

18th May 2012



Simon Thornley
Service Manger – Spatial Planning and Delivery
Teignbridge District Council
Forde House
Newton Abbot
Devon
TQ12 4XX

**School of Geography, Earth
and Environmental Sciences**

University of Plymouth
Drake Circus
Plymouth
Devon PL4 8AA
United Kingdom

tel +44 (0)1752 584 709
fax +44 (0)1752 584 710
email GEESenquiries@plymouth.ac.uk
www.plymouth.ac.uk

Professor Jim Griffiths

PhD Eur-Geol CEng CGeol
FIMMM FGS FRGS FHEA

Head of School

Direct line: 01752 584923
Email: christopher.balch@plymouth.ac.uk

Dear Mr Thornley

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

Please find attached my report into the Draft Dawlish Parish Neighbourhood Plan (DPNP) submitted for Examination in March 2012. As the first plan to be subject to Examination as part of the Wave 1 frontrunners, this has been a pioneering process for all involved.

The key findings of my report, which is non-binding, are as follows:

- The DPNP reflects the NPPF by providing a positive approach to plan-led growth to deliver sustainable development with the aim of producing clear economic, social and environmental benefits. However because of its timing in relation to the production of strategic policies, it is not possible to demonstrate that the provision for housing growth is based on an objective assessment of housing requirements. This is a key flaw in the DPNP which cannot be remedied until the Teignbridge District Council's Core Strategy/Local Plan is settled.
- While DPNP is in broad conformity with the Strategic Policy S17 of the Preferred Options Report, there are substantive differences in terms strategic allocations of both housing and employment land. While it may be possible to resolve these, particularly as the strategic policies remain to be settled, as currently drafted the two documents are in clear conflict;
- Given that it is not proposed that the DPNP will be adopted as a statutory development plan it does not need to comply with EU Habitat Directives and Human Rights obligations.

- While it is not a requirement that neighbourhood plans pass the 'test of soundness', my assessment of the DPNP has found that it is neither positively prepared nor justified.

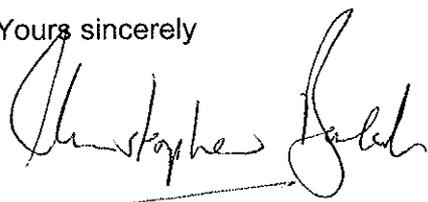
This leads me to recommend that the plan should not proceed to a referendum. This could only take place once the strategic policies of Teignbridge District Council have been settled and changes had been made to ensure full conformity.

It would be all too easy to read these conclusions as a criticism of the DPNP Steering Group and the local planning authority. This is not the case. While there are lessons to be learnt from Dawlish, it is important that the findings of this report are seen in the context within which the DPNP was prepared.

It has been clear from the outset that the main purpose of the neighbourhood plan was to give the community an opportunity to help shape the emerging Core Strategy as it relates to Dawlish. This has been achieved and, while a number of outstanding issues remain to be resolved, there appears to be a growing consensus around the future direction of the town and the need for a planned approach to sustainable growth.

I want to place on record my admiration for the seriousness and commitment which the Steering Group has brought to its work, supported by Teignbridge District Council planners. Strenuous efforts have been made to engage local people and difficult judgements have had to be made. Neighbourhood planning represents a big challenge for local communities and is not easy. However Dawlish represents a valuable pilot exercise from which others can usefully learn.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Christopher Balch', written in a cursive style.

Christopher Balch
Professor of Planning

**REPORT OF THE EXAMINATION INTO
THE DAWLISH PARISH NEIGHBOURHOOD PLAN**

Document for Examination dated March 2012

Examination Hearings held on the 23rd and 24th April at
the Strand Centre, URC Church, Dawlish

A Report to Teignbridge District Council by
Professor Christopher Balch MA, MPhil, MRTPI, MRICS, FRSA

Plymouth University
Drake Circus
PLYMOUTH
Devon
PL4 8AA
18th May 2012

List of Contents

	Page
SUMMMARY AND RECOMMENDATIONS	3
1. INTRODUCTION	13
2. REGARD TO NATIONAL PLANNING POLICY	16
3. CONFORMITY WITH THE STRATEGIC POLICIES OF THE LOCAL DEVELOPMENT PLAN	26
4. COMPATIBILITY WITH LEGAL OBLIGATIONS	34
5. ASSESSMENT OF 'SOUNDNESS'	35
6. ASSESSMENT OF CONSULTATION PROCESS	40

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

SUMMARY AND RECOMMENDATIONS

Background and Scope of Examination

- 1 This report sets out the findings of the Examination of the Dawlish Parish Neighbourhood Plan (DPNP). As one of the original 17 neighbourhood plan frontrunners it has been clear from the outset that the DPNP would depart from strict requirements of the Localism Act 2012 and Neighbourhood Planning Regulations. The plan was prepared in advance of the adoption of the Neighbourhood Planning (General) Regulations 2012. A key purpose of the DPNP has been to provide a community-led input to the emerging Core Strategy. In this regard it is simply not possible for it to be in conformity with the strategic policies of the Local Plan. These policies are not yet settled.
- 2 Given this combination of circumstances, the DPNP is not being proposed as a formal neighbourhood plan. Rather it is envisaged that it will be a non-statutory, informal community planning document forming part of the evidence base that will be material to and will help to inform the future planning of Dawlish through the Teignbridge Core Strategy. Teignbridge District Council (TDC) has made it clear that the DPNP will not be a Development Plan Document or Supplementary Planning Document and as such is not intended to be adopted.
- 3 The purpose of a neighbourhood plan Examination is to determine whether the Plan submitted:
 - has appropriate regard to national policy and advice and guidance issued by the Secretary of State for Communities and Local Government. This is now primarily enshrined within the National Planning Policy Framework (NPPF) which sets out a presumption in favour of sustainable development;
 - is in general conformity with the strategic policies contained within the development plan for the area; and
 - has breached, and is otherwise incompatible with EU and Human Rights obligations.
- 4 While it is not a formal requirement that neighbourhood plans pass a 'test of soundness' it has been agreed with TDC that, as part of the Examination, consideration should be given to whether the DPNP has been:
 - **positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable to do so and consistent with achieving sustainable development
 - **justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; and
 - **effective** – the plan should be deliverable over its period and based on effective joint-working on cross boundary strategic issues.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- 5 This Examination report also considers whether the Steering Group arrangements and consultation process have given an adequate opportunity for the community and other key interests to contribute to the DPNP.

Regard to National Policy

- 6 The NPPF must be taken into account in the preparation of neighbourhood plans and sets out the Government's expectation that a positive approach should be taken to achieving sustainable development through seeking economic, social and environmental gains jointly and simultaneously through the planning system. The NPPF sets out a presumption in favour of sustainable development which should be reflected in plans which should contain clear policies on how this presumption should be applied locally. The NPPF states that for communities engaging in neighbourhood planning this means that they should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

- 7 Examination of the DPNP indicates that it broadly follows the core planning principles set out in the NPPF. There is no doubt that the Steering Group, who have been responsible for the preparation of the DPNP, has sought to provide a clear vision for the future development of the parish which encompasses the need for the economic growth and regeneration of a traditional resort town. The coastal setting and topography of Dawlish, including its proximity to habitats of international importance, imposes significant limitations on development. The Steering Group have sought to balance these factors in producing a plan which maps out a more sustainable future for Dawlish over the next 20 years.

- 8 Detailed examination of the plan highlights a number of areas where the approach departs from the detailed guidance contained within the NPPF.

- 9 **Building a strong competitive economy:** the DPNP adopts a positive approach to creating jobs and prosperity, providing sufficient land for future needs based on up to date evidence; seeking to maintain and enhance the town's tourism economy; and using resources generated by housing growth to fund much needed regeneration of the town centre and Dawlish Business Park. In this aspect the DPNP has clear regard to national policy.

- 10 **Promoting sustainable transport:** Notwithstanding local fears about the possible impact of traffic growth on congestion on the A379, the approach set out in the DPNP actively seeks to promote sustainable transport, taking advantage of the town's rail services and their planned improvement to deliver modal shift. The location and planning of the proposed new development areas provides the opportunity to encourage walking and cycling through the development of

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

strategic 'blue and green' routes serving both Dawlish and Dawlish Warren. In this regard the DPNP has regard to the guidance provided in the NPPF.

