

## **Five Year Review of the Teignbridge Local Plan (2013-2033)**

### **Whitestone Parish Council Consultation Response on Draft Local Plan (2020-2040)**

#### **Part 1 – Quality As Standard**

##### **General Comments**

Whitestone Parish Council thanks all those involved in leading the review of the Local Plan for their hard work and thoroughly professional approach in difficult circumstances. The opportunity to consult is important and greatly appreciated. Teignbridge's target to become a carbon neutral district by 2025 is broadly welcomed and provides a suitably ambitious focus to drive policies and to manage the built development in a way that protects the natural environment and allows the demand for housing to be achieved sustainably.

The Parish Council were advised by the Teignbridge Local Authority some years ago that there was no need for a neighbourhood plan, as the Parish was part of an Area of Great Landscape Value and had no defined Settlement Areas. We are, therefore, totally reliant on the policies in the District Local Development Plan to inform the decisions taken on developments that affect our everyday life.

The proposed removal of the AGLV designation, and the proposed removal of Policy S21A, which defines settlement limits, gives us grave cause for concern and leads us to question the wisdom of the advice we were given on neighbourhood planning. We also have concerns that in this time of lockdown, it has not been possible to draw all our parishioners' attention to the consultation process, as many of our parishioners do not have access to the internet and we have been unable to hold any meetings where the public is present.

As an Area of Great Landscape Value (AGLV) adjoining the urban edge of Exeter, our cherished and much-admired landscape is protected against inappropriate development. It is vitally important that this present level of protection continues unabated following the local plan revision and, whilst we accept the reasoning to move away from the AGLV designation, this places a much stronger emphasis on landscape character assessment. In particular, it is critical that the guidance and recommendations that are contained within the Landscape Character Areas (LCAs) are sufficient and comprehensive enough to identify the types of development that might harm the landscape due to the expansion of Exeter, intensive farming and the drive towards self-sufficiency. When assessing harm to the landscape it is important that weight is given to cumulative effects on the landscape, as the NPPF requires.

We note that the Teignbridge District will form part of the Greater Exeter Strategic Plan (GESP) and this is driving all Local Authorities to adopt a common Landscape Character Assessment methodology. Whilst Landscape Character Types have been reconciled, the Landscape Character Areas (LCAs) have not. This is nowhere more noticeable than in the Whitestone Parish. In any further reconciliation, it is hoped that the smaller LCAs defined at (Teignbridge) District Level are not sacrificed to the larger and less targeted Devon Landscape Character Areas.

We note that the Teignbridge District is required to provide a disproportionately high number of houses as part of the GESP, which have to be squeezed into a relatively small area, once allowance is made for Dartmoor. This is going to be extremely difficult to achieve but it must not be at the expense of the landscape that defines Devon and makes it such an attractive place to live and to visit and which is critically important to Teignbridge's future prosperity.

We feel that the move towards self-sufficiency in defined settlement areas is a sensible way forward in order to combat climate change. But in the countryside, where there few people, no schools and only very limited infrastructure, the move towards self-sufficiency must be considered very carefully. It makes absolutely no sense, on the one hand, to curb residential development and, on the other, to encourage business development. This will not lead to self-sufficiency, it will not lead to local prosperity and will not limit climate change, it will only lead to irreversible damage to the landscape.

Experience has shown that inappropriate business development can also lead to travel patterns involving vehicles that are far too large for the narrow and winding roads that typify the landscape. Away from the A30, they harm tranquility, they damage precious hedgerows and hedgebanks, pose a safety risk to pedestrians, cyclists and horse riders and prevent local people and visitors from enjoying the majesty of the surroundings. All these factors if properly managed and controlled will help preserve a spectacular and open landscape for both current and future generations to enjoy.

DEFRA's Clean Air Strategy (2019) also reminds us how important it is not to overlook the need for forward looking policies to promote cleaner air which, as the ongoing pandemic has amply demonstrated, will create a better, healthier and happier environment for everyone. We accept that some threats to the environment are outside the scope of local planning, but many are not. Aspects such as unsustainable use of soil resources, loss of best and most versatile agricultural land, intensive farming practices such as slurry storage and spreading and the building of super-large agricultural buildings are all aspects that need to be addressed in the local plan.

In the existing local plan, policies are used to define "settlements" in terms of the level of facilities and services that they offer. In policy S21 settlements that have access to at least a shop, public house, village hall, school and daily public transport services are named as "Villages". Policy S21A then states that **settlement limits** are defined on the Policies Map for these named "Villages" and for larger named Places. We suggest that existing policy S21A, as well as policy S21 should be carried over into the revised local plan. Throughout the draft local plan, the word "settlement" is used, sometimes with qualification, such as "defined settlement", or "rural settlement", and sometimes without any qualification. This is not helpful for planning purposes as the intended interpretation is unclear.

