Chair

Should the Government's proposed changes to the National Planning Policy Framework become law as they stand then, and as we explain on page 4, the presumption in favour of sustainable development will apply in the South Hams, at least until such time as a new Joint Local Plan can be produced.

Should that happen our District Council will have very little control over what development goes where.

So one of the key questions that Council Leader Cllr Julian Brazil and his colleague Cllr Dan Thomas, the Council's Executive Leader for Planning are likely to be asked on 7 November when they come to discuss the proposed changes and how they will impact the South Hams, is whether the presumption will also apply in protected landscapes such as the South Devon National Landscape.

Details of that Crabshell Conversation and the other three still to be held this autumn can be found on both page 8 and pages 11 and 12. And if you have questions, be sure to be there to ask them. We hope you will be able to join us.

Another consequence of the proposed changes outlined in the Government's NPPF Consultation will almost certainly be an influx of applications to erect both wind turbines and install seas of solar panels across our countryside. Challon's Combe Farm, a prominent site near Bigbury in the South Devon National Landscape and details of which can be found on page 2, is likely to be the first of many.

And, should you wish, you can download the Society's response to the NPPF Consultation from our website.

Elsewhere in this issue on page 7 the Society's Environment Lead Martin Fodder looks at what is going on at Sharpham with their Belted Galloways, Mangalitsa pigs and Peacock Butterflies, while on page 9 we explain why we fear the Freeport is failing to make the progress its promoters had originally hoped.

On the same page we report on plans for another boundary-to-boundary development in Salcombe which, if consented, will further denude the Estuary hillside of trees and vegetation, continuing the evolution of what our older members will remember was once a green sylvan landscape interspersed with a few mainly more modest homes in to a largely rendered and glass wall of 'grand designs'.

Separately in Salcombe the Society has also asked Enforcement Officers to investigate one property not being built in accordance with its approved plans and to take action on another where an access track has been created and two buildings constructed in a field in East Portlemouth without, it would appear, any planning application having been submitted. Details of both on page 6.

News of other planning issues are to be found on pages 10 and 11, while there is currently nothing further to report on the three outstanding appeals mentioned in our July Newsletter, namely those at Ledstone, Butterford and Hope Cove.

And noticeably there appears to be no further progress on determining the Baltic Wharf application in Totnes that we first reported on in our April 2023 Newsletter. Any further delay and there is always the danger that a presumption in favour of sustainable development will be applied!

But before that on page 5 we can confirm that the Local Government Ombudsman is to investigate the District Council's response to our Stage 2 Complaint regarding the Council's failure to ensure that Home Field in West Alvington was reinstated to its previous condition, once it ceased to be used as a temporary construction compound.

However we begin this issue with an update on our attempt to obtain a definitive ruling on how planning authorities should interpret Schedule 2, Part 6, Class A.1(e)(i) of the GPDO, to date without success. •

Planning legislation now a postcode lottery

The Planning Inspectorate

Appeal Decision
Site visit made on 27 January 2021

by John Morrison BA (Hons) MSc MRTPI
an Inspector appointed by the Secretary of State
Decision date: 8 February 2021

Appeal Ref: APP/X1925/W/20/3256050
Millbury Farm, Mill End, Sandon, Buntingford SG9 0RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr J Sapsed against the decision of North Hertfordshire District Council.
- The application Ref 20/01078/AG, dated 22 May 2020, was refused by notice dated 18 June 2020.
- The development proposed is an agricultural building for housing cattle, storage of machinery and feed.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would comply with the provisions of Schedule 2, Part 6, Class A of the GPDO with specific regard to the amount of new development.

The Planning Inspector's decision

According to a House of Commons Library Research Briefing published on 4 April 2024:

In making the decision on an appeal, a planning inspector will consider any relevant legislation and policies, including local and national planning policies as well as "any other relevant matters".

To do so the inspector has both to understand planning law and to be able to interpret it correctly.

That's because, to quote Baron Manse:

The law should be certain, so that it can be easily enforced and so that people can know where they stand. We expect that of Parliament when it frames statute law, and of judges when they expound the common law. We expect it in our relations with authority, and in our relations with each other.'

At the time the former Deputy President of the Supreme Court was giving The Oxford Shrieval lecture in the University Church of St Mary The Virgin, Oxford, on 11th October 2011.

So you would imagine that when planning officers at South Hams District Council decided both the Planning Inspector and North Hertfordshire District Council misunderstood Schedule 2, Part

6, Class A.1(e)(i) of the GPDO the Planning Inspectorate – one of whose primary roles is 'to operate a fair and sustainable planning system' in order 'to enable good planning outcomes' – would act swiftly to clarify matters.

After all, having two diametrically opposed interpretations of the same piece of legislation makes the law far from certain.

You can read a full report on page 3 of our January Newsletter, copies of which can be downloaded from our website.

Consequently, after the Society wrote to Paul Morrison, the Chief Executive of the Planning Inspectorate on 11 December last year asking for clarification, we were reassured when three days later his Executive Support and Governance Officer told us 'a full response to your queries will be issued in due course'.

'Due course' turned out to be many months and, after several emails to ensure we had not been forgotten, in May we were eventually informed:

As you have stated, our Inspector has given their opinion and their

...Continued page 3

Newsletter / 2

Will Challon's Combe Farm be the first of many?

According to *The Guardian*, Ed Miliband has vowed to take on the nimbys opposed to the government's rollout of wind turbines, solar farms and pylons across the our countryside as a matter of "national security" and "economic justice".

At the same time the Government intends to remove existing constraints on onshore wind from the National Planning Policy Framework.

So it's perhaps no surprise that Octopus Energy is already looking to erect a turbine 294 feet high from ground to tip on a greenfield site at Challon's Combe Farm. The site itself is some 397 feet above sea level in the South Devon National Landscape close to Bigbury.

By comparison the height of Nelson's column is a mere 169 feet, or some 42% lower.