11. **Delivering a wide choice of high quality homes:** As currently drafted the DPNP makes provision for an additional 900 new homes in four locations and 50 extra care and supported housing units. This is in addition to sites which currently have planning permission for over 600 dwellings. For the past 10 years provision of land for housing in Dawlish has been determined on an ad hoc basis through planning applications and appeals. The DPNP seeks to provide the basis for ensuring that future provision will be on the basis of a plan-led approach to help deliver much needed affordable housing, infrastructure and community facilities. In this regard it represents exactly the type of locally shaped, positive, plan-led approach envisaged by the NPPF.
12. However, objectively assessing housing requirements at a local level has proved problematic with no clear consensus emerging. It is clear that the correct approach must be to rely on the strategic policies of TDC which will determine the contribution which Dawlish should be expected to make to the future supply of new housing in Teignbridge. These policies remain to be settled and, while there may be conformity between the emerging Core Strategy and the DPNP, the approach contained in the DPNP cannot be considered to have proper regard to national policy.
13. **Promoting Healthy Communities:** The DPNP sets out a variety of proposals which seek to facilitate social interaction and the creation of healthy and inclusive communities. This includes ensuring that community facilities are provided as part of planned new housing areas. The plan also includes for the extension and enhancement of public rights of way and access to open land. This should encourage physical activity. Through these measures the DPNP has clear regard to national policy.
14. **Meeting the challenge of climate change, flooding and coastal change:** As a coastal community Dawlish faces the challenge of climate change both in terms of the need for sea defences, much of which is provided for by Network Rail as part of the protection of the mainline, and evidence of the erosion of Dawlish Warren spit. The DPNP has been informed by flood risk assessment work undertaken as part of assembling the evidence base for TDC's Core Strategy. This has been taken into account in identifying potential development locations. More broadly the DPNP identifies a number of measures aimed at promoting a more sustainable future. In addition to measures aimed at promoting sustainable transport, proposals are included to create opportunities for local food production. In these respects the DPNP has regard for national policy.
15. **Conserving and enhancing the natural environment:** In landscape terms the area covered by the DPNP does not contain any nationally designated areas. The NPPF encourages local planning authorities to maintain the character of the undeveloped coast. This is reflected in proposals included within the DPNP. By

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

locating the bulk of housing growth to the north west of the town the DPNP generally allocates land with the lowest landscape value, as identified in previous plans. While other smaller allocations impinge to a limited degree on areas which have enjoyed local protection, this approach is considered acceptable in terms of the guidance provided by the NPPF, particularly if these proposals deliver a net gain in environmental terms.

- 16 The proposed housing allocations contained within the DPNP raise concerns regarding potential adverse impacts on habitats and species of international, national and local significance, in particular Dawlish Warren Special Area of Conservation (SAC) and the Exe Estuary Special Protection Area (SPA). In these circumstances a neighbourhood plan which was intended to be adopted as a statutory development plan would need to demonstrate that it had been subject to a Strategic Environmental Assessment/Sustainability Appraisal and the plan and subsequent proposals would need to be subject to full Appropriate Assessment. A draft Habitat Regulations Assessment was been undertaken for the Consultation Draft DPNP. This has not been progressed as part of the preparation of the DPNP as TDC believe that as a non-statutory community planning document a full Assessment is unnecessary.
- 17 However the DPNP has given clear consideration to mitigating the potentially significant effects which growth could impose on nature conservation interests of acknowledged international importance. The development of both the Dawlish Coastal Park and a new Community Park is intended to reduce visitor pressure on Dawlish Warren SAC and help protect its fragile habitat. A similar approach has been taken to securing the habitat of the Cirl Bunting. In this regard the approach followed by the DPNP seeks to minimise impacts on biodiversity and where possible provide net gains. Indeed the Plan makes significant provision for protecting and enhancing green infrastructure, in order to reduce and mitigate the potentially significant effects of new development. Provided that this is delivered as an intrinsic and early part of the Plan, this approach is in accordance with the NPPF.
- 18 **Conserving and enhancing the historic environment:** It is noted that the DPNP does not provide a systematic assessment of the historic environment and heritage assets of Dawlish.
- 19 **Overall:** The examination has shown that the DPNP provides a positive approach to plan-led growth to deliver sustainable development with the aim of producing clear economic, social and environmental benefits. However, because of its timing in relation to the production of TDC's strategic policies, it is not possible to demonstrate that the provision for housing growth is based on an objective assessment of housing requirements. This appears to be a key flaw in the DPNP which cannot be remedied until the TDC's Core Strategy/Local Plan is settled.
- Conformity with the Strategic Policies of the Local Development Plan**
- 20 It is not strictly possible to determine the conformity of the DPNP with the strategic policies in the Local Development Plan as these remain to be determined. For the

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

purposes of this examination, attention has therefore be paid to the conformity of the DPNP with the policies of the emerging Core Strategy which are to be found in the Preferred Options Report published in January 2012. While the examination has revealed that the DPNP is in general conformity with Strategic Policy S17, which specifically deals with Dawlish, there are a number of critical differences in terms of strategic site allocations, particularly in respect of development on the northern and north western fringes of the town.

21 The main conflicts relate to:

- **Land south of Shutterton Lane:** Action 2.1 in the DPNP seeks to use this site to meet the identified requirement for 3 hectares of employment land. The DPNP envisages that this area, which now benefits from the new access provided by the Sainsbury's development, could potentially provide a new link to the Dawlish Business Park to assist with its regeneration. In addition, provision is made within the DPNP for 60 houses from the proposed in Action 1.1 to be located to the east of the A379. Policy DA1 in the Preferred Options Report proposes an allocation of 10.1 hectares of land for 350 homes and a community building capable of incorporating health facilities. The Preferred Options Report allocates the 3 hectares of employment land to the west of the A379 as part of Policy DA2.
- **Land west of Secmaton Lane:** Action 1.1 in the DPNP proposes the allocation of land for some 750 dwellings north west of Secmaton Lane together with a 50 bed extra care housing scheme (Action 1.5) and a Doctor's surgery and dental Practice Facilities adjacent to the Langdon Hospital entrance (Action 4.2). This mixed-use development would be supported by the provision of a new link road connecting Elm Grove Road to the A379 Exeter Road. In contrast Policy DA2 in the Preferred Options Report proposes a total allocation of 20.2 hectares of land including 3 hectares of employment land and provision for 460 new homes and a 50 bed extra care facility supported by a new link road. The Preferred Options Report envisages the health facilities being provided to the east of the A379 as part of Policy DA1.

22 The Examination process has explored the reasons for the different approaches taken by the DPNP and the Preferred Options Report. Both contain valid planning arguments. It is therefore recommended that east of the A379 consideration should be given to increasing the allocation of new housing from 60 to around 250 homes to include the full extent of land south of Shutterton Lane, as shown in the Preferred Options Report, including 3 hectares of employment land, with provision for a new link to Dawlish Business Park. West of the A379 it is recommended that the approach proposed in the DPNP (Action 1.1) should be a adopted, incorporating 750 new homes, together with a new community building capable of incorporating health facilities. The location of this building should be reconsidered to allow the NHS Trust to benefit from value creating land uses to allow it to provide land for the creation of the new link road access.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

23 In relation to the other strategic site allocations for housing contained within the Preferred Options report there is full conformity with the DPNP. However the Examination has revealed:

- concern over the sustainability of the proposed development of 50 houses on land north of Meadow Lane (Action 1.3 and DA3) which suffers from substandard road access and the absence of public transport by comparison with other allocated sites.; and
- a case for reconsidering the extent of the allocation proposed on land west of Southdowns Road (Action 1.2 and DA4). Notwithstanding the considerable local opposition to the development of this site, consideration should be given to increasing the number of houses allocated in this location by 60 homes. This could provide mitigation through the creation of a SANGS on coastal land to the east of the A379, and protect and secure the long term management of the strategic open break between Dawlish and Holcombe.

It is recommended that the allocation at Little Leigh, Holcombe (Action 1.4 and DA5) should remain as proposed subject to confirmation of the precise boundaries of this allocation.