We have not addressed all the proposed policies but only those we consider relevant to our Parish. The observations and comments that we consider to be particularly important are shown underlined in **blue**. Our suggested changes to the wording of policies are highlighted in **red**.

### **Draft Policy EN4 (Landscape Protection and Enhancement)**

The Area of Great Landscape Value (AGLV) designation has, for many years, allowed Whitestone's spectacular landscape to be protected from development. We accept that whilst valued landscapes now more than ever need to be protected, the AGLV designation is considered by many to be out of date and too widely used. Teignbridge is the only rural District in Devon that has not already replaced AGLVs with Landscape Character Assessments, based on uniquely defined Landscape Character Areas (LCAs). The switch to LCAs will allow the sensitivity of all landscapes to be taken into account when considering development. We also recognise that our concerns are likely to be shared by other parishes that are at risk from urban development both close to Exeter and Newton Abbot.

Concerns were voiced regarding the possible need to attach additional planning restrictions to Landscape Character Areas that had been previously protected so well by the AGLV designation. These are necessary in order to achieve at least the same level of protection as is currently provided to special areas of the countryside bordering the edge of Exeter that are outside defined settlement limits.

Landscapes that need to be given special regard because they are particularly sensitive to development are "named" in Table 30. The second "named" landscape is the "Exeter Urban Fringe". The description of this requires greater clarification so it can be consistently interpreted and applied. If we are to move seamlessly into an era of Landscape Characterisation over the next 20 years, then it is very important that we start off by using existing Landscape Character Areas to identify those "named" areas that are particularly worthy of special regard. If this is not possible using existing LCAs, then the correct approach would be to define a new Landscape Character Area which is described, shown on a map, and assessed using the agreed landscape assessment methodology.

The figure on page 144 is both useful and potentially confusing. It must include a boundary which defines the Exeter Urban Fringe referred to in Table 30. If this does not follow the boundaries of existing

LCAs, then a new LCA should be provided and the affected LCAs should be re-assessed and modified, preferably before moving onto Part 2 of the revised local plan.

The web link in paragraph 7.11 needs to be activated.

The three existing Teignbridge LCAs that adjoin Exeter's urban development lie to the south and west of the City. Of these, Exeter Culm Slopes (6.3) is the only LCA that is assessed as having both high landscape character sensitivity and high visual sensitivity to development. West Exeter Slopes (6.4) LCA also has high landscape character sensitivity and moderate visual sensitivity. The much larger Exe Estuary and Farmlands (6.7) LCA to the south east of Exeter has only moderate sensitivity on both counts and does not include "upland slopes", or any of the key characteristics, such as "wooded ridges and hilltops" that contribute so strongly to landscape character. The 60m contour line to the west of Exeter begins at Nadderwater and the land then rises quickly to give spectacular skyline views towards Haldon Ridge, as well as providing a wonderful green setting for the City as it transitions towards Dartmoor. Landscape Character Areas 6.3 and 6.4 are those that should be "named" unless a new LCA is created. It is suggested that the proposed definition:

*"The predominantly undeveloped landscape of farmland and forestry that lies to the southwest of Exeter, encompassing the slopes that roughly extend between the 60m contour line and the wooded skyline of the Haldon Ridge. The landscape provides a green backdrop to views out from within the city and a green setting when perceived from the surroundings."*

Should be replaced with:

*"The predominantly undeveloped landscape of farmland and forestry that lies to the south **and** west of Exeter, encompassing the **Exeter Culm Slopes (LCA 6.3) and the West Exeter Slopes (LCA 6.4)** that roughly extend from the 60m contour line **beginning at Nadderwater to** the wooded skyline of the Haldon Ridge. The landscape provides a green backdrop to views out from within the city and a green setting when perceived from the **surroundings when approaching the city from the south west.**"*

### **Draft Policy EC1 (Business Development)**

The new EC1 policy combines the two existing policies (EC1 and EC3) and keeps the same controls for development in the countryside as provided by the existing local plan. Experience has shown that these existing controls need to be strengthened, particularly as more businesses seek to lower their overheads by moving away from the industrial estates in Exeter to the surrounding countryside.

The promotion of business development within or adjacent to defined settlement areas will undoubtedly improve the self-sufficiency and sustainability of these settlements as development location is the most significant way to reduce carbon emissions within the energy hierarchy (page 16).