Yet when the Society suggested on our Facebook page the turbine would be clearly visible, dominating the landscape, for many miles around, we were immediately informed by one of the project's champions:

There are no public footpaths with designated natural 'view points' of the field site for the turbine. The field is only 'seen' by sheep in distant agricultural fields. This turbine is as discreet as practically possible.

That seems unlikely, given the



The EWT DW61 1MW turbine, the height to tip of which is 89.5m

number of public footpaths in the area, but Octopus have committed to publishing a Landscape and Visual Impact Assessment which will, we are told, include a Zone of Theoretical Visibility plan on their website.

The same Facebook commentator separately claimed:

The former AONB (now South Devon National Landscapes) 2011 Policy Statement on Renewables recognises our moral obligation to consider the impact of climate change on people now and in the future by embracing renewable energy, including onshore wind. Their statement proclaims wisely that they...

'advocate sensitively sited' projects that directly benefit local communities and do not need to be serviced with additional transmission infrastructure....

Yet search as we might we can find no reference to 'onshore wind' in that Statement but it does require projects to:

operate at an individual farm, household or community scale, have minimal transport or transmission impacts and be unobtrusive in the landscape;

That was again repeated when the then South Devon AONB subsequently published its Planning Guidance in 2017, also making it clear on page 108 that amongst other considerations:

...Continued page 3

... Inspectorate

own wording and the council have disagreed and stated the opposite. We are investigating this and will respond, however due to our very large backlogs of post-decision correspondence and complaints your query will take some time to answer.

And so it was not until 25 August that the Society finally received a definitive response, that began 'with a sincere apology for the time it has taken to reply', and continued:

From what you have provided, it appears that the (South Hams) Council now take a different view on whether an access track can form part of the area to be considered under Schedule 2, Part 6, Class A.1(e)(i) of the GPDO. As you are no doubt aware, the (North Hertfordshire) Council refused the application that was the subject of the appeal because "The surface area of the access track combined with the floor area of the building and yard area, results in a development ground area greater than 1000 sqm".

I am not aware of any case law to support a claim that the Inspec-

tor's reading of the legislation was flawed; only the courts can provide a definitive ruling. Until there is case law that determines the issue either way, it would not be appropriate for the Inspectorate to comment further. As matters stand, the Council are entitled to their interpretation of the legislation.

In other words, and even after nine months, the Planning Inspectorate have no idea whose interpretation of the law is correct. Nor are they able to say. Instead their only suggestion is to:

advise anyone who is convinced that the Council's position is flawed, and are considering applying for a Judicial Review, to seek legal advice beforehand on the issues involved.

In response the Society wrote:

Your refusal to determine which interpretation is correct means that nobody now knows where they stand. And it is difficult to know how any ordinary man or woman can obey the written law if even those who are supposedly meant to know what it means do not even know themselves?

You suggest that were the Society or any other party to wish to establish whether the position of South Hams District Council is flawed we always have the option of going to Judicial Review. While true, that is far beyond the financial resources of the Society or the vast majority of ordinary men and women.

Surely the correct response of the Planning Inspectorate, if as an organisation you are unable to provide a definitive ruling, is for you to go to Judicial Review yourselves, and establish whether or not your own Inspector's interpretation of the law is indeed correct?

Unfortunately, and as the Inspectorate subsequently explained, it is not within the Planning Inspectorate's remit to provide definitive rulings on how statutory legislation should be interpreted and put into practice by decision-makers. That ultimately remains the role of the courts.

Furthermore, the Planning Inspectorate cannot seek a Judicial Review of the Council's decision since it is not an aggrieved party.

This also applies to decisions by its own Inspectors.

As a result a postcode lottery now effectively exists, with local authority planning officers in different parts of the country able to interpret the legislation as they wish.

This is clearly an undesirable state of affairs, so the Society has written to the Secretary of State Angela Rayner to ask her whether she will take whatever action she considers necessary to clarify matters.

On 26 September Harry from the Ministry's Correspondence Unit responded:

As I hope you will appreciate because of the Secretary of State's role in the planning process we are not able to... offer definitive interpretations of the legislation.

In other words, no clarification will be forthcoming and individual planning authorities will be able to continue to interpret the legislation in any way they see fit.

Lord Manse is highly unlikely to be impressed. •

← 2

A renewable energy development that conserves and enhances South Devon AONB will:

- Be small scale, aimed at providing energy for use on site, and operating at an individual farm, household or community scale, with minimal transport or transmission impacts and is unobtrusive in the landscape;
- Be located close to existing buildings, farmsteads or settlements;
- Provide robust appraisal with the planning application of the harm to natural beauty by addressing impacts on the special qualities of the South Devon AONB;
- Be ancillary to agricultural enterprises with the energy generation used to off-set farm energy cost, rather than being a primary enterprise in its own right;
- Be small renewable energy installations (solar hot water, photovoltaics, woodfuel, etc) fitted to existing and new buildings, where this can be done without harm to the character of historic structures or the wider landscape.

It is hard to see how the Challon's Combe Farm turbine satisfies any of these criteria.

Elsewhere on our Facebook page another of the scheme's supporters pointed out:

This energy will be produced in Bigbury and used by homes on the local grid. None of the energy can be exported.

Unfortunately this is not the case. As Octopus Energy themselves have confirmed to the Society:

All energy generated by the turbine will be distributed to the national grid.

Yet despite this constraint an unspecified number of Octopus Energy customers in the immediate vicinity will, we are told, be able to benefit from discounts on their electricity bills as if their supply were indeed coming direct from the turbine.

The way this is achieved is by customers having smart meters installed that measure their consumption in half-hourly intervals. Simultaneously measurements are also taken of the turbine's output in the same half-hourly intervals.

These are then combined in a way that in aggregate it is possible to compare total customer demand from, and the power exported by the turbine to, the grid in each half-hour period.