24 Other findings in relation to the consistency between the DPNP and the Preferred Options Report are as follows:

- Policy DA7 Dawlish Warren Coastal Park is reflected in the DPNP as Action 3.1 although it is referred to as the Dawlish Coastal Park. Consistency of wording is recommended to avoid confusion.
- Policy DA8 proposed new public open space on land north of Mount Pleasant Road. This appears to have been omitted from list of proposals in the DPNP although it is highlighted on the Vision Map as Action 9.0. It is recommended that it should be explicitly referred to in the text of the DPNP.
- While the DPNP contains a number of other proposals which are not included within the Preferred Options Report these reflect local concerns and priorities. While it can be argued that a number of these are not strictly appropriate for inclusion within a neighbourhood plan as envisaged by the Localism Act 2011 and accompanying regulations, as a community planning document there is no reason why they should not be retained as they appear to reflect the aspirations of the community.

25 Overall, while DPNP is in broad conformity with the Strategic Policy S17 of the Preferred Options Report, there are substantive differences in terms strategic allocations of both housing and employment land. While it may be possible to resolve these conflicts, particularly as the strategic policies remain to be settled, as currently drafted the two documents are in clear conflict.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

Compatibility with Legal Obligations

- 26 Given that it is not intended that the DPNP will be adopted as a statutory development plan there is no requirement to comply with EU Habitat Directives and Human Rights obligations.
- 27 In making the policies for Dawlish contained within its Core Strategy legally compliant, Teignbridge District Council will need to ensure that the plan is subjected to a Sustainability Appraisal/Strategic Environmental Assessment and Appropriate Assessment in respect of potential significant effects on the international habitat designations.

Assessment of Soundness

- 28 **Positively prepared:** It is extremely difficult for an objective assessment of development needs for housing and employment land to be undertaken at a neighbourhood level. While the DPNP has accepted the amount of new employment recommended by the Teignbridge Employment Land Review, it cannot be demonstrated that the level of housing growth provided for in the DPNP is based on firm evidence. It is clear that the amount of housing provided for in the DPNP will not meet the identified need for affordable housing. This is because the approach followed by the Steering Group has sought to assess the level of housing which would be 'acceptable' to the local community rather than that which is needed.
- 29 As a result the level of housing provision is at the bottom end of the range of options canvassed in the Core Strategy Issues and Alternative Options Report in Summer 2010. While recent evidence suggests that Teignbridge's overall housing requirements may be slightly reduced, the allocation to Dawlish remains to be finally determined. Examination of the arguments surrounding traffic and infrastructure does not suggest that these are significantly limiting factors to the growth of the town, although some improvements to ease flows on the A379, particularly at Starcross, would be beneficial.
- 30 Of greater concern is the need to protect internationally designated habitats at Dawlish Warren and the Exe Estuary from increasing recreational pressures arising from housing growth. In addition housing development is likely to result in loss of habitat used by the rare Cirl Bunting. The potential for a significant effect on key wildlife sites and species arising from the proposals in the DPNP has been clearly identified through the draft Habitat Regulations Assessment. While the current Joint Interim Approach requires developers of tourist and residential accommodation within 10km to provide funding for mitigation measures and while the DPNP seeks specific provision for Sites of Alternative Natural Green Space (SANGS) at the proposed Dawlish Coastal and Community Parks (Actions 3.1 and 9.7), the robustness of this approach has not yet been clearly demonstrated. Until this exercise is undertaken the DPNP (and Policy S17) must be considered unsound.
- 31 **Justified:** The DPNP has sought to identify the most appropriate strategy for the future development of Dawlish. This started from a substantial evidence base

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

derived from previous work on the town, supplemented by information assembled by Teignbridge District Council as part of their work on the Core Strategy. This was supplemented by a series of consultations events aimed at understanding the aspirations and concerns of local people.

- 32 The Consultation Draft DPNP published in September 2012 attracted over 400 completed responses forms and comments on a series of questions. These responses were overwhelmingly from residents (there was limited engagement from business and development interests despite attempts to involve them) who expressed a mixture of support for the principle of positive plans for the future, general agreement about the proposed direction of growth to the north west of the town, but strong concerns regarding the amount of housing proposed and the impact of specific allocations.
- 33 The Steering Group sought to take the results of the consultation into account in reaching the key judgements which needed to be made. The minutes of the Steering Group reveal the long and difficult discussions involved in reaching a consensus (or majority) decision. While the Hearing clearly revealed the factors which the Steering Group took into account in making judgements, the failure to provide a clear 'audit trail' which records the basis for these decisions makes it difficult to argue that the Plan is justified.
- 34 It cannot be reasonable for a community led Neighbourhood Plan to be subject to the same level of expectation in terms of evidence and justification in terms of generating and testing alternatives as a Local Plan prepared by a local planning authority. However it is important that the key decisions can be seen to have been taken on the basis of well grounded planning considerations which are clearly documented. For these reasons one can sympathise with those who sought to understand and challenge the basis of the DPNP.
- 35 Thus while the Examination Hearing allowed light to be shed on the evolution of the DPNP which has properly sought to take the results of consultation into account, it remains difficult to conclude that the document presented for examination is justified.
- 36 **Effective:** The Examination has revealed a good level of cooperation with landowners that indicates that it should be possible to deliver a master planned, mixed-use development to the north west of Secmaton Lane (Action 1.1). However some adjustment to the plan is recommended (Action 4.2) to ensure that the Devon Partnership NHS Trust is able to attract value creating uses to their land to allow the creation of the new Link Road. The other housing allocations included within the DPNP all appear deliverable in terms of landownership.
- 37 Despite scepticism based on recent experience, the emerging planning framework, which is underpinned by economic viability reports, should provide a firm basis for achieving the target level of affordable homes.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- 38 A key question regarding the delivery of DPNP surrounds the delivery of the Coastal and Community Parks. These need to be viewed as an integral part of the planned approach to housing growth in Dawlish. At present the land for both of these facilities is in private ownership and arrangements need to be put in place to ensure that they are available to mitigate potential adverse habitat and wildlife impacts.
- 39 Concern has been expressed about the ability of development to provide sufficient funding to deliver the regeneration, environmental and community facilities proposed in by the DPNP. The DPNP provides an indicative approach to the use of funding arising from Community Infrastructure Levy and New Homes Bonus. A formal agreement between Teignbridge District Council and Dawlish Town Council might remove some of the doubts which have been expressed about whether Dawlish will benefit from the level of growth planned.
- 40 The DPNP has been criticised for including proposals which are dependent upon the actions of outside agencies which cannot be guaranteed. It is inevitable that a plan prepared at the level of a community such as Dawlish will involve such dependencies. This is not a valid basis for criticism. Indeed a key role of a neighbourhood plan is to express the vision and aspirations of the local community.
- 41 **Wider impact of the Plan:** Consideration has been given to the extent to which the proposals contained within the DPNP impact on adjoining communities. The main concern relates to the effect of growth on traffic congestion in communities along the A379, particularly Starcross and, to a lesser extent, Kenton and Exminster. These communities have expressed their concern to the Steering Group who prepared the DPNP and these concerns have been considered and investigated by Devon County Council. On the basis of their advice and ongoing investigations into the potential for easing traffic flows on the A379, it is concluded that the DPNP will not result in unacceptable 'spillover effects'.
- 42 Overall, while it is not a requirement that Neighbourhood Plans pass the 'test of soundness', the assessment of the DPNP has found that it is neither positively prepared nor justified. This is largely due to the fact that the DPNP has been prepared in advance of, and as an input to, the emerging Core Strategy.
- Consultation Process**
- 43 A number of criticisms have been raised both with respect to the representativeness of the Steering Group which was formed to lead the neighbourhood planning pilot and the extent of consultation. While the composition of the Steering Group appears to have reflected a cross section of community interests, it is noted that, with the exception of a representative from the Chamber of Commerce, business and landowner/ developer interests were not included.
- 44 Considerable efforts have been made to engage the community at key stages in the plan-making process. This has produced a high level of engagement, as reflected in

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

consultation responses and representations. Overall the consultation process associated with the DPNP appears to have been robust and fit for purpose