However, there is no obvious environmental benefit to be gained by promoting small scale business development outside defined settlement areas as any such development would separate the workplace from residential development. It will not increase self-sufficiency but will increase unnecessary employment travel by car if the business development is not easily and safely accessible by walking, cycling or public transport. This scenario will inevitably occur in landscape areas of high sensitivity where there is an existing widely dispersed and sparse pattern of dwellings, farm houses and agricultural buildings with no opportunity for new residential development. For clarity, it is suggested that a) is changed from:

*a) within or on the edge of a settlement; to **"a) within or on the edge of a defined settlement."***

Whilst it is argued that further controls are not necessary (see page 238 of the Stage B Assessment), there is an opportunity, because of the replacement of broad brush AGLVs with the more specific Landscape Character Assessments, to strengthen control by targeting more intrusive business development away from the most highly sensitive landscape areas towards areas of less sensitivity with higher population density, and where there would be greater opportunity for the evolution of new mixed-use sustainable

communities through neighbourhood planning. It is suggested, therefore, that a fourth requirement be added under Policy EC1b) that states: (permission would not be granted)

***“iv) where the nature of the proposed business development would lead to an increase in traffic, or pattern of travel that would be unsympathetic with the assessed Landscape Character”***

This would be synergistic with policy EC5 for those who wish to spend more time working from their homes rather than commuting to Exeter and would not prevent the creation of new small, low impact home-based or live/work (see policy H8) businesses, especially if policy EC8 (High speed digital networks) is implemented.

An important factor in determining the quality of a landscape is the extent to which unsympathetic development can cause visual impact, or erode the underlying sense of tranquility. In this regard, paragraph 2.3.2 of the Stage B Environmental Assessment requires that the likely significant effects of development on the environment should include cumulative effects. This is particularly important with respect to highly sensitive landscape and its inter-relationship with multiple small-scale developments lying well away from defined settlement areas.

It is suggested that a fifth requirement be added under Policy EC1b) that states: (permission would not be granted)

***“v) where there is a significant cumulative effect on the landscape character.”***

These two additional controls, (iv) and (v), would be of considerable help in protecting highly sensitive landscapes from unsympathetic new, expanded, or re-located business development that rely predominantly on employees travelling to work from outside the area.

### **Policy CC1 (Resilience)**

It is unclear whether this policy, which promotes self-sufficiency through mixed-use development, is intended to apply only to defined settlement areas that have limited mixed-use facilities, services and employment opportunities, or whether the intention is to apply it to all settlements regardless of their location, size and the facilities that would be required, such as schools, in order to create a viable self-sufficient community.

Very occasionally a rural parish, such as Tedburn St Mary, can have a defined settlement area with limited facilities surrounded by countryside. Most rural parishes have widely spaced, small settlements which range from clusters of perhaps 4 or 5 dwellings to a larger settlement that does not qualify as a “Village” because it lacks an essential component for self-sufficiency, such as a school. They frequently have roads that are too narrow to sustain a frequent bus service. Such parishes tend to be relatively unspoilt and have valued landscapes that are sensitive to development. In these circumstances, the encouragement of self-sufficiency can pose a significant threat to their landscape character, quality and setting and can add to the risk of climate change. In the case of Whitestone, for example, it would be wrong to encourage business development in a “settlement” where there is no school, shop, or adequate bus service. This would mean that employees with families would simply commute to Whitestone from Exeter, compromising landscape character and residential amenity, whilst contributing to climate change.

That is not to say that steps can't be taken to improve the resilience of residential communities in the countryside. The steps needed are provided through policies EC5 (Working from Home), EC8 (High speed digital networks), EC12 (Local Shops) and live/work units (H8).

For reasons of clarity, it is suggested that CC1 (e) is modified as follows:

*“the mix of uses and activities within communities, **defined** settlements and across Teignbridge will be guided towards a balance which improves self-sufficiency. Decisions on development proposals should take particular account of the amount of employment, housing, services and facilities within walkable areas, including the preference for mixed use proposals where appropriate.”*

The definition of “settlements” in paragraph 3.12 needs to be clarified by putting **“Defined”** in front of “Settlements at the start of the paragraph.

### **Policy CC2 (Carbon Targets)**

Transport is presently the greatest contributor to carbon emissions in the District. However, within the plan, **there is no consideration of the part that farming, especially beef and dairy farming, plays in both emitting greenhouse gases (methane) and absorbing carbon dioxide through carbon sequestration.**

As the use of renewable energy grows, and petrol and diesel-powered vehicles are phased out, and buildings become carbon neutral, the emissions of methane from farming will assume much greater prominence in terms of both climate change and air pollution relatively early in the 2020-2040 timespan of the local plan, especially as they are the only form of toxic pollution that is on the increase.