In other words, were there say to be 500 homes, and were all 500 homes to each consume 1.5kWh

...Challon's Coombe Farm first of many?

between 7:30am and 8:00am and the turbine to generate 0.7Mw over that same period then the homes would collectively 'consume' 0.75MWh, with the result that 0.05MWh would still have to be imported from the grid to meet demand. Customers would then be billed in that half-hour period for 1.4kWh at the discounted rate and 0.1kWh at their normal tariff rate.

Of course, not all 500 homes will consume exactly the same amount of energy in any half-hour period, so if one home fails to use its full allotment then anything left over is shared out amongst the others to help offset their bills.

To ensure all our Fan Club customers are getting the same opportunity for savings, we will establish the discount thresholds when we have a clearer view of the generation output and of the local demand for the Fan Club.

Suffice to say generation output is easy to calculate if you know the windspeed, and on their website Octopus suggest that at 50 meters above ground level winds speeds average 14.54 miles per hour.

Separately the turbine manufacturer states the EWT DW61 1MW turbine tube installed on the site needs a windspeed of 6.71mph to begin to generate electricity, but that peak output

are in total 1,160 households in Churchstow, Ringmore, Kingston, Bigbury and Aveton Gifford. Before any turbine is erected many of those households will want to know whether they will be able to qualify, and what the discounts are likely to be worth.

However by way of example Octopus did inform us that members of one of their existing Fan Clubs were currently enjoying average yearly savings of £247.16, while those of another £230.24. But crucially no indication was given as to actual Fan Club member numbers in either instance, as that information is 'commercially sensitive'.

Octopus also acknowledge 'the Fan Club is a current commercial



The local public footpaths and other rights of way from which the turbine may be visible

But what this will mean in actual practice is less clear. According to Octopus, once the turbine starts spinning customers can receive a 20% reduction in tariff costs, increasing 'to 50% off when the green electrons really start flowing'.

To try and obtain clarification the Society emailed Octopus to ask what windspeed would be required to get the turbine spinning and trigger a 20% discount?, and what windspeed would then be required to get the 'green electrons really start flowing' and trigger the 50% discount?

We also asked Octopus to let us know their estimates as to how many half hour periods between the hours of 6:00am and midnight there were in each month of the year when the windspeed at Challon's Coombe Farm would be sufficient to trigger those discounts.

In response Octopus told us:

(when the 'green electrons really start flowing?') only occurs once wind speeds reach 31.32mph. Conversely should the wind speed increase to 55.92mph the turbine will cut out and, should it reach 117.44mph its survival could be threatened.

Unfortunately Octopus say they have yet to establish windspeed on the site at half-hourly intervals throughout the year which, they claim, is necessary to accurately calculate the Fan Club discounts for the turbine. Nor can they say how many households will be able to join the Fan Club, although they do say a cap is to be put in place in order to ensure that the number of households does not exceed the capacity of the turbine.

Even so, answers ought really to be available before any planning application is submitted. According to the 2021 Census there

offering' and confirmed it could be shut down at any point in the future. In other words there are no guarantees, other than once erected the turbine will be there for a very long time.

This is only the first of what we suspect will be many applications to erect both wind turbines and solar panels across our countryside. Their imposition is likely to do little for food security, biodiversity or the visitor economy, on which so many in the South Hams depend. Consequently it is essential that the costs and benefits of each scheme are carefully considered and fully understood.

There is to be a public consultation on Tuesday, October 8th, between the hours of 10:00am and 7:00pm in Bigbury Memorial Hall, organised by Octopus Energy, at which hopefully we will all be able to learn more about what is actually being planned. •

Government Planning to Fail

Open consultation

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Updated 2 August 2024

The Government argues that in order to fix the foundations of the economy, rebuild Britain and make every part of the country better off, 'decisive reform to the planning system' is essential.

Key to this is mandating a significant increase in the number of houses being built each year. A new 'standard method' will be employed to calculate how many additional homes each local planning authority will be required to deliver, based on both the number of homes already in the area and their cost relative to local incomes.

Authorities with the highest relative costs will see the largest annual increases.

In the South Hams, for example, where the average house price is a multiple of 13.1 times annual earnings, the number of homes needing to be built each year will rise by 70%, from a current Local Plan requirement of 513 to 875, and the land for those additional homes will have to be found from somewhere.

But until the necessary sites can be identified and a new Joint Local Plan agreed, the Presumption in favour of sustainable development will apply, enabling developers to bring forward sites in places that might otherwise not be thought appropriate.

The Government has outlined their intended changes in their open consultation 'Proposed reforms to the National Planning Policy Framework and other changes to the planning system', to which the Society has responded in detail.

Amongst our conclusions is that simply requiring local authorities to build more houses provides no guarantee they will be built.

Similarly the claim that 'we will deliver the biggest increase in social and affordable housebuilding in a generation' while continuing to define 'affordable' as 20% off open-market value is, in many parts of the country including the South Hams, little short of

absurd.

And far from reassuring is the Government's statement with regard to 'the wider infrastructure that will mitigate the impacts of new development', such as hospitals, schools, GP surgeries and sewage treatment works, and their claim that 'the best way to achieve this will be to focus on improving the existing system of developer contributions'.

Already the land and planning director at Barratt Developments Philip Barnes has said that in the few weeks since the new draft National Planning Policy Framework was published in August his company had scrapped four planning applications. The proposed requirement that 50% of all properties on Green Belt land would have to be 'affordable' would make many sites impossible to build on by unacceptably reducing their value he claimed, adding:

Landowners and housebuilders need far more confidence than that to invest hundreds of thousands of pounds promoting a scheme which is now financially underwater with a 50pc affordable housing requirement.

So the thought that it will be possible to get developers to pay the actual cost of upgrading the local sewage treatment works or ensuring that it will be possible to actually get a GP appointment or a National Health dentist is likely at best to be wishful thinking.

Equally the assumption that requiring local authorities to provide more land will ensure more houses will be built and that, as a consequence, house prices will fall is little more than a fantasy.