Progress to Referendum

45 In view of the key conclusions reached in examining the DPNP, namely:

- that the DPNP follows the NPPF by providing a positive approach to plan-led growth to deliver sustainable development with the aim of producing clear economic, social and environmental benefits. However because of its timing in relation to the production of strategic policies, it is not possible to demonstrate that the provision for housing growth is based on an objective assessment of housing requirements. This is a key flaw in the DPNP which cannot be remedied until the Teignbridge District Council's Core Strategy/Local Plan is settled;
- while DPNP is in broad conformity with the Strategic Policy S17 of the Preferred Options Report, there are substantive differences in terms strategic allocations of both housing and employment land. While it may be possible to resolve these, particularly as the strategic policies remain to be settled, as currently drafted the two documents are in clear conflict;
- that the DPNP does not need to comply with EU Habitat Directives and Human Rights obligations because it is not intended for adoption as a statutory development plan;and
- that while it is not a requirement that neighbourhood plans pass the 'test of soundness', the assessment of the DPNP has found that it is neither positively prepared nor justified.

it cannot be recommended that the DPNP progress to a local referendum. This could only take place once the strategic policies of Teignbridge District Council have been settled and changes had been made to ensure full conformity.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

1. INTRODUCTION

1.1 The Neighbourhood Planning (General) Regulations 2012 provide for a neighbourhood plan to be subject to an examination by an Independent Examiner appointed by the local planning authority. The purpose of this Examination is to determine whether the Plan submitted for examination:

- has appropriate regard to national policy and advice and guidance issued by the Secretary of State for Communities and Local Government. This is now primarily enshrined within the National Planning Policy Framework (NPPF) which sets out a presumption in favour of sustainable development;
- is in general conformity to with the strategic policies contained within the development plan for the area; and
- has breached, and is otherwise incompatible with EU and Human Rights obligations.

1.2 Unlike Local Plans which have to be tested for 'soundness' there is no such requirement for this to be examined in relation to neighbourhood plans. However in agreeing the scope of the examination of the Dawlish Parish Neighbourhood Plan (DPNP) it was agreed with Teignbridge District Council (TDC) that consideration would be given to the extent to which it has been:

- positively prepared – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable to do so and consistent with achieving sustainable development
- justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; and
- effective – the plan should be deliverable over its period and based on effective joint-working on cross boundary strategic issues.

1.3 Finally consideration has been given to the extent to which the Steering Group arrangements and the consultation which has taken place on the Plan have provided an adequate opportunity for the community and other key interests to contribute to the Plan.

1.4 As one of the original 17 neighbourhood plan frontrunners it has been clear from the outset that the DPNP would depart from strict requirements of the Localism Act 2012 and Neighbourhood Planning Regulations. This reflects the fact that the plan was prepared in advance of the Regulations which came into force on the 6th April 2012. These set out requirements for the formal designation of a neighbourhood area and a neighbourhood forum, and for the procedures to be followed in relation to consultation and publicity on a plan proposal. In the absence of formal guidance the preparation of the neighbourhood plan was guided by Regulation 25 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

which until 6th April 2012 established the requirements for public participation and consultation in the preparation of local development plans. These have now been replaced by the Town and Country Planning (Local Planning) (England) Regulations 2012. (DPNP LD 20)¹

- 1.5 Guidance envisages that neighbourhood planning should take place against the background of a settled strategic policies contained within local development plans. In the case of Dawlish this is simply not possible. The current Local Plan for Teignbridge was adopted in 1996 and covers the period from 1989 -2001. While a number of the policies contained within this plan have been 'saved' for development management purposes, they provide little guidance in terms of strategic policies.
- 1.6 Work is currently underway on the production of Core Strategy for the period from 2013 to 2033. An Issues and Alternative Options Report was published in Summer 2010 (DPNP LD 23) and consultation has recently closed on a Preferred Options Report published in January 2012 (DPNP LD21) It is currently planned to submit a refined version of this document to the Secretary of State in May 2012 with a view to examination in November 2012 and adoption by April 2013.²
- 1.7 The preparation of the DPNP has therefore been undertaken in parallel with work on TDC's Core Strategy. Indeed it appears to have had a significant influence on the Preferred Options Report in respect of its proposed strategic (S17) and more detailed (DA1 to 12) policies for Dawlish. However there are a number of areas where the local planning authority's proposed policies, which have yet to be finalised, and the community's neighbourhood plan are not aligned.
- 1.8 Given this combination of circumstances the DPNP is not being proposed as a formal neighbourhood plan. Rather it is envisaged that it will be a non- statutory, informal community planning document forming part of the evidence base that will be material to and will help to inform the future planning of Dawlish through the Teignbridge Core Strategy. TDC has made it clear that the DPNP will not be a Development Plan Document or Supplementary Planning Document and as such is not intended to be adopted.
- 1.9 This provides the context for this report which has been based upon examination of the library of documents assembled by the local planning authority, submissions received from those organisations and persons wishing to make representations in respect of the DPNP, representations on the Core Strategy Preferred Options Report relevant to Dawlish, and an informal hearing held at Dawlish on the 23rd and 24th April.
- 1.10 The hearing focused upon the following three main areas:

¹ DPNP LD refers to the Library of Documents assembled for the Examination. Each document has been given a unique reference number.

² Since the close of the Hearing Teignbridge District Council has issued a revised timetable which envisages submission of the Core Strategy in October 2012 and Examination in February 2013.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- Housing growth: the key questions explored were the appropriateness of the level of growth proposed over the plan period and the extent to which it will meet identified need for affordable housing; the broad form and location of that proposed growth; and the extent to which the plan will ensure that new development will contribute to the creation of sustainable communities in Dawlish.
- Balancing housing and jobs: the key questions were the degree to which the plan makes appropriate provision for protecting and enhancing local employment, the extent to which housing growth will lead to additional road traffic and the measures which are being proposed to promote sustainable transport.
- Protecting the environment: key questions considered covered the extent to which the plan protects sites of international conservation importance from harm, and where potential impacts arise whether adequate mitigation measures are included in the proposals; and whether the proposals contained in the plan are capable of being delivered without unacceptable impact on the quality of the landscape and natural environment and the town's heritage assets.

In addition the opportunity was provided to members of the public to make their comments on the plan at a less formal evening session.

- 1.11 Recognising the value of DPNP as an early pilot exercise in neighbourhood planning this Report aims to examine the Revised Draft for Examination, March 2012 as if it was intended to be formally adopted as a formal neighbourhood plan.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

2. REGARD TO NATIONAL PLANNING POLICY

2.1 The NPPF provides the framework within which local people should produce their own distinctive, neighbourhood plans which reflect the needs and priorities of their communities. The NPPF must be taken into account in the preparation of neighbourhood plans and sets out the Government's expectation that a positive approach should be taken to achieving sustainable development through seeking economic, social and environmental gains jointly and simultaneously through the planning system.

2.2 The NPPF sets out a presumption in favour of sustainable development which should be reflected in plans which should contain clear policies on how this presumption should be applied locally. The NPPF makes it clear that for communities engaging in neighbourhood planning this means that they should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development; and
- plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan.

2.3 The NPPF lists 12 core planning principles that should underpin plan-making. There is an expectation that planning should :

- Be genuinely plan-led, empowering local people to shape their surroundings with succinct neighbourhood plans setting out their vision for the future of the area. Plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- Not be simply about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

resources, including the conversion of existing buildings and encourage the use of renewable resources.

- Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land should prefer land of lesser environmental value, where consistent with other policies in the NPPF.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land) providing it is not of high environmental value.
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions.
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community facilities and services to meet local needs.

2.4 Examination of the DPNP indicates that it broadly reflects this approach. There is no doubt that the Steering Group who have been responsible for its preparation have sought to provide a clear vision for the future development of the parish which encompasses the need for the economic growth and regeneration of a traditional resort town. The coastal setting and topography of Dawlish, including its proximity to habitats of international importance, imposes significant limitations on development. The Steering Group have sought to balance these factors in producing a plan which maps out a more sustainable future for Dawlish. Detailed examination of the plan highlights a number of areas where the approach departs from the detailed guidance contained within the NPPF. These are highlighted in the following paragraphs which set out a systematic analysis of the DPNP against the headings used in NPPF's guidance on delivering sustainable development.