Emissions that drive climate change and degrade air quality are closely linked. As fine particulate matter from ammonia-based secondary aerosols caused by farming is a major source of background air pollution in Exeter, this ought to be addressed as part of the Greater Exeter Strategic Plan (GESP). It is anticipated that Exeter will be looking at rural Districts, such as Teignbridge, to play their part in reducing background levels of air pollution in the City. These aspects will form part of the new Environment Bill going through parliament now. As part of this Bill, revised (lower) targets for background levels of fine particulate matter will be required to be set in 2021-22, probably before the revised Teignbridge local plan is adopted. **It would be prudent to have appropriate policies in place now which reduce background levels of air pollution as part of policy EN7.**

There are only 12 hectares of brownfield land left in the Teignbridge District without planning permission. This means that the bulk of new building will have to be on greenfield sites. These sites have the potential to generate hundreds of thousands of tonnes of inert excavation waste as the building sites are levelled prior to construction. At present, there is no local policy at District level which requires the developer to retain and make use of as much excavation waste as possible on the building site from which it originated. The Devon Waste Management Authority issued a Supplementary Planning Document in July 2015 which addressed this topic and **provided guidance to Devon’s District Councils** on the policies that they needed to be put in place to make best use of excavation waste and avoid the greenhouse gas emissions associated with the transportation of inert waste to landfill. **This important issue is only briefly alluded to in policy SC1m (page 25) and is not followed through. It should be addressed in both CC2a) Transport and in Chapter 4, perhaps as an additional “overarching principle” under DW1 (Quality Design) with cross reference to DW9 (natural Infrastructure) and DW15 (Sustainable Drainage Systems).**

**In trying to achieve the carbon neutral target by 2025, there will a temptation to accept carbon offsetting. This should only be permitted in truly exceptional circumstances where there is a clear and overriding justification to proceed with a development in a specific location and there are no feasible, less damaging alternatives. In all other cases, the development should not be permitted.**

### **Policy CC4 (Sustainable Transport)**

This is an important policy for rural parishes, such as Whitestone, whose landscapes have high sensitivity to change. There is no prospect of any structural changes to the narrow roads and lanes that typify such areas and minimal potential to accommodate footpaths or cycleways without destroying precious hedgerows and hedgerows. Public transport services are generally limited because of the narrowness of the roads, the weight loading of bridges, the wide dispersion of the dwellings and the lack of passenger demand. There will be exceptions, as in the Whitestone Parish, where the old A30 (C50) is reasonably well served by buses because of the large settlements at Pathfinder Village, Fingle Glen Golf Course and Tedburn St Mary.

The C50 and the much narrower rural road between Tedburn St Mary and Nadderwater are increasingly being used by commuters to and from Exeter who are trying to by-pass congestion on the A30 and the Ide roundabout. This has resulted in a burgeoning threat to the safety of pedestrians, cyclists and horse riders.

[The only feasible way to improve safety would to impose speed or weight/width restrictions](#), although these are most unlikely to be funded or implemented by the Devon County Highways Authority.

The move to electric vehicles, whether they be cars, commercial or heavy goods vehicles, will increase the threat to pedestrians, cyclists and horse riders who will not have the audible warnings of potential danger. [This also affects those who have hearing difficulties and reinforces the need to limit traffic and traffic speeds on narrow winding roads without footpaths.](#)

Paragraph 3.28 explains that where business developments are proposed, they must mitigate their traffic impacts, including their environmental impacts and impacts on amenity and health. [This is strongly supported, as is the requirement that any proposed development will need to submit a transport statement](#) (paragraph 3.29). However, it is noted that the scope of Transport Statements has in the past been largely confined to the increase in number of road journeys and visibility splays at the development site entrance. The effect of such increases in traffic should address [all road users, including where appropriate, pedestrians, cyclists and horse riders](#), as well as relevant visibility splays along the anticipated travel routes, not just at the entrance to the development site. Any removal of hedges to improve a visibility splay should be done in accord with paragraph 7.66 which requires that the hedges should be translocated, rather than removed.

Policy CC4 should be further strengthened to include the need to address the [cumulative effect](#) of traffic on health, safety and amenity of all road users. This could be achieved by replacing:

*“The impact of new development on travel issues will be assessed and development will be located and designed to:”*

With:

*“The **effect and cumulative effect** of new development on travel issues will be assessed **for all road users**, and development will be located and designed to:”*

### **Policy CC5 (Renewable and Low Cost Energy)**

The need to move towards renewable sustainable energy is extremely important. The requirement to locate future allocations of land for solar PV arrays within and adjoining larger mixed use, housing and employment sites should help minimise the detrimental impact on the landscape’s characteristics and visual amenity. The Energy Storage policy (CC6) already addresses this issue and is supported.