As the Competition and Markets Authority concluded in Paragraph 43 of their February 2024 Housebuilding market study final report summary:

In terms of how quickly housing is built and the price at which it is sold, instead of building houses as quickly as possible, a range of evidence shows housebuilders tend to build them at a rate that is consistent with the local absorption rates, ie, the rate at which houses can be sold without needing to reduce their prices.

Consequently, and without further legislative changes, for the Government to achieve its targets, demand at existing prices will have to continue to match or exceed supply in direct proportion to the increased number of houses the local authority is now required to build.

The Government has provided no evidence this will prove the case. Nor will the Government have any chance of delivering 'the biggest increase in social and affordable housebuilding in a generation' here in the South Hams where median gross annual workplace-based earnings in 2023 averaged £29,410, median house prices £385,000.

Even were the Government to legislate to say that undeveloped land required for housing, rather than commanding a price of say £1 million per acre, would have a benchmark existing use value and a proportionate premium together making the cost no more than £20,000 an acre, then at a built density of 10 houses per acre, that would only reduce the median price of a house in the South Hams to £287,000, or still almost 10 times annual earnings.

In other words, to continue to suggest as the Government does that a discount of 20% off the open market value, which in the South Hams would respectively reduce prices to £308,000 or £229,600, and which would at best still represent 7.8 times annual earnings, will make any home genuinely 'affordable' for the vast majority of those working here something of a fantasy.

We also have the problem, should the Government proceed with its plans, of where all these houses are actually going to go. Protected landscapes occupy as much as 57.5% of the total land area of the South Hams, while much of the remaining local terrain is unsuitable for development on any scale.

That effectively leaves only the A38 corridor between South Brent and the boundary with Plymouth, which has already seen significant development in recent years. And it is reported that house sales in Sherford have recently been far from buoyant. So developers may not be in any great hurry to build very much more in that part of the world.

Yet even were the demand to exist there are not enough builders to meet it. To quote from page 9 of the Persimmon Annual Report 2023:

The UK construction industry faces labour shortages due to an ageing workforce, post-Brexit immigration restrictions, skills gaps, and negative industry perceptions. These factors limit the availability of skilled workers, hindering productivity and exacerbating challenges in meeting demand for construction projects.

That skills shortage is unlikely to be resolved any time soon. And it is also questionable whether the existing workforce actually have the necessary skills. On 28 August the BBC website reported on "Hellway" – the new-build estate with no end of snags, where homeowners were complaining of an uphill battle to arrange repairs which, they claimed, were often inadequate and creating even more problems.

Sadly, according to Samantha Curling, chairwoman of the National Association of Professional Snagging Inspectors, these were not isolated cases, something with which the vast majority of the thousands who commented on the report agreed.

So before imposing housing targets which, even if demand exists, the currently insufficient and clearly in some cases incapable workforce simply lacks the numbers to build, the Government might first consider taking steps to ensure that those houses that are being built are actually fit for purpose.

You can read our response to the Consultation on our website here. •

<https://www.facebook.com/SouthHamsSociety>

<https://SouthHamsSociety.org>

Newsletter / 5

Ombudsman to investigate



The bales that arrived in the site in early August

As readers of our July Newsletter will know, earlier in the year Council Enforcement officers concluded it was not in the public interest for Home Field in West Alvington to be reinstated to its previous condition.

The site had been used as a temporary construction compound, but before that was a green field, separated from the approach road to the village from Kingsbridge by a low wall, providing vehicle occupants with long views out over the AONB.

In response the Society submitted a Stage One Complaint to the Council in March, in which we argued that as a result of its decision the public body has failed to carry out its statutory duty to 'conserve and enhance' the South Devon Area of Outstanding Natural Beauty (South Devon National Landscape) in accordance with the requirements of Section 85 of the Countryside and Rights of Way (CRoW) Act.

At the end of April the Council's Senior Enforcement Officer replied:

The Enforcement Report acknowledges that the site lies within the South Devon National Landscape and that its use as a car park represents an unjustified form of development within it, but then, in consideration of the matter of expediency and of balancing the issue it acknowledges the benefit to the community of its retention as an informal parking area; in this case this was considered to outweigh the impact of its retention

on the wider landscape.

But as far as we could see there was no advertising or signage at the site suggesting it was available for all to use. And when parking in the parish was discussed at a meeting of West Alvington Parish Council on 13 July 2023, the possibility of approaching other landowners was considered, the decision was taken to renew the lease on the existing Town Car Park.

We therefore wrote to the Parish Council to ask if, at that meeting, Home Field had been considered as a possible alternative or whether it might be needed in addition to the existing Town Car Park.

Discussing the issue at their meeting on 11 June, Councillors approved the following statement:

It is the opinion of WAPC that this land is not available to all for use as a car park. The land has seemingly, on occasion, been used for parking over recent years, we understand this is by prior arrangement only as there have been occasions when parishioners have been approached by the landowner for parking without consent. This land in its current state offers no benefit to the parish.

WAPC fully support the South Hams Society in their efforts to see the land fully returned to its original condition as a greenfield site.

As a result the Society submitted a Request to the Council for a Stage 2 Formal Complaint review,

emphasising the fact the Parish Council clearly believed the retention of the land in its current state offers no benefit to the community and that they would wish to see it fully returned to its original condition as a greenfield site.

At the end of June, and after our July Newsletter had gone to press, a response was received from the Council's Planning Business Manager. She wrote:

Having reviewed the Stage 1 response (RP/492817) I am satisfied that the Senior Enforcement Officer has satisfactorily explained the purpose of the planning enforcement function of this Council and provided details of how the decision not to pursue enforcement action in this case was reached.

She continued:

The decision whether or not to pursue enforcement action is a matter of expediency as set out in the Senior Enforcement Officer's Stage 1 response. The Council has to consider the level of harm being caused by a failure to comply with a specific condition both in terms of planning policy considerations but also the actual consequences of the failure to comply. The Council, in accordance with its Enforcement Policy, will therefore focus its resources on higher risk enterprises and activities, reflecting local need and national priorities. Smaller minor or technical breaches will not therefore always be pursued by the Council.

