

TEIGNBRIDGE DISTRICT COUNCIL

FULL COUNCIL

24 FEBRUARY 2020

Report Title	Wolborough Masterplan Development Plan Document (DPD)
Purpose of Report	To recommend that work on the Wolborough Masterplan DPD ceases.
Recommendation(s)	The Committee RESOLVES to: Cease work on the Wolborough Masterplan DPD and to remove it from the published Local Development Scheme.

Financial Implications	Full Council previously approved a budget of up to £210,000 for the preparation of the DPD. Any underspend was to be returned as a saving thus reducing the draw down from earmarked reserves. Almost £88,000 has been spent, mainly on bat survey work, and therefore there is a saving of £122,000. Martin Flitcroft Chief Finance Officer Tel: 01626 215246 Email: martin.flitcroft@teignbridge.gov.uk
Legal Implications	This would involve an amendment to the published Local Development Scheme. Planning applications on the Wolborough would continue to be considered against the adopted Local Plan and other material considerations. Name/Title of person giving advice Tel: 01626 215 Email: @teignbridge.gov.uk
Risk Assessment	The DPD was intended to provide additional detail to supplement the existing Local Plan policy NA3 and this additional detail would no longer be available. However progress on the Local Plan Part 1 means that design and other Development Management policies are to be updated quickly, with a similar impact. Simon Thornley Business Manager Tel: 01626 215706 Email: simon.thornley@teignbridge.gov.uk
Environmental/Climate Change Implications	The climate implications are clearly set out in section 2.4.1 in the report. David Eaton Environmental Protection Manager. Tel: 01626 215706 Email: david.eaton@teignbridge.gov.uk
Report Author	Simon Thornley, Business Manager Tel: 01626 215064 Email: simon.thornley@teignbridge.gov.uk
Portfolio Holder	Portfolio Holder for Planning (Gary Taylor)
Appendices	
Part I or II	Part 1
Background Papers	

1. PURPOSE

- 1.1. To consider factors concerning the preparation of the Wolborough DPD and to agree that work on the DPD should cease.

2. REPORT DETAIL

2.1. Financial

- 2.1.1. The original budget for the DPD was £210,000 including staff time, evidence preparation and costs of the examination, to be spent over this and next Full Council

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financial year, funded by £75,000 of unspent budget relating to other planning matters and £135,000 from earmarked reserves held with the intention of supporting housing delivery in the first instance. Of this, almost £88,000 has been spent, covering updated bat evidence and a planning officer seconded from Devon County Council. No contractual commitment to further expenditure has been made. Therefore, there would be a total saving of £122,000, to return to earmarked reserves.

2.2. Legal

2.2.1. There would be a change to the content of the Local Development Scheme. This is the published document which includes timetables for all Development Plan Documents/Local Plans which the Council proposes to prepare. This change is covered in the recommendation. The DPD would have provided additional detail, but without changing the content of the existing Local Plan policy NA3. Policy NA3 will continue to apply to applications affecting the site, regardless of the outcome of this decision, subject to other material considerations. It should be noted that the main part of the site is subject to a “called-in” appeal which will be considered by the Secretary of State. A DPD cannot render a planning permission null and void.

2.3. Risks

2.3.1. The DPD was intended to provide additional detail to supplement the existing local plan policy NA3, although with no ability to make significant variations compared with the content of policy NA3. However, the update to the Local Plan (Part 1) will update and amend the existing Local Plan policies on design, climate change and other development management matters. This update is being prepared on a very similar timetable, i.e. adoption in mid-2021. It will be relevant to any applications made on the site once adopted. Any risk is therefore significantly mitigated.

2.4. Environmental/Climate Change Impact

2.4.1. Any applications for the site are currently assessed against the adopted climate change policies in the current Local Plan, taking account of the revised carbon target agreed by Executive on 28th November 2019. With or without the DPD (which would have concentrated on matters of detail around site delivery rather than amendments to strategic Local Plan policies) applications will continue to be assessed against these requirements. The various climate change policies of the Local Plan are being reviewed at present through the Local Plan Update (Part 1) and these policies will apply from the date of its adoption. As a result, this decision has no climate change implications.

2.5. Background

2.5.1. Policy NA3 of the current Local Plan requires that *“a comprehensive landscape and design led masterplan for the strategic site allocation,*

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produced with meaningful and continued input and engagement from stakeholders” is prepared to support any applications for development of the site. The Council published a masterplan satisfying this criteria in summer 2018 for consultation, at which time it was proposed to be a Supplementary Planning Document (SPD).