[It is noted that CC6 is the only policy in the draft Local Plan that refers to the need to protect soils and best and most versatile land. This important consideration should be applied to other policy areas.](#)

### **Policy EC6 (New Tourist Accommodation and Attractions)**

This policy is carefully worded to draw a clear distinction between development within defined settlement areas and development outside defined settlement limits, and is the better for it. The first sentence of paragraph 5.16 needs to carry forward this distinction [by including “defined” before “settlements”](#).

Tourism is an extremely important contributor to our local economy and the mixed-use concept for sustainability has limited applicability. The revised policy requires that in the countryside only high-quality facilities are provided and that development proposals will be supported where they are of a scale, type and appearance appropriate to the locality. Elsewhere, the policy states that in order for permission to be granted, the scale of the accommodation should be appropriate to the accessibility of the site by public transport, cycling or walking. Again, it is important to put this into the context of the type of tourist attraction. These caveats should provide sufficient protection of valued landscape and natural environment to encourage tourists to visit, helping the local economy. However, the narrow, winding roads and lanes, with only occasional passing places, in otherwise attractive countryside can cause problems of reduced amenity and road safety in certain locations.

For all tourist developments, it will be important to consider the cumulative effect of the proposed development alongside other traffic generating developments. It is suggested that the following caveat/control is added after paragraph (h): (permission will be granted)

***“where it can be demonstrated that the proposal will not have an adverse effect, or adverse cumulative effect on landscape character, amenity and safety of other road users.”***

### **Policy EC7 (Static and Touring Caravan Sites)**

This policy does not apply to gypsy and traveller pitches.

The proposed planning controls would make it extremely difficult on accessibility and landscape character grounds, for a new caravan site to be permitted within the Whitestone Parish, other than along the C50 corridor close to the Pathfinder Village A30 junction. The proviso in policy SC2 and policy EC1 that *“the countryside should remain attractive and retain or enhance biodiversity and should not result in an unsustainable travel patterns”* is extremely important.

### **Policy EC12 (Local Shops)**

This policy, like EC6, is carefully worded.

This wish for a local shop featured strongly in the survey carried out for the Whitestone Parish Plan. The need for a small general-purpose store has been reinforced by lockdown and would have a beneficial effect in reducing travel and traffic. The issue is one of economic viability, so a community shop located close to the Parish Hall may be a better way forward providing there are enough volunteers to staff it.

### **Policy EN5 (Equine Development)**

In a rural parish, the stabling and training of horses is an important local business. Horse riding is a popular recreational activity in the Whitestone area and can also be a tourist attraction. However, equine development does need to be more tightly controlled as there can be conflict between the agricultural use and equine use of land. Horse riding and horse boxes can also cause problems in the narrow rural lanes and too much development would be detrimental to the landscape and local amenity. **It is, therefore, important that cumulative effect be addressed. This should be applied both within a development site and across the wider landscape area to ensure the amount of equine development is appropriate.** The potential for light pollution is also a serious concern as it can impact on residential amenity. In summary, paragraph 7.15 accurately captures our concerns and the major revision to this policy is supported.

### **H6 (Rural Exception Sites)**

Policy H6 (b) uses the term “rural settlement”. This is explained in paragraph 6.33 which states that this policy applies to all settlements, not just to those with a defined settlement limit.

H6 includes permission for single plot exception sites for affordable homes, with an explanation given in paragraph 6.37. Although this is generally welcomed, it could give cause for some concern as, in principle, there is no constraint on the number of such single plots, other than the proof of local need and connection. **The effect of rural exemption sites, or multiple single plot exemptions on landscape character is not mentioned and is of sufficient concern to suggest an additional constraint ought to be applied so that permission would be granted where:**

***“it can be demonstrated that the exemption site proposal(s) will not have an adverse effect, or adverse cumulative effect on highly sensitive landscape character.”***

A survey of all residents in the Whitestone Parish was conducted in support of the Parish Plan that was adopted in 2017. This addressed the need for local housing for which, at the time (2014), there was surprisingly little support (6%). Of those who felt there was a need, the preference was for self-build or small, private-sector purchase property, perhaps reflecting the stigma surrounding affordable housing. With regard to self-build, the problem is the availability and affordability of suitable land that has, or is likely to get, planning permission. At the time of the survey, however, **there was no option to build on**

[single site exemption plots](#) and this might have proved more popular, particularly if they could be used to provide for the relatives of a local householder.