Noticeably no explanation was provided as to how the Council's

Senior Enforcement Officer had originally arrived at his conclusion that the site was now of benefit to the community, given that was certainly not the view of the Parish Council.

Consequently, on 1 July, the Society submitted a complaint to the Local Government Ombudsman, again arguing the Council has failed to act in accordance with the requirements of Section 85 of the Countryside and Rights of Way (CRoW) Act.

On 16 July the Society was informed an investigation was now underway.

Then at some point early in August a number of bales conveniently appeared on the site, along with a sign saying 'Ring 'O Bells Overflow Car Park', seemingly supporting the contention of the Senior Enforcement Officer that the retention of the site as an informal parking area was a benefit to the community.

It is hard to believe this is purely coincidental. ●



The sign that has appeared

Newsletter / 6

Remedial action required

Shortly before this Newsletter went to press the Society wrote to the Enforcement Team at the District Council to say that we wished to report that Spion Lodge, a development in a prominent position in Salcombe, was not being built in accordance with the approved plans conditioned as part of its planning consent.

Another development in the town we added, Four Winds, was also not built in accordance with its approved plans, and that a retrospective Section 73 application to formalise the structure as built had been recently refused.

Given these precedents, we feared too many people now thought conditions could be simply ignored, and the only action the Council would take would be to eventually approve the changes.

In the case of Spion Lodge two Section 73 applications for variation of the original consent had previously been submitted. The first was disposed of without a decision, the second refused at the beginning of 2021.

Consequently the conditions attached to the original consent were still in force. The approved site plan made it clear that there should only be the one exposed external staircase. Instead what had been constructed is as shown on the refused section 73 application drawing.

In refusing the Four Winds application the case officer noted that rather than using natural state the dark cladding that had been employed:

is in stark contrast to those in the



The field in East Portlemouth: an asking price of £600,000

immediate streetscene which is considered to result in an incongruous addition and one that harms the established character of this part of the protected townscape.

In addition:

The massing of the revised proposal is increased and whilst internally the development has gained floor-space on each level officers would agree with the Town Council that this has come at a cost to the detriment of the visual impact...

The site is prominent and the introduction of the new glazed elements will be particularly prominent in darkness when internally illuminated at a landscape known for its intrinsic dark skies. In the daytime the dark cladding provides a more industrial aesthetic at this residential area which shows little regard to its most immediate neighbours.

The Council's website suggests an

appeal has recently been submitted, but the question arises, if the inspector decides against the developer, will the Council actually take action to ensure compliance with the original consent?

Similarly, will the Council ensure that when completed Spion Lodge has been constructed in accordance with approved plans, or will it decide it is simply more expedient to permit the changes?

Separately the Society has also recently reported that in East Portlemouth, on a field within the National Landscape and Heritage Coast, two buildings have appeared on a site for which no record of any planning application can be found.

Here an access track has been created and two buildings constructed, one in the place where a former ruin used to stand, and which is still shown as a ruin on the South Hams District Council mapping system.

The field also appears to have been for sale speculatively as Little Seccombe, East Portlemouth, Salcombe, with an asking price of £600,000.

The Society has asked the Enforcement Team to investigate. Should the development prove to be unauthorised development will the Council require it to be removed, or will the developer just be asked to submit a retrospective application?

Unless public examples are made of those who flaunt planning regulations and requirements, there are those who will happily continue to do just as they please, to the detriment of their surroundings and any neighbours. •

Just Fancy That!

In our July Newsletter we reported that at a meeting of the South Hams District Council Executive on 6 June Council Leader Cllr Julian Brazil had informed those present:

I think housing needs surveys are history.

Parish Profiles, we were told, were to be their successor.

So imagine our surprise when, but a short time after, we visited the Council's website to discover the Parish Profiles were now disingenuously being presented as 'Housing Needs Survey Results', the web link in question being: <https://www.southhams.gov.uk/housing/housing-needs-survey-results>.

This, we suggested, was far from honest, a point we made in an article published in the South Hams Gazette on 8 August, which you can read here.

However it seems someone at the Council may have read what we had to say, because now the link in question reads: <https://www.southhams.gov.uk/housing/parish-housing-profiles> and the accompanying text is headed 'Parish Housing Profiles', even if the text below it continues to confuse, declaring 'Find out the results of the Housing Needs Survey for each Parish in this guide.'

Anybody who has ever been involved in producing housing needs surveys will know that Parish Profiles are anything but.

And perhaps if someone from the Council reads this they might like to finish putting the record straight before the Trades Descriptions Act gets invoked! •



Spion Lodge: more than the one external staircase

What is going on at Sharpham?



Belted Galloways

The other day I was given a guided tour of the Ambios “re-wilding” project at Sharpham by one of Ambios’ directors, Simon Roper. The purpose of this short article is to try to summarise what Ambios is attempting to do.

As someone who has walked/cycled through and sailed past the Sharpham estate over the years I can see how there may be a degree of misgiving about the changes that have made to it.

Gone is the little piece of riparian Burgundy vineyard upon which the sun (nearly always) appeared to shine. Gone (round that glorious bend in the river) is the very “English” 18th century parkland pasture populated with contented looking Jerseys.

What is there now might, to a jaundiced eye at least, look a bit “scruffy”. The vines have been grubbed up. Docks seem to be running riot over the Jerseys’ fields. There are a few cows but they are definitely not Jersey cows. There are some horses too and a couple of curious hairy pigs.

Is this progress? Well that rather depends on what you mean by progress. I think it is a progression and if it is also a regression then so be it.

Do not take my word for it, I hope you wouldn’t do that anyway. But go and see it with an open mind. Ambios are keen to explain what they are up to. This is just a taster.