2.5.2. Following legal advice in relation to the scope of SPDs, it was recommended to Full Council on the 14 January 2019 that the masterplan be effectively ‘upgraded’ to a Development Plan Document. The Local Development Scheme was amended at an Executive meeting in February 2019 to include the “Wolborough Masterplan Development Plan Document” with the following scope:

“The Wolborough DPD would draw on new and existing evidence to address matters that could include:

- *Streets and movement*
- *Design principles*
- *Density and main land uses*
- *Landscape and green infrastructure*
- *Greater Horseshoe Bat design framework and parameters*
- *Wolborough fen monitoring and mitigation*
- *Heritage and associated design responses*
- *Infrastructure delivery*

2.5.3. The scope for the DPD is therefore detailed matters of design and implementation which are not covered in the existing policy NA3. It should be noted that any extension of this scope to include significant alterations to policy NA3 would not be “sound” and therefore could not be adopted.

2.5.4. It should be noted that the current Local Plan requires the same “*comprehensive landscape and design led masterplan*” for all of the strategic allocations included within the Local Plan. None of the other masterplans are proposed for adoption as DPDs. These masterplans, some prepared as SPDs and others as approved council policy documents, are being effective in guiding subsequent planning applications for development within the sites. Indeed, new national policy published by the government in October 2019 confirms that site masterplans do not have to be adopted as DPDs.

2.6. Reasons why the project is no longer relevant or achievable

2.6.1. There were two main strategic reasons why the DPD was proposed:

1. *Resistance from the site promoters of the appeal site (Wolborough Barton) to the prompt timescales for the delivery of the main road and the reduced scale of development within the allocation’s most sensitive area’s to the setting of St Mary’s Church (Grade 1 listed building) as set out in the draft masterplan.*

2.6.2. During the public appeal hearings which took place in April and June last year, Heads of Terms were agreed by the Council and the Appellants on the basis of all of the expert witness statements and evidence that were heard at the sessions and a S106 agreement has been subsequently signed (planning reference 18/00035/NONDET). The S106 includes timescales for the delivery of the main road. In the absence of any additional transport assessments to be carried out (which is not within the scope or budget of the DPD), the DPD would be bound to confirm these agreed timescales. The scale of development within the setting of the listed building was also debated at the appeal. The Statement of Significance and Heritage Strategy prepared as part of the draft masterplan by specialist consultants was used as a material consideration in defending the case for reduced levels of development in the setting of the Church. The appeal decision, to be taken by the Secretary of State, will need to consider and come to conclusions on this matter as part of the discussion. Secretary of State decisions have significant weight as precedent in future planning decisions and it is therefore another area where the DPD's scope for decision will be limited. Depending on the outcome of the appeal, there may be more or less matters for the DPD to consider. As such, if Members are minded to continue with the DPD, at the very least it is recommended that there is a 'pause' on its preparation until a decision is made by the Secretary of State. This would mean that resource is not wasted pursuing specific matters in the DPD which may no longer be relevant.

2. *Main community stakeholders (particularly Abbotskerwell Parish Council and Wolborough Resident's Association) argued that the masterplan be prepared as a DPD if it is to maximise the impact it has on development outcomes.*

2.6.3. Since the decision by Full Council was taken to prepare the DPD in January 2019, the new administration has committed to fast-tracking a partial update of the Local Plan for the benefit of better development outcomes for the whole of the district. This partial update will include many of the issues within the scope of the DPD concerning design, green infrastructure and heritage, and in addition matters such as climate change which were not due to be incorporated in the Wolborough DPD. The preparation of both the DPD and the Local Plan (Part 1) to a large extent duplicates unnecessary work. The Local Plan covers the entire district and therefore has the greatest potential for better design and environmental outcomes for the whole of Teignbridge. As such, the lack of a DPD would not result in the community missing out on these policy benefits as they would apply equally to the development site at Wolborough as to anywhere else in the district. As such, it is considered that this strategic reason is no longer relevant as the matters can be adequately covered through the Local Plan Part 1 without unnecessary duplication of resources and finance.

2.7. Considering applications without the Wolborough Masterplan DPD

2.7.1. The scope of the DPD is set out in the Local Development Scheme and quoted in paragraph 2.5.2 above.

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2.7.2. In the absence of a DPD for Wolborough, the following table sets out how these issues will be addressed on planning applications within the site. In addition to the specific items mentioned below, the existing policy NA3 and the Local Plan Policies Map provide a statutory framework for decision making, which includes a significant level of detail already. The masterplan is also providing a useful framework to assist in the determination of outline applications and proposals are coming forward broadly in conformity with the principles included within it. The current Local Plan and emerging Local Plan (Part 1) will ensure that, in the absence of the DPD, there will be no policy gap or weakening of the position in relation to achieving the best quality development of the site.