Building a strong competitive economy

2.5 The NPPF provides specific guidance in relation to building a strong economy through ensuring that planning encourages and does not act as an impediment to sustainable growth with significant weight being placed on the need to support economic growth. Underpinning the DPNP is a desire to maintain and enhance the tourism economy of the Dawlish through the creation of a new Coastal Park (Action 3.1), improved marketing and signage (Action 3.2 - this is not strictly a spatial planning issue) and the introduction of new Beach Huts at Dawlish Warren (Action 3.1).

2.6 Supporting these measures, aimed at promoting Dawlish as a year round tourism resort, are proposals for improvements to key 'gateway' spaces which at Tuck's Plot (Action 5.1), the entrance to Dawlish Warren (Action 5.2) and Dawlish Seafront

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

(Action 5.3). In addition the plan contains specific proposals to help deliver town centre regeneration including improvements to the Strand (Action 6.1) and an improved Bandstand (Action 6.2). These proposals have emerged from detailed research and consultation into the regeneration needs of the town centre (DPNP LD 61) and the tourist economy (DPNP LD 60).

- 2.7 It is noted that representations have been made for the inclusion of a recent planning application for the development of an informal camping site on land opposite Dawlish Sands Holiday Park as part of the plan proposals. This is not considered to be a significant omission.
- 2.8 Beyond the tourism economy the neighbourhood plan seeks to support job creation through the proposed allocation of an additional 3 hectares of employment land on the northern edge of the town (Action 2.1) in accordance with the findings of the Teignbridge Employment Land Review (DPNP LD 37); the promotion of enhanced educational and training provision for local people at the Community College (Action 2.2); and the need to find ways of improving the appearance and performance of Dawlish Business Park (Action 2.3).
- 2.9 The neighbourhood plan seeks to use planned growth in housing provision as a means of providing funding for much needed investment in the regeneration of the economy and physical fabric of the town. This is explained in the indicative phasing plan provided on page 7 of the document.
- 2.10 Overall, the DPNP adopts a positive approach to the creation of jobs and prosperity, providing sufficient land for future needs based on up to date evidence, seeking to maintain and enhance the town's tourism economy and using resources generated by housing growth to fund much needed regeneration of the town centre and Dawlish Business Park.

Ensuring the vitality of town centres

- 2.11 The DPNP does not include specific policies aimed at promoting the competitive performance of the town centre.

Supporting a prosperous rural economy

- 2.12 Beyond proposals for the protection of specific areas of open countryside and wildlife habitat, the DPNP does not make provision for creating jobs and prosperity in the rural parts of the parish. The plan is focused on the established settlements of Holcombe, Dawlish and Dawlish Warren.

Promoting sustainable transport

- 2.13 The NPPF recognises the important role which transport has to play in facilitating sustainable development as well as contributing to wider sustainability and health objectives. While acknowledging that different approaches will be required from place to place, the NPPF expects Local Plans to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- 2.14 Notwithstanding the concerns regarding congestion and pinch points on the A379 coast road which serves Dawlish and provides the only main road link to Exeter and Teignmouth/Newton Abbot, the existence of two railway stations within the plan area means that Dawlish provides greater choice of mode than many parts of Teignbridge District. While it is undoubtedly the case that residential and employment growth will lead to an increased need to travel, particularly to the growing employment areas around Exeter, the plan seeks to limit the extent to which this will involve increased car use.
- 2.15 Proposals included in the DPNP include improved public transport (bus) services (Action 7.1). These would be facilitated by the provision of a new link road between Elm Grove Road and the A379 Exeter Road (Action 7.2) serving the proposed area of new housing north west of Dawlish (Action 1.1). In addition the DPNP seeks to promote improved facilities and services at Dawlish station (Action 7.5). While uncertainty currently surrounds the impact of the new rail franchise on local services, Devon County Council (DCC) are actively promoting Devon Metro as a means of increasing the frequency, capacity and number of halts on services running between Paignton and Exmouth via Exeter.
- 2.16 The DPNP seeks to encourage walking, cycling and horse riding within and through the Plan area by promoting new and upgraded strategic blue and green routes (Action 7.3), cycleways and facilities (Action 7.4) and enhancements to the Amberline route (Action 7.10) which links Dawlish to other settlements and the surrounding countryside.
- 2.17 The DPNP seeks improvements to car parking in Dawlish Town centre (Actions 7.8 and 7.9), Dawlish Warren (Action 7.6) and elsewhere (Action 7.7). It also seeks a review of traffic arrangements on the A379 as it passes through Dawlish Town Centre (Action 7.11).
- 2.18 Significantly, within the new development areas proposed on the north western fringes of Dawlish, the DPNP seeks to promote a mix of uses to provide opportunities to undertake everyday activities including work within easy walking distance as recommended by the NPPF.
- 2.19 Notwithstanding local fears about the possible impact of traffic growth on congestion on the A379, the approach set out in the DPNP actively seeks to promote sustainable transport taking advantage of the town's rail services and their planned improvement to deliver modal shift. The location and planning of the proposed new development areas provides the opportunity to encourage walking and cycling through the development of strategic 'blue and green' routes serving both Dawlish and Dawlish Warren. In this regard the DPNP has regard to the guidance provided in the NPPF

Supporting high quality communications infrastructure

- 2.20 The DPNP does not make any proposals in relation to this aspect of the NPPF.

Delivering a wide choice of high quality homes

- 2.21 The NPPF seeks to significantly boost the supply of housing by requiring local planning authorities to meet the objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period. This includes a requirement to identify a 5 year supply of specific deliverable sites to ensure choice and competition in the market for land and to include an additional 20% allowance where there has been a record of persistent under delivery. Local planning authorities are also expected to identify a supply of specific developable sites or broad locations for growth for 6-10 years and where possible 11 -15 years. In the absence of such policies the presumption in favour of sustainable development will apply.
- 2.22 It is clear that the NPPF expects the key decisions about the assessment of housing requirements and strategic allocations of land to be taken through the Local Plan rather than the neighbourhood planning process. This is logical as housing markets operate across a much wider area than can be encompassed by a neighbourhood plan. For example work on Teignbridge's Strategic Housing Market Assessment (DPNP LD27 and 28) recognises that the District forms part of the wider Exeter and Torbay housing sub-market with Dawlish lying within the influence of Exeter in terms of migration and travel to work patterns.
- 2.23 This reality is also recognised by the community in Dawlish. While their focus is, quite naturally, upon meeting local needs particularly for affordable housing, there is a clear understanding that new market housing will be occupied by retirees and commuters from outside the area as much as by local residents.
- 2.24 Underlying the DPNP there has therefore been considerable debate about what is the appropriate level of housing growth that should be planned for over the next 20 years. This has involved a variety of arguments including:
- Using an assessment of affordable housing requirements as a basis for assessing total housing requirements assuming provision of 30% affordable homes.
 - Projecting future household requirements on the basis of national population growth rates derived from estimates produced by the ONS.
 - Projecting future housing requirements based on the extrapolation of rates of house building over the past 10 years.
- 2.25 Notwithstanding the genuine attempts which have been made by the Steering Group to objectively assess housing requirements to underpin the DPNP the correct approach must be to rely on the evidence base assembled for the emerging Core Strategy to determine the contribution which Dawlish should be expected to make to the future supply of new housing in Teignbridge. Insofar as the strategic housing policies of the Core Strategy and the policies of the DPNP are aligned then the

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

requirements of the NPPF can be met. However the approach adopted cannot be considered to have regard to national policy.

- 2.26 As presently drafted the DPNP makes provision for an additional 900 new homes in four locations (Actions 1.1 to 1.4) and 50 extra care and supported housing units (Action 1.5). This is in addition to sites which currently have planning permission for 643 dwellings (DPNP LD33). For the past 10 years provision of land for housing in Dawlish has been determined on an ad hoc basis through planning applications and appeals. The DPNP seeks to provide the basis for ensuring that future provision will be on the basis of a planned approach to help deliver much needed affordable housing, infrastructure and community facilities. In this regard it represents exactly the type of locally shaped, positive, plan-led approach envisaged by the NPPF.

Requiring Good Design

- 2.27 The DPNP requires better quality design in new development to ensure that it is in keeping and makes a positive contribution to the area. There is also an expectation that new development will reduce environmental impact (Action 10.1). However the Plan does not provide the type of robust and comprehensive policies which would be required for the implementation of a Neighbourhood Development Order.