### **H7 (Entry Level Exception Sites)**

Younger people, of which there are few in the Whitestone Parish, have tended to move away and rent accommodation in defined settlement areas such as Exeter, Crediton, Tedburn St Mary and Cheriton Bishop. This reflects the unaffordability of housing, but perhaps also reflects the greater availability of employment opportunities and the variety of facilities and services that are on offer in cities, towns and larger villages. It is very important in considering affordable housing locations that there is sufficient local demand, that there are varied employment opportunities close by, and that there are schools, shops and leisure facilities all within easy reach.

This suggests that this policy should be restricted to sites adjoining a defined settlement area. This can be achieved by adding **“defined”** after “existing” and before “settlement” in policy H7 (b).

### **H8 (Local Needs Housing in Rural Areas)**

Policy H8 requires any proposed site to adjoin an existing defined settlement, to have adequate access to a public highway and infrastructure, and have reasonable access to local services by public transport, cycling or walking. There is also a requirement for a qualifying local connection. Any such development would have to demonstrate how it protects and enhances the local landscape character and the natural environment. [It is suggested that a landscape constraint similar to the one proposed for H6 could be added to policy H8.](#)

### **H9 (Homes for the Travelling Community)**

There is a widely held view within Whitestone that the Parish does not need to provide any more provision for gypsy and traveller pitches, as there are three registered sites and several smaller unregistered sites that are unlawful but where no enforcement action has been taken. In summary, the controls put in place by policy H9 are welcomed [but they must be backed up by effective enforcement action.](#)

### **H10 (Householder Development)**

Policy H10 gives greater clarity and guidance for prospective applicants. Much of the content is new, placing greater emphasis on protecting neighbours’ amenity. Because of this, and because of the move towards net zero carbon emissions by 2025 (see policies CC1 to CC6), it will be much more difficult in future for applicants to propose acceptable designs without pre-engaging with the Local Planning Authority.

It is felt that paragraph 6.68 concerning the need to ensure that the character, appearance and proportions of extensions are in keeping with the original building is particularly important as is the need to ensure that residential amenity of neighbouring properties is not adversely affected.

Policy H10 is aimed at extensions to existing dwellings and does not cover extensions, alterations, or additions to existing non-residential buildings. [It is not clear why this has not been addressed as SC2 states that extensions to “existing dwellings and other buildings” will be permitted.](#) It is suggested that the following sentence should be added to the end of paragraph 6.68: **“These considerations also apply to extensions to other existing buildings that are used for the purposes defined in policy SC2 paragraph (j).”** (i.e. agricultural, forestry, equine, industry, business, warehousing, leisure and tourist uses)

### **H11 (Residential Amenity)**

Policy H11 addresses loss of amenity caused by another residential development. It cautions against introducing residential development into existing areas of mixed use but [does not mention the reverse scenario where non-residential development is proposed to be introduced into an area of existing residential use, or into the countryside close to existing dwellings. This should be covered by adding a paragraph at the end of the policy which says:](#)



***“4. Where a new non-residential development is proposed close to an existing residential development, or close to existing dwellings in the countryside, it will need to demonstrate, through mitigation measures where necessary, how an acceptable level of amenity will be ensured.”***

There could be a loss of residential amenity arising from light pollution and this should be addressed in Policy H11. This might best be achieved by changing “noise and general disturbance” to “noise, **light** and general disturbance” in Table 29.

### **H12 (Replacement Dwellings)**

Policy H12 is concerned with the replacement of an existing dwelling with another dwelling.

A replacement dwelling is often much easier to build from scratch rather than trying to match up and patch up old buildings where it can be difficult to achieve high levels of energy efficiency. New build, low carbon dwellings can be easily assimilated into the rural surroundings with good design and specification, preserving the original character and appearance of both dwelling and setting.

Paragraph 6.76 of policy H12 addresses Class Q permitted developments and would, therefore, be better placed under Policy H13 as the paragraph is not concerned with the replacement of a dwelling.

### **H13 (Re-use and Conversion of Existing Buildings in the Countryside)**

Policy H13 applies to redundant unused buildings that are not existing dwellings and whose conversion to residential use lies outside Class Q permitted development rights, or which seeks a non-residential use. As far as the countryside is concerned, this policy applies only to unused or redundant buildings of historical or architectural merit where there would be no harm to the original character or appearance of the building. This policy is important but will have very limited applicability.