Ambios is a not for profit nature conservation training organisation, and has tenancies of two areas of the Sharpham estate, neither of which include the aforementioned vineyard which Sharpham is transforming into a wildflower meadow.

The first tenancy dates from 2012 and is the area of Sharpham Barton Farm, although as you may already know “barton” actually means “farm” so you don’t really need to add “farm”.

Then in April 2020 Ambios took on a further 50 acres of the riv-



Peacock Butterfly

erside pasture formerly occupied by the Jerseys and on either side of the permissive path that runs off the Totnes-Ashprington byway and towards Sharpham House before the byway starts up the steep hill towards Ashprington.

According to Ambios:

Rewilding, also known as ecological restoration, is a form of land management that encourages natural processes to shape and restore landscapes. It follows the principle that nature should be given the opportunity to express itself with minimal human intervention, reclaiming environments we have ecologically degraded through intensive management and industrialisation

Giving nature the opportunity to express itself does involve letting the “natural” vegetation grow and that includes the docks. But as Sharpham/Ambios explain it is

vital to also include “disruptors”.

The two Mangalitsa pigs, originally from Hungary and the small herd of cows, Belted Galloways, graze on a fairly at will basis over the 50 acre section. Along with two Konik ponies they control and diversify the plant growth to keep it in balance. The aim is to recreate wood pasture which covered much of Europe.

Working out the number and type of animals to use – the overall quantity of livestock is much less than it was when the area was conventionally farmed – is an empirical process. Woodland pasture will not look quite like woodland parkland. Trees are planted both individually and in clumps to promote borders areas alongside what we would think of as ordinary woodland which will increase the range of vegetation. The animals, in particular the pigs, help this process by turning over the soil.

The success or otherwise of the

numbers across five peak summer surveys in July and August. 1,213 butterflies were recorded this year compared with 761 last year. Apparently there were notable increases in peacock, red admiral, small tortoiseshell and marbled white.

This is in complete contrast to the trend across the country where fall in recorded numbers is very worrying.

Vegetation and bird breeding data is also showing marked improvement.

This is not just a Totnesian whimsy. It is very exciting to watch an osprey catching fish just below Sharpham reach, as I did the other day, and to know that Ambios is installing an osprey nests to encourage them to stay and not just use the Dart as a staging point on their migration.

But we should be concerned about biodiversity, its restoration and promotion, whether or not we can distinguish or be bothered about the distinction between a chaffinch and a sparrow. Biodiversity is recognised to be vital for the evolution and continuation of human beings and the world which they inhabit.

It is not suggested that the whole of South Devon or the wider UK can be rewilded. It is proposed that rewilding sites should network and form vital “corridors” along which species can transfer and further diversify.

By providing specifically protected areas the levels of biodiversity in the wider farmed or built environment are raised.

To my mind that is not inconsistent with developing food security and growing a lot more of the food we need in this country: it can and should be part of it. •



A Mangalitsa pig

Newsletter / 8

Meeting, more Meetings, and meeting the future

It has been a busy and successful summer. Thanks to the efforts of our Events Lead Cathy Koo, the invaluable assistance of members like Clare Pawley and Kevin Cark, and some largely fine weather, we not only signed up many new members, but also had the opportunity to meet and greet many old friends.

We also attended the Loddiswell Show for the first time this year, where we not only had the pleasure of meeting Dennis Hine, who was wearing his medal for long service and good conduct awarded him by the Loddiswell Show Committee for his 65 years of service, and to which he still contributes by showing his flowers, vegetables and produce, but we were also asked by many people about the future of the Old School Field, a topic we addressed on page 5 of our July 2023 Newsletter.

Amongst those we met both in Loddiswell and elsewhere various other issues and concerns were also raised, not least the need of local people for genuinely affordable housing and the impact that the change of Government might have on our environment and our landscape. As a result both are to be or will have been addressed by speakers during this autumn's series of Crabshell Conversations.

At the first of our Conversations, which took place a few days before this Newsletter went to press, the District Council's Lead Executive Member for Housing Cllr Denise O'Callaghan and David Carlshausen, the Council's



Dennis Hine, beside our stand at the Loddiswell Show

Principal Housing Development Officer, joined us to discuss the South Hams Housing Offer.

Few doubt the need for genuinely affordable housing in the South Hams. And it is clear that there is little if anything in the Government's proposed planning reforms that will help to satisfy that demand. The Offer is an innovation that could make a small but meaningful contribution towards resolving the problem. You can find out more about the Offer here. And we would urge you to do whatever you can to help.

Subsequently, on 7 November, District Council Leader Cllr Julian Brazil and the Lead Executive Member for Planning, Cllr Dan Thomas, are to discuss how the Council proposes to respond to the Government's proposed

changes to the National planning Policy Framework which, if allowed to go unchallenged, will seriously impact the South Hams. You can read more about those changes on page x of this Newsletter.

But, before that, we first welcome Alan Smith to the Crabshell on 10 October. Having spent more than 60 years working in the water industry as a consultant and a water company director, including time with South West Water, Alan can from his own experiences offer an expert's perspective on many of the problems and challenges the industry faces. He will be already known to some of you from the contribution he made from the floor to our Crabshell Conversation earlier this year, when our Environment Lead Martin

Fodder addressed the subject of Pollution Problems and Nutrient Neutrality, and how we could make our waters once again both fit to drink and swim in.

Then, on 24 October, historian and chair of the Salcombe Maritime Museum Roger Barrett and his colleague Abi Gray join us to explain how Heritage Lottery funds are making it possible for them to bring both the story and residents' recollections of Salcombe's links with ships and the sea, from ancient times to the Second World War, to a far wider audience.

Our last Crabshell Conversation this side of Christmas, on 21 November, takes as its subject 'The future of the South Hams Society'. With several Committee members planning to stand down at our AGM next April their replacements will need to be found.

And it may also be a good time to discuss the direction the Society should be taking in the future, the role it should be playing, and even whether you might be able to play an active part.