Promoting Healthy Communities

- 2.28 The NPPF makes it clear that planning has a role to play in promoting places where communities can meet, which are safe and accessible, and promote the active and continual use of public areas. The DPNP sets out a variety of proposals which seek to facilitate social interaction and the creation of healthy and inclusive communities. Within the new development area proposed located to the north west of Dawlish provision is made for a new multi-purpose building capable of incorporating a range of health care facilities (Action 4.2). In response to anticipated growth the DPNP proposes improvements to the Barton Hill Community Hospital (Action 4.1), the Dawlish Leisure Centre (Action 4.3) and existing Primary School and Nursery facilities (Action 4.6). The plan also incorporates a proposal to relocate the town museum (Action 4.5). Provision is also made for enhanced playing fields and open space at Sandy Lane and Dawlish Leisure Centre (Action 4.4).

- 2.29 The proposals included within the plan for the extension and enhancement of public rights of way and access to open land (Actions 3.1, 7.3, 7.4 and 7.10) should encourage physical activity. It is noted however that the DPNP does not propose that any green areas of local importance are designated as Local Green Space. This might be given further consideration by the Steering Group given the evident strength of feeling which exists in relation to certain areas of recreational and wildlife value.

Protecting Green Belt

- 2.30 The provisions of the NPPF in relation to Green belt are not applicable to the DPNP.

Meeting the challenge of climate change, flooding and coastal change

- 2.31 As a coastal community Dawlish faces the challenge of climate change both in terms of the need for sea defences, much of which is provided for by Network Rail as part

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

of the protection of the mainline, and evidence of the erosion of Dawlish Warren spit. This is reflected in Action 8.1 in the DPNP which seeks continued maintenance of flood defences.

- 2.32 The DPNP has been informed by flood risk assessment work undertaken as part of assembling the evidence base for Teignbridge Council's Core Strategy (DPNP LD 53). While areas identified for housing growth lie within the catchment of the Shutterton Brook which is prone to flooding at Dawlish Warren, more detailed evidence provided for the Examination indicates that this can be managed to an acceptable level of risk.
- 2.33 Concerns have been raised regarding the adequacy of the water and sewerage infrastructure serving the town and its ability to accommodate the additional demands arising from housing growth. This is reflected in Action 8.6 of the Plan. Given the evidence of ongoing maintenance at the sewage pumping works at Tucks Plot, fears have been expressed about the ability of the town to maintain sea water quality which is reflected in its 'Blue Flag' designation. The limited information provided by South West Water (DPNP LD41) provides some assurance that capacity exists or can be provided to handle any increased demand for wastewater treatment.
- 2.34 More broadly the DPNP identifies a number of measures aimed at promoting a more sustainable future. These include proposals for the provision of allotments and community orchards around the town (Action 8.2) to promote greater self sufficiency in food, the replacement of the Dawlish Recycling Centre (Action 8.4) and a requirement that new development should incorporate energy reduction measures, on site renewable energy generation and 'green travel (Action 8.5). Reflecting the existence of an Air Quality Management Area on one section of the A379 in Dawlish, the DPNP supports measures to deliver improvements to air quality (Action 8.4).
- 2.35 It is noted that many of the proposals incorporated in the DPNP in respect of mitigation and adaptation to climate change depend upon action by third parties which do not fall under planning powers. It is noted however that the emerging Core Strategy contains a number of policies aimed at addressing the challenge of climate change. The DPNP provides an opportunity for the local community to express its concerns and aspirations for making Dawlish a stronger and more adaptable place in the face of a changing climate and a reduction in the use of fossil fuels.

Conserving and enhancing the natural environment

- 2.36 The NPPF advises that planning should contribute to and enhance the natural and local environment through providing for the protection and enhancement of valued landscapes, geological conservation interests and soils and minimising impacts and where possible providing net gains to biodiversity where possible. In preparing plans to meet development needs the NPPF states that the aim should be to minimise pollution and other adverse effects on the local and natural

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

environment and allocate land with the least environmental or amenity value, where consistent with other policies in the Framework.

- 2.37 In landscape terms Dawlish does not contain any nationally designated area. However past development plans have identified parts of the countryside surrounding Holcombe, Dawlish and Dawlish Warren as an Area of Great Landscape Value and Coastal Preservation Area. In addition policy has sought to maintain the open land between Teignmouth, Holcombe and Dawlish.
- 2.38 The NPPF encourages local planning authorities to maintain the character of the undeveloped coast. This is reflected in proposals included in the DPNP for the protection of a strategic open break in the south of the parish (Action 9.5), the protection of cliff tops and ridgelines (Action 9.6) and the creation of a new Dawlish Coastal Park (Action 3.1). By locating the bulk of housing growth to the north west of the town (Action 1.1) the DPNP allocates land with the lowest landscape value as identified in previous plans. However other smaller allocations impinge to a limited degree on areas which have enjoyed local protection. (Action 1.2, 1.3 and 1.4) This approach is considered acceptable in terms of the guidance provided by the NPPF, particularly if these proposals deliver a net gain in environmental terms.
- 2.39 All the proposed housing allocations contained within the DPNP raise concerns regarding potential adverse impacts on habitats and species of international, national and local significance (DPNP LD68). Dawlish Warren is designated as a Special Area of Conservation (SAC) because of its dune habitats and the existence of petalwort. The Exe Estuary is designated as a Special Protection Area (SPA) and Ramsar site by virtue of its estuary habitats which support wintering and migratory bird species. Both designations are subject to the Conservation of Habitats and Species Regulations 2010. There is clear evidence (DPNP LD43, LD 44, and LD45) that both sites are subject to significant effects arising from recreational activities. As a result Teignbridge District Council, working with neighbouring authorities, has instituted an interim scheme whereby development within a 10 km radius of these sites is required to contribute towards the funding of mitigation schemes (DPNP LD 46 and LD47).
- 2.40 In addition Dawlish lies within an area where potential impacts on the South Hams SAC, Dartmoor SAC and South Dartmoor Woods SAC need to be considered. The draft Habitat Regulations Assessment prepared by Teignbridge District Council indicates that the plan would not have a significant effect on these interests (DPNP LD68).
- 2.41 In these circumstances a neighbourhood plan which was intended to be adopted as a statutory development plan would need to demonstrate that it had been subject to a Strategic Environmental Assessment/Sustainability Appraisal and the plan and subsequent proposals would need to be subject to an Appropriate Assessment. Such assessments have not been undertaken as part of the preparation of the DPNP as Teignbridge District Council believe that as a non-statutory community planning

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

document these are unnecessary. However it will be clearly necessary for the Core Strategy to meet these clear legal requirements.

- 2.42 While the DPNP has not met the full requirements for SEA/SA and Appropriate Assessment, it is clear that consideration has been given to mitigating the potentially significant effects which population growth could impose on nature conservation interests of acknowledged international importance. The development of both the Dawlish Coastal Park (Action 3.1) and a new Community Park adjacent to the new development area to the north west of the town (Action 9.7) is intended to reduce visitor pressure on Dawlish Warren SAC and help protect its fragile habitat. Indeed the draft Habitat Regulations Assessment (DPNP LD68) emphasises that the Coastal Park is provided to meet the mitigation requirements arising from housing growth in Dawlish. While it is noted that the DPNP includes a proposal to manage visitor impacts on the Dawlish Warren SAC and the Exe Estuary SPA (Action 9.2), it is considered that the delivery of the planned level of growth for Dawlish is critically dependent on the provision of suitable Sites of Alternative Natural Green Space (SANGS). In this regard it is noted that the NPPF states that the presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds and Habitats Directives is being considered, planned or determined.
- 2.43 While not enjoying the same international status as Dawlish Warren and the Exe Estuary, the hedgerow and woodland habitat surrounding Dawlish supports the Cirl Bunting which is a 'red book' species whose numbers in the UK have recovered through intensive management efforts. This is reflected in the designation of land to the north and west of Dawlish as County Wildlife sites which contain a number of breeding territories and form part of a Cirl Bunting enhancement zone.
- 2.44 Recognising that the housing growth in Dawlish will result in the loss of some fields and hedges, the DPNP provides for the designation of a Strategic area (Action 8.1) where it is intended that management agreements are put in place with landowners to secure and improve habitat for the Cirl Buntings. In this regard the approach followed by the DPNP seeks to minimise impacts on biodiversity and where possible provide net gains. Indeed the Plan makes significant provision for protecting and enhancing green infrastructure, in order to reduce and mitigate the potentially significant effects of new development. Provided that this is delivered as an intrinsic and early part of the plan this approach is in accordance with the NPPF.