Because of permitted agricultural development rights, there is little practical constraint on the number of new agricultural buildings that an agricultural landowner can build, and this is having a significant visual impact on landscape in the countryside. [The selling off an existing agricultural building, without the associated agricultural land and which allows a new owner to apply for Class Q conversion or business use should be discouraged.](#)

### **EN6 (Flood Risk)**

Climate warming is likely to lead to much more volatile weather with prolonged periods of wet weather and higher rainfall than previously experienced. Whitestone Parish has two areas that are in Flood Zone 3. One lies to the east, from Nadderwater northwards towards Hackworthy; the second to the south west of the Parish, following the C50 from just west of the Travellers Rest towards Hurston. Any significant non-residential development in and around these areas would be severely constrained by the revised and more detailed Flood Risk Policy (EN6) which now includes a requirement that any proposed development must not increase flood risk elsewhere. All new development proposals, residential and non-residential, should have regard to any potential flooding risk and demonstrate an adequate provision for water runoff.

### **EN7 (Air Pollution)**

The government’s Clean Air Strategy, published in 2019 states that “air pollution is the top environmental risk to human health in the UK”. In a recent briefing, the Secretary of State for Transport said that [“Clean air should be as big a priority for us in the 21<sup>st</sup> century as clean water was to the Victorians in the 19<sup>th</sup>”](#).

The positive steps taken to combat climate change in the draft Local Plan will also make a welcome contribution to improvements in air quality. The dramatic improvements in air quality caused by lockdown have demonstrated how quickly this can be achieved, and the easing of lockdown has shown how quickly air quality reverts back to how it was.

Those most at risk during the Coronavirus outbreak are those with underlying respiratory conditions making air quality a key consideration not just at the location of the development but, perhaps even more

importantly, the surrounding area. As the Clean Air Strategy explains, the storage and spreading of manures, slurries and fertilisers accounts for most of the UK's emissions of ammonia. Ammonia reacts with the atmosphere to produce fine particulate matter (PM<sub>2.5</sub>), which can get into the lungs and blood and be transported around the body, lodging in the heart, brain and other organs. PM<sub>2.5</sub> can have short-term health impacts over a single day when concentrations are elevated, and long-term impacts from lower-level exposure over the life-course. Effects are amplified in vulnerable groups including young children, the elderly, and those suffering from breathing problems like asthma.

It also damages sensitive natural habitats. As the figures in the Clean Air Strategy show, almost all of Devon's habitat, soil and species, has been damaged by excess nitrogen deposition. Recovery is slow and costly to achieve.

Action by farmers can make a big difference to ammonia emissions. Over the next few years, the government will introduce regulations to reduce ammonia emissions from farming by requiring adoption of low emissions farming techniques. It will extend environmental permitting to the dairy and intensive beef sectors and introduce regulations to minimise pollution from fertiliser use.

The uncertainties surrounding the ability to model and predict the density of fine particulate matter at any given location and the uncertainty surrounding how low and how quickly the government will set its targets for fine particulate matter should not be used as an excuse for not taking planning action now. Any major planning application that has the potential to directly, or indirectly contribute to fine particulate matter, primary and secondary, and regardless of whether it is inside an AQMA or not, should be assessed using the best available dispersal models including all potential sources, not just limited to those in the National Inventory. The approach to air quality should be similar to climate change, taking all practical steps to minimise pollution. No mention is made of wood burning stoves and their potential to generate air pollution.

**Consideration should be given to introducing new local policies now which:**

- **Incorporate the national Code of Good Agricultural Practice (COGAP) to reduce ammonia emissions.**
- **Protect habitats impacted by ammonia.**
- **Require adoption of low emissions farming techniques.**
- **Minimise pollution from fertiliser use.**

Because of the move towards intensive farming and the need to limit methane emissions, there is likely to be an increase in the number of applications for extremely large agricultural buildings, primarily to house dairy cattle, inevitably causing a requirement for additional slurry storage, which is submitted as a separate planning application to avoid the need for an Environmental Impact Assessment. In these circumstances, because of the potential effect on the landscape, the natural environment and the threat to the amenity and health of neighbours, it is suggested that **an environmental impact assessment should always be requested by the local planning authority for such proposed developments. The environmental statement should include the direct and indirect effects of slurry storage and spreading within and beyond the application site.**

**Paragraph 7.33 is especially important. For all major developments, the provision of a Construction and Environmental Management Plan should always be a validation requirement. This should never be allowed to be submitted after planning permission is granted because both climate change and air pollution are material considerations when assessing whether or not a development is considered sustainable. Traditionally such plans only address on-site issues. It has now been established in law that they should address off-site effects, including the effect on off-site transport patterns.**

**EN8 (Light Pollution)**

The existing Plan has no specific policy addressing light pollution. A new policy EN8 has been included in the draft plan to address this issue where it could harm the character of the landscape, or ecology. Such harm would be managed through planning conditions. This new policy is welcomed.