DPD Matter	Fall-back Position
Design principles	Use specialist advice provided by internal or external urban designers; Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate specifically to design principles including building character, neighbourhood centres, healthy active places, legibility, street design/character and parking.
Density and main land uses	Use indicative layouts included within the masterplan; Use NPPF and existing Local Plan policies which require an efficient use of land; Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate specifically to densities.
Landscape and green infrastructure	Use landscape strategy included within the masterplan; Use specialist advice provided by Landscape Officer, Green Infrastructure Officer and the Green Spaces and Active Leisure Team; Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate to landscape and natural infrastructure.
Greater Horseshoe Bat design framework and parameters	Use up to date (2019) GHB survey evidence and recommendations to inform the mitigation plan; Use in-house ecologists and the recently approved SH SAC Habitats Regulations Assessment Guidance (2019) to manage the HRA process; Use the contents of submitted Appropriate Assessments taking account of expert advice from Natural England

	Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate specifically to the South Hams SAC.
Wolborough Fen monitoring and mitigation	Follow the advice provided by Natural England which is to condition any applications relating to the Fen so that they are required to submit a Scheme prior to development (based upon an evidence base agreed with the LPA in consultation with Natural England) which sets out detailed measures to ensure that the development does not have an adverse impact on the integrity of the Wolborough Fen SSSI during the construction or operation of the development; Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate specifically to Sustainable Drainage System requirements, water quality and flooding.
Heritage and associated design responses	Use the Statement of Significance and Heritage Strategy included within the NA3 Masterplan; Use specialist advice provided by Historic England and Conservation officers; Once adopted, use new policies contained in the updated Local Plan (Part 1) which relate specifically to heritage assets.
Infrastructure delivery	Take full account of the agreed timings on infrastructure agreed between the applicants, Devon County Council and the Council during the appeal process. Consider comments from consultation responses including from statutory consultees as material considerations.

3. OPTIONS

3.1.1. There are 3 available options:

3.1.2. **Option 1: Continue with the DPD in its current scope.** This option would see the DPD prepared along similar timescales to the Local Plan and alongside the awaited appeal decision. The timescales for such would mean that the DPD would not be adopted until towards the end of next year at the earliest, with a risk that outline and reserved matters applications may be determined in advance of this. Continuing with this option would require the full amount of the remaining £122,000 to be used for completing the DPD.

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- 3.1.3. **Option 2: Pause work on the DPD pending the Secretary of State's decision on the appeal site:** This option would mean delaying work on the draft DPD until a decision is received from the Secretary of State on the appeal at Wolborough Barton. Depending on the outcome of the appeal, a decision could then be made about the most appropriate course of action to be taken. Continuing to prepare the DPD whilst awaiting the decision could be potentially wasteful, with matters of detail included within the decision superseding any work done on the DPD. The £122,000 remaining budget would need to be safeguarded under this option.
- 3.1.4. **Option 3: Cease preparation of the DPD.** The strategic reasons for preparing the DPD have now largely been superseded by events, and the existing policies and tools available to the council are sufficient to make appropriate decisions on any planning applications. This option would result in an underspend of £122,000 and reduce the drawdown from earmarked reserves.

4. CONCLUSION

- 4.1.1. The original purpose of the DPD was to provide additional policies to ensure that key matters relating to design, infrastructure, heritage, landscape and the environment were given sufficient weight when determining planning applications on land at NA3. However, since the commitment to prepare the DPD was made, various changes have occurred which mean that the main strategic reasons for preparing the DPD are now less relevant than previously considered. In particular, the Executive's decision to fast track the Local Plan (Part 1) will mean that this partial update will cover many of the issues within the scope of the DPD. This includes policies on design, green infrastructure and heritage, and in addition matters such as climate change which were not due to be incorporated in the Wolborough DPD.
- 4.1.2. Given the unnecessary duplication of work and additional costs that would result from progressing the DPD and Local Plan (Part 1) alongside each other, it is recommended that work on the Wolborough DPD should cease, with its removal from the Local Development Scheme. The adopted policies in the current Local Plan and the emerging Local Plan (Part 1) will ensure that, in the absence of the DPD, there will be no policy gap or weakening of the position in relation to achieving the best quality development of the site.