Conserving and enhancing the historic environment

- 2.45 The DPNP does not provide a systematic assessment of the historic environment and heritage assets of Dawlish. While the Plan contains a proposal to protect important buildings and spaces of historic value (Action 9.4) these are not defined. Similarly the proposal which sets out a requirement for continued heritage protection (Action 10.2) simply refers to the need for high design standards when developing in conservation areas and making changes to listed buildings. The only specific reference which the DPNP makes to the town's heritage relates to the possibility of

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

applying for lottery funds to assist with the upgrading of shopfronts in the town centre.

Overall

- 2.46 The examination has shown that the DPNP follows the NPPF by providing a positive approach to plan-led growth to deliver sustainable development with the aim of producing clear economic, social and environmental benefits. However, because of its timing in relation to the production of TDC's strategic policies, it is not possible to demonstrate that the provision for housing growth is based on an objective assessment of housing requirements. This appears to be a key flaw in the DPNP which cannot be remedied until the TDC's Core Strategy/Local Plan is settled.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

3.0 CONFORMITY WITH THE STRATEGIC POLICIES IN THE LOCAL DEVELOPMENT PLAN

3.1 For the reasons set out in paras 1.5 to 1.8 above it is not possible to determine the conformity of the DPNP with the strategic policies in the Local Development Plan. However this section of the report will examine and comment upon the extent of conformity with the emerging strategic policies contained within Teignbridge District Council's Core Strategy Preferred Options Report (DPNP LD 21). While this remains subject to consultation (the consultation responses in respect of the policies for Dawlish form part of the Library of Documents assembled for the Examination of the DPNP), this document provides the most up to date statement of relevant local planning authorities policies.

3.2 The strategic policies are set out in section 2 of the Preferred Options Report.

Overall the emerging Plan seeks to:

- Reduce out-commuting and provide significantly greater local job opportunities
- Provide infrastructure which meets the needs of providers and communities
- Promote town centre improvements
- Supports more sustainable transport modes and measures to reduce carbon emissions
- Meet the need for housing including significant affordable housing requirements
- Protect and enhance biodiversity and heritage assets including international wildlife sites
- Improve air quality
- Involve local communities in decision making
- Help reduce housing, employment, income and other forms of deprivation particularly in areas of multiple deprivation within Newton Abbot and Teignmouth
- Consider the needs of people at different stages of their lives; the young, working age and retired, taking account of likely demographic changes.

This overall approach is reflected in the proposals which have been developed in the DPNP.

3.3 The Preferred Options Report identifies Dawlish as a Strategic Place for which Policy S17 is proposed:

S17 Dawlish

Dawlish will be a sustainable, thriving and prosperous place that supports a high quality of life for all its residents. It will regenerate as a premier year round visitor resort, be safe from flood risk, adaptable to climate change and have reduced carbon dependence, be an area with a high quality natural environment and protected important wildlife interests. Investment and development will be guided to:

- a) allocate land with capacity for 0.15 hectares of employment land per year and promote improvements to Dawlish Business Park;
- b) allocate land with capacity for an average of 45 new homes per year of which 30% - 40% will be affordable;

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- c) new link road from Elm Grove Drive to the A379 Exeter road;
 - d) enhancements to Dawlish Community College and primary school facilities;
 - e) allocate land for a Coastal Park;
 - f) multipurpose building capable of incorporating health facilities;
 - g) support improved swimming facilities, community space, museum, children's centre/nursery;
 - h) regeneration
 - in the town centre at the Strand, Tuck's Plot and seafront
 - at the Warren Approach
 - i) identification of strategic 'blue and green' routes to facilitate walking and cycling to improve connectivity at Dawlish;
 - j) provision of allotments and community orchard;
 - k) managed habitat for Cirl Buntings;
 - l) protected Dawlish Warren/Exe Estuary international wildlife sites; and
 - m) protected strategic open break between Teignmouth, Holcombe and Dawlish.
- 3.4 It is clear that this key strategic policy fully reflects the enhanced opportunity which Dawlish's status as a neighbourhood planning 'frontrunner' has given the community to influence the emerging Core Strategy. In this regard the DPNP is fully compliant with Policy S17 as currently drafted.
- 3.5 The Preferred Options Report goes on to make 'strategic site allocations' in Policies DA 1 to 12. It is noted that other sections of the Preferred Options Report which deal with detailed proposals for other Strategic Places do not call them strategic site allocations. This suggests the need for clarity around the definition of 'strategic policies' for other communities considering the preparation of neighbourhood plans.
- 3.6 Detailed consideration of the strategic site allocations proposed by the Preferred Options Report for Dawlish reveals clear conflict with the content of the neighbourhood plan, particularly in respect of development on the northern and north western fringes of the town. This was discussed in some detail at the Examination hearing at which the views of the DPNP Steering group, Teignbridge District Council and landowner/development interest were debated.
- 3.7 Policy DA1 in the Preferred Options Report allocates some 10.1 hectares of land south of Shutterton Lane as an urban extension which would deliver:
- a) about 350 new homes including affordable homes in accordance with Policy WE2;
 - b) a multi-purpose building capable of incorporating health facilities as a high quality landmark development for the gateway to the town on the A379 Exeter Road;
 - c) connection to strategic pedestrian/cycle route from Langdon Road to Dawlish Warren Road;
 - d) carbon reduction strategy in accordance with Policy EN3;
 - e) sustainable urban drainage system to control runoff to Shutterton Brook; and

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- f) designed in accordance with Policy S2.
- 3.8 The allocation of this site is supported by the landowners/promoters of this scheme on which a significant amount of preparatory work has been undertaken with a view to submitting a planning application later this year. An environmental assessment is being prepared on the basis of a scoping opinion provided by the local planning authority. Among the concerns which the environmental assessment will need to address are potential significant effects on biodiversity including the SPA and SAC, Cirl Bunting and other species, landscape, flood risk and the loss of high quality agricultural land. Consistent with the findings of Teignbridge's Strategic Housing Land Availability Assessment (DPNP LD 34 and 35) it is argued that this allocation is capable of relative early delivery and is able to deliver a significant proportion of affordable housing.
- 3.9 The DPNP does not support the allocation of this site for housing beyond some 60 homes envisaged as forming part of the proposed mix of uses as clarified in DPNP LD 74. It is therefore in clear conflict with the strategic site allocation contained within the emerging Core Strategy. The preferred approach of the Steering Group as explained at the hearing, but not fully reflected in the minutes of their meeting of the 20th March 2012 (DPNP LD 18), is to allocate land south of Shutterton Lane primarily for employment (Action 2.1). This area which now benefits from the new access provided by the Sainsbury's development (which includes a workspace component) could potentially provide a new access to the Dawlish Business Park to assist with its regeneration.
- 3.10 The use of land south of Shutterton Lane for an additional 290 homes is not included in the DPNP. A variety of environmental arguments have been put forward in support of this position. However the main reason behind the decision of the Steering Group to put forward a proposal in clear conflict with the emerging Core Strategy was the belief that an open break needs to be maintained between Dawlish and Dawlish Warren which are seen as separate settlements. There is little basis in past policy or recent planning decisions to support this approach. However it is noted that the promoters of development to the north west of Dawlish argue the relative merits of their sites in comparison with allocation DA1.
- 3.11 The lack of conformity between the DPNP and the Preferred Options Report extends to the extent and nature of the land allocation to the north west of Secmaton Lane. The Preferred Options Report Policy DA 2 states that within the area 20.2 hectares identified north-west of Secmaton Lane a mixed use urban extension will be delivered phased over the plan period, including:
- a) 3 hectares of land for a mix of B1,B2,and B8 uses as appropriate to the site and its wider context as a high quality landmark development for the gateway to the town on the A379 Exeter road, ensuring that there is also a mix of unit sizes to enable businesses to start up and expand;
 - b) About 480 new homes including affordable homes in accordance with Policy WE2;