For more than 60 years the Society had depended on the efforts of volunteers to protect the natural landscape and the built character of the South Hams, and in particular the South Devon National Landscape.

It is safe to say those threats are arguably now greater than ever and we really hope you can be with us to offer your suggestions and input. •

Crabshell Conversations this Autumn

10 October

"...Is that the water board?"

From pre-privatisation Alan Smith has been part of the water industry in the UK as a consultant and as a water company director. In discussing his career, he explains why the companies themselves cannot solely be blamed for the excrement in which we find ourselves.

24 October

The Salcombe Project

Historian and chair of the Salcombe Maritime Museum Roger Barrett and his colleague Abi Gray explain how the project aims to make a wider range of people both aware of and involved with Salcombe's rich maritime heritage.

07 November

Changes to the NPPF

If unchallenged, the proposed changes to the National planning Policy Framework will seriously impact the South Hams. District Council Leader Cllr Julian Brazil and Planning Lead Cllr Dan Thomas explain the implications and how the Council is able to respond.

21 November

The Future of the South Hams Society

As the Society enters its 64th year we invite you to put forward your ideas on the future direction of the Society and the role it should be playing. And by all means bring along any friends who you think might like to be involved.

All meetings start at midday in the Upstairs Restaurant of the Crabshell Inn, Embankment Road, Kingsbridge

Newsletter / 9

Not so pretty any more



The Salcombe hillside with Sheerwater arrowed

The face of Salcombe is forever changing. And not necessarily for the better. As AA Gill wrote of Monte Carlo in October 2002:

Monte Carlo is the sort of slum rich people build when they lack for nothing except taste and a sense of the collective good.

Were he to be alive today he might have said the same of Salcombe, where rich people arrive and buy houses, only to promptly demolish them and replace them with their own 'Grand Designs', which of course must be noticeably bigger than what stood there previously.

To accommodate their new property's larger footprint and improve their Estuary views mature trees are invariably felled and

vegetation cleared in a seemingly continuous cycle of environmental and ecological destruction.

Arguably the latest example of this process is Sheerwater, a seven-bedroom property on Devon Road. An application (2572/24/FUL) has recently been submitted to replace the existing house with one substantially larger. Trees alongside Devon Road have already been felled. Further vegetation will need to be removed. And, inevitably, the new build will also boast a far greater expanse of glass.

Worse, it will also be another boundary-to-boundary development, adding to the three already built or under construction nearby at Overcombe on Devon

Road, and both Herwood and Spion Lodge below them on Bennett Road.

In combination these and other developments are denuding the previously predominant greenery of the estuary hillside, imposing in its place a parade of concrete and glass of often little apparent aesthetic or architectural connection.

Many will wonder how a succession of Councillors and planning officers have allowed this to happen over the years.

According to the Visit Devon website, Salcombe is 'one of the prettiest towns in South Devon'. The way it's going, it may not be long before someone invokes the Trades Descriptions Act. •

Join our Committee

We are always keen to welcome new members to the Society's Committee as it expands our horizons, brings different viewpoints and increases our areas of expertise.

If anyone would like to volunteer and join the Committee we would be very pleased to hear from you.

In the first instance please email Kate Bosworth, our membership secretary - membership@southhamsociety.org, or come along to our meeting on November 21 at the Crabshell Inn in Kingsbridge, starting at midday.

Freeport not yet a successful economic development

Earlier this year, on 18 July, the Council's Director of Place & Enterprise Chris Brook provided a 'Freeport Update' to the District Council's Executive. He reported:

The Freeport has been highlighted and recognised by the peer review team, as a successful economic development (ED) programme to be proud of.

But that 'successful economic development', as his update went on to make clear, has yet to attract any tenants other than the three founding anchor tenants, namely Babcock, Princess Yachts and Carlton Power, and MSubs.

Even so he could confirm that there were apparently two businesses in advanced pre-let nego-

tiations for Beaumont Way Units at Langage, a net zero business looking to let units 6 and potentially 3 at Langage, and a further business in direct conversation with the MOD at Southyard.

Many will find this far from encouraging. And it's perhaps no surprise that less than a fortnight later on 30 July the Freeport:

confirmed that, as well as marine, defence and space being target sectors, three additional sectors of advanced manufacturing, engineering and net zero technology are now also key areas of focus for the South West's only Freeport.

Having seemingly failed to generate sufficient interest from firms in the three original target

sectors, namely marine, defence and space, the net was now being broadened, enabling the net-zero business looking at units in Langage to now also potentially benefit from the Freeport financial incentives.

Doubling the key areas of focus for the Freeport will hopefully help deliver the number of tenants needed to generate the promised number of jobs, although the signs are not necessarily promising.

Significantly, since July there have been no announcements of any new tenants, least of all those previously identified as being in advanced pre-let negotiations.

A Freeport Board Meeting was scheduled to have taken place on 12 September, at which there may have been further news, but minutes of the meeting are not due to be published until 12 December.

Similarly Chris Brook is due to provide a further update to the Council's Executive on 21 November. Were there still to be no significant progress by then some just might begin to wonder how we arrived here in the first place.

Some of the answers to that are to be found on pages 8 and 9 of our July Newsletter, copies of which can be downloaded from our website. •

An expensive misstep?

Despite the misgivings of many, the Devon and Torbay Combined County Authority is to go ahead. Another layer of local government is being foisted on us, inevitably without our consent.

On 19 September Devon County Council announced:

It's hoped that with draft regulations to create the CCA to be made this Autumn, the Devon and Torbay CCA could hold its first meeting early in the New Year.

Yet we still have no idea what the new Authority is eventually going to cost, nor what powers it will remove from our District Council.

At a meeting of the County Council's cabinet back in April members were told it was not anticipated the new Authority would need to employ anyone to actually fill the roles of chief executive or monitoring officer or any of the other key positions. Instead that work could be done by existing DCC staff in addition to their current responsibilities.

Yet to accept that premise is to acknowledge those individuals are currently underemployed, a possibility many residents would find both surprising and unacceptable.