**EN9 (Contaminated/Unstable Land)**

Land instability has been introduced into the Local Plan for the first time and is also welcomed. It can occur for many reasons. These might be where there is gradual erosion, or where there are hydrogeological considerations on steeply sloping land such as in Whitestone's upper slopes.

Any future use of, or development on suspected contaminated land will require more information than before to accompany any planning application (or permitted development).

One of the key Targets in DEFRA's 25 Year Plan for the Environment is Enhancing Biosecurity by protecting wildlife and livestock, and boosting the resilience of plants and trees. It is to be achieved by:

- managing and reducing the impact of existing plant and animal diseases; lowering the risk of new ones and tackling invasive non-native species
- reaching the detailed goals to be set out in the Tree Health Resilience Plan of 2018

In accord with this, any importation of soils onto a development site to help with landscaping, infill, land raising, or SuDS (Sustainable Drainage Systems) should be screened to ensure that this importation does not introduce any plant or animal diseases. [A requirement for soil screening should be included in EN9 and in the Design and Wellbeing Section.](#)

**EN10 (Biodiversity)**

DEFRA has recently published "Biodiversity 2020: A strategy for England's wildlife and ecosystem services". This strategy is reflected in the Environmental Bill currently being scrutinised by Parliament.

Teignbridge's draft Local Plan is in accord with the strategic aims of Biodiversity 2020 and is welcomed. It requires all development to demonstrate a 10% or greater net gain in biodiversity compared with the pre-development situation. Biodiversity losses, compensation and enhancements will be calculated using the most recent nationally endorsed biodiversity metric and will need to be undertaken by a suitably qualified ecologist.

Any gain, compensation or offsetting is to be achieved on-site, wherever possible. If this is not possible, then compensation off-site would be acceptable. However, [off-site compensation must include funding for long term management.](#)

Paragraph 7.49 is particularly important which says that, [in assessing the biodiversity baseline, account will be taken of any preparation of the site for development, or deliberate neglect or damage to the site before carrying out biometric calculations.](#) This is necessary because of the unacceptable and cavalier attitude of some developers to the loss of biodiversity.

As we mentioned in our comments on EN7, another "Priority Action" in DEFRA's Biodiversity 2020 Strategy is to ["reduce air pollution impacts on biodiversity"](#). One of the most relevant pollutants is ammonia and harmful effect it has on biodiversity and natural water features. [This reinforces the need for the draft Local Plan to include policies to reduce the levels of ammonia currently being emitted by out-dated farming practices.](#)

**EN15 (Trees Hedges and Woodland)**

Policy EN15 now requires all new development to retain woodland, trees and hedgerows that have visual amenity. This again is a particularly welcome addition.

Measures to protect retained trees and traditional Devon hedges must be in place before, and remain in place during the development process. It also states that where hedges cannot be retained, they should be translocated rather than removed.

In Whitestone Parish, the mature network of hedgerows, often interspersed with mature oaks and ashes, that delineate the narrow roads and lanes need protection from the damage caused by vehicles that are too wide for such roads. This should be taken into account before permission is granted for any development that gives rise to such inappropriate traffic.

Information to demonstrate how a development will meet the requirements of EN15 will need to be submitted with all planning applications that have the potential to have an impact on trees, woodland and traditional Devon hedges.

As with proposed policy EN10, any removal of trees or hedgerows prior to the grant of approval should be considered unfavourably.

### **Missing Natural Resource Policy**

Soil is a fundamental natural resource on which life depends. It provides many essential services including food production, water management and support for valuable biodiversity and ecosystems. As a large store of carbon, it also plays a vital role in the fight against climate change.

The National Planning Policy Framework (NPPF, paragraph 170) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing soils, including the economic and other benefits of the best and most versatile agricultural land.

The Devon Waste Plan has a policy on natural resources (W16) which says that development would not be permitted which resulted in the loss of the best and most versatile agricultural land unless the environmental, social and economic benefits of the proposal outweigh this loss.

The Teignbridge Sustainability Assessment Part A states that *“Planning decisions must take sufficient account of soil quality, particularly when significant areas of the best and most versatile agricultural land are involved.”* It is strange that the only policy in the draft Local Plan that includes this requirement is CC6 (Energy Storage).

It is suggested that the sustainable use of soil and the loss of best and most versatile land is worthy of a wider policy remit than energy storage and that there should be a natural environment policy that helps protect and conserve soils and best and most versatile land from inappropriate development.