However, were they to prove incapable of doing two jobs simultaneously, then clearly there will be costs and, with no Government funding guaranteed beyond the first three years, those costs will fall upon the two constituent Councils and their residents.

Of the South Hams County Councillors only Green Party member Jacqi Hodgson voted against venturing blindly in to the unknown. The others either voted for or abstained.

There will be County Council elections next year in May. Residents might like then to remember who to hold responsible. •

Letters of Representation submitted by the Society to these and other applications can be found on our website:
www.southhamsociety.org/objection-list

Original consent never commenced



The Notice that has recently appeared

According to the applicant's planning statement, 'the original consent 28/1382/00/F was for 'Redevelopment to provide 9 apartments and replacement of retail units, Wills Marine & redundant SWWA Depot, The Promenade, Kingsbridge' and was granted on 14th February 2001.

This Certificate of Lawfulness application sought to establish that permission that application had been lawfully commenced, remained extant, and that as a consequence it would be possible to add nine new apartments and two new retail units – one in the yard and one at ground floor level of the apartment building.

In support the applicant cited four historical applications for the development of this site but omitted to mention application 28/1381/00/CA, which permitted the 'Conservation Area Consent

for demolition of existing buildings', approval for which was given on the 14th February 2001.

It therefore followed, we argued, that demolition was not part of the planning approval 28/1382/00/F (or any of the subsequent planning permissions for amendment) and that the 28/1382/00/F planning permission was not implemented on that basis.

The two consents for both the 28/1382/00/F and 28/1315/01/F permissions contained the same Condition 13 that required an Archaeology report to be completed prior to development commencing. That report was published late in 2001, many months after the original consent for 28/1382/00/F was given.

Separately each of the cited four

historical applications contained the same Condition 1, namely:

The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.

Reason: To comply with section 91 of the Town and Country Planning Act, 1990.

Consequently had the original consent 28/1382/00/F actually commenced this condition would have been unnecessary in the later amendments as the development would have already begun.

In addition, and for other reasons outlined in our objection, we were of the opinion that the evidence was substantial that the Certificate of Lawfulness should be refused.

The application awaits determination. •

1543/24/FUL: Land at SX 773 357, East Prawle

As we stated in our objection, if approved this development would be damaging to the heritage coast landscape, the South Devon National Landscape, the historical environment, the dark skies, and further add to the erosion of tranquillity and footpath user experience and should be refused.

In addition the site lacked suitable access to the highway,

which itself is a narrow access lane that has also to cater for the significant level of unauthorised campsites along the way. The National Trust shared our concern, suggesting:

a too great amount of residential use could add traffic movements onto and along the narrow byway, to the detriment of highway safety including pedestrians and cyclists using this public right of way.

In addition they noted:

The proposal, due to the prominence of the building and the surrounding site, the introduction of residential use, and the topography of the site and surrounding areas, represents development that readily could cause harm to this largely undeveloped agricultural and coastal landscape.

The application awaits determination. •

Newsletter / 11

Smalls boathouse would be a blot on the Estuary



The proposed Boathouse at Smalls Cove would have intruded on to the Estuary foreshore

It was hard to see how this application could be approved. As we made clear in our objection, it was, in many respects, very similar to the previously withdrawn 'Application for carbon neutral boat house with living area above for occasional overnight stays' (1068/23/FUL).

Although the main differences were some height reduction in both the boat store and the first floor the building was still, as Salcombe Town Council pointed out, 'clearly designed for an extra infill floor to be retro fitted at a later date' to provide living accommodation.

Both East Portlemouth Parish Council and Salcombe Town Council also echoed our point that the proposed development would significantly and adversely impact the undeveloped area of Smalls Cove and which, as Natural England explained, could: damage or destroy the interest

features for which Salcombe to Kingsbridge Estuary Site of Special Scientific Interest has been notified.

The site itself is located 35 metres from the Salcombe Kingsbridge SSSI and lies within the SSSI Impact Risk Zones.

The application was withdrawn.



Thursday, November 7, 12:00pm

Upstairs Restaurant, Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ

Open consultation

Proposed reforms to the National Planning Policy Framework and other changes to the planning system

Updated 2 August 2024

Changes to the NPPF

If unchallenged, the Government's proposed changes to the National planning Policy Framework will seriously impact the South Hams. Here District Council Leader Cllr Julian Brazil and Planning Lead Cllr Dan Thomas explain the implications and discuss the ways in which the Council is able to respond.

The meeting starts at noon, lasts about 30mins with questions to follow. Admission is free and all are welcome, members and non-members alike.

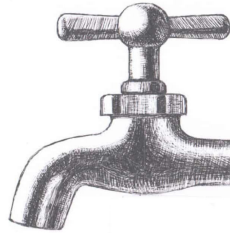
The Crabshell management are providing the venue to us free of charge so please do support them by staying for a drink and a bite to eat after the talk. If you would like to attend please email membership@southhamsociety.org to let us know you might be coming and also whether you think you will be able to join us for lunch.

Newsletter / 12



Thursday, October 10, 12:00pm
Upstairs Restaurant, Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ

“..is that the water board?”



“...Is that the water board?”

From pre-privatisation Alan Smith has been part of the water industry in the UK, both as a consultant and as a water company director. In discussing his career, including time with South West Water, he explains why the companies themselves cannot solely be blamed for the excrement in which we find ourselves.

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Thursday, October 24, 12:00pm
Upstairs Restaurant, Crabshell Inn, Embankment Road, Kingsbridge, TQ7 1JZ



The Salcombe Project

A primary aim of the project is to make a wider range of people both aware of and involved with Salcombe's rich maritime heritage. Historian and chair of the Salcombe Maritime Museum Roger Barrett and his colleague Abi Gray explain how Heritage Lottery funds are making it possible for them to bring both the story and residents' recollections of Salcombe's links with ships and the sea, from ancient times to the Second World War, to a far wider audience.

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