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

- c) 50 bed extra care housing scheme and/or other appropriate elderly housing provision;
 - d) New link road connecting Elm Grove Road and the A379 Exeter road, including bus priority measures and supported bus service, cycle lanes and footpaths;
 - e) Community building;
 - f) Carbon reduction strategy in accordance with Policy EN3;
 - g) sustainable urban drainage system to control run-off to Shutterton Brook; and
 - h) designed in accordance with Policy S2.
- 3.12 This approach contrasts with the DPNP which allocates the 3.0 hectares of employment land to the east side of the A379 for the reasons explained at para 3.9 and a desire to avoid the approach to Dawlish from the north being framed by commercial development. There is also a significant difference in the scale of housing envisaged with the DPNP allocating land for some 750 dwellings north west of Secmaton Lane (Action 1.1). This figure takes account of the 60 homes forming part of the development to the east of the A379. In addition a 50 bed extra care housing scheme (Action 1.5) and a Doctor's surgery and dental Practice Facilities adjacent to the Langdon Hospital entrance (Action 4.2) are planned to west of the A379.
- 3.13 The reasoning behind the approach adopted by the Steering Group is its desire to avoid major housing development south of Shutterton Lane with a clear preference based on consideration of environmental factors and spatial planning arguments. These have not been clearly articulated and there must be some sympathy with the promoters of the land south of Shutterton Lane that the available evidence does not clearly support this decision. There is no doubt however that in deciding to depart from the approach proposed in the emerging Core Strategy the Steering Group sought to make a balanced choice.
- 3.14 Support for the general approach set out in the DPNP is provided by the promoters of land to the north-west of Secmaton Lane. Taking account of the challenges of delivering this site which is in a number of ownerships, which were identified in the Strategic Housing Land Availability Assessment in 2009, doubts have been raised about the ability of a smaller scale development to fund the planned link road and deliver the expected level of affordable housing. While no viability evidence has been provided in support of this argument this appears to be a valid concern. Added weight is given to this by representations made by the Devon Partnership NHS Trust. They question the decision reflected in the DPNP to depart from the approach set out in the Preferred Option Report and locate the employment land allocation to the east of the A379 and replace it with a community building. It is argued that this approach fundamentally undermines the ability of the NHS Trust in commercial terms to deliver the necessary road access to land west of Secmaton Lane.
- 3.15 In deciding on the allocation of 480 new homes in Policy DA2 Teignbridge District Council do not appear to have fully considered the viability of the overall scheme. This is because it was working on the basis of a decision by the Steering Group to limit new housing allocations in the DPNP to 900 dwellings. As noted at

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

para 2.22 neighbourhood planning is not the level at which such decisions can or should be taken. Given that the 900 new homes provided for in both the DPNP and the Preferred Options Report is at the lower end of the range of potential requirements which Teignbridge need to meet and providing that appropriate, concrete, mitigation measures are put in place such as the Coastal and Community Parks, to protect the SPA, SAC and Cirl Bunting habitat, there is a strong argument for considering an alternative approach.

- 3.16 It is therefore recommended that east of the A379 consideration should be given to increasing the allocation of new housing from 60 to 250 homes to include the full extent of land south of Shutterton Lane, as shown in the Preferred Options Report, including 3 hectares of employment land, with provision for a new link to Dawlish Business Park. West of the A379 it is recommended that the approach proposed in the DPNP (Action 1.1) should be adopted, incorporating 750 new homes, together with a new community building capable of incorporating health facilities. The location of this building should be reconsidered to allow the NHS Trust to benefit from value creating land uses to allow it to provide land for the creation of the new link road access.
- 3.17 In relation to the other strategic site allocations for housing contained within the Preferred Options Report there is full conformity with the DPNP. However representations made on the Examination Draft and discussion at the Examination hearing reveal significant concerns regarding the ability of allocation DA3 North of Meadow Park to deliver affordable housing as well as local concerns regarding the quality of road access and the inaccessibility of the site to public transport and other services. By comparison with the other allocated sites the land north of Meadow Park is not a particularly sustainable location in which to develop new housing and concerns have been expressed about the visual impact on the ridgeline. Consideration should therefore be given to removing it from the DPNP, particularly if the suggestion contained in para 3.15 is accepted.
- 3.18 While the proposed allocations West of Southdowns Road (DA4 and Action 1.2) and at Little Leigh, Holcombe (DA4 and Action 1.4) are included in both the Preferred Options Report and the DPNP a significant number of representations have been made by local residents regarding these proposals. Objections have been raised on the grounds of both policy and site specific considerations.
- 3.19 The main policy concern surrounds the erosion of the open land, coastal protection and Area of Great Landscape Value designations which remain 'saved' from the Teignbridge Adopted Local Plan 1989-2001. In addition, part of the development at Little Leigh extends beyond the currently defined Holcombe village envelope. The Preferred Options Report and the DPNP both propose that the land between Dawlish and Holcombe should be designated as a Strategic Break (EN1 and Action 9.5) albeit with minor adjustment to reflect the proposed housing designations West of Southdowns Road and at Little Leigh. Policy EN2 in the Preferred Options Report seeks to maintain the character of the Undeveloped Coast and work is being undertaken by Teignbridge District Council to define this. The preparation of a

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

new, up to date, development plan framework provides the opportunity to reconsider such designations with the result that there should be no obstacle to these allocations on policy grounds.

- 3.20 The substantive concerns expressed by objectors to the west of Southdowns Road housing allocation relate to visual impact, impact on the recreational value of a public footpath which crosses the site, loss of wildlife habitat which supports a number of species including the Cirl Bunting, and traffic safety. With the exception of the concern over safety of the junction of Southdowns Road and the A379 Teignmouth Road which appears to require action in any event, representatives of the Luscombe Estate, who own the Southdowns Road site, have demonstrated how a scheme of 80 houses could be designed to address these concerns and provide agreements to both provide mitigation through the creation of a SANGS on coastal land to the east of the A379 and protect and manage the strategic open break. It is recommended that this proposal, which was not available at the time that the Steering Group took their decision to reduce their initial allocation of 100 houses down to 20 houses, consider this proposal appears to be fully in accord with the approach envisaged in the NPPF of delivering environmental gains through sustainable development.
- 3.21 In respect of Little Leigh, the residents of Holcombe have expressed concerns regarding the impact of the development of 20 new homes on traffic and infrastructure in the village which has narrow roads and substandard junctions. This reflects the character of the village which has clearly absorbed new development within the village envelope in recent years. Insofar as the proposed allocation (DA4 and Action 1.4) extends beyond the village envelope this is to incorporate previously used stables land. The promoter has raised concerns about the ability to deliver 20 homes at an appropriate density for the village on the proposed site and provide the required proportion of affordable housing and has suggested a further northward extension of the site allocation. No evidence has been provided to support this suggestion. Accordingly this allocation should remain as proposed subject to confirmation of the precise boundaries of this allocation.
- 3.22 Policy DA6 of the Preferred Options Report provides for the provision of key elements of green infrastructure. These are fully reflected in the DPNP as follows:
- a pedestrian/cycle route with linear open space along the Shutterton Brook (Action 7.3). It is noted that this forms part of the allocation of land south of Shutterton Lane (DA1) – see para 3.7 above;
 - a community park with sports pitch and play/informal open space (Action 9.7); and
 - allotments and community orchard for local food production (Action 8.2).
- 3.23 Preferred Options Report Policy DA7 Dawlish Warren Coastal Park is reflected in the DPNP as Action 3.1 although it is referred to as the Dawlish Coastal Park. Consistency of wording is recommended to avoid confusion. The delivery of this facility is an important concrete measure in reducing visitor pressure on the internationally

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

protected habitat at Dawlish Warren and must therefore be considered an essential component in the delivery of the planned level of housing growth. Given its primary function as an Site of Alternative Natural Green Space (SANGS) to divert and absorb informal recreation activity, considerable care will need to be exercised in developing the proposed visitor facilities. This is reflected in concerns expressed about 'over development' of this section of coast.

- 3.24 Policy DA8 in the Preferred Options report proposes new public open space on land north of Mount Pleasant Road. This appears to have been omitted from list of proposals in the DPNP although it is highlighted on the Vision Map as Action 9.0. It is recommended that it should be explicitly referred to in the text of the DPNP. Policy DA8 also refers the provision of areas for informal play within new development. This is referred to in general terms as Action 9.3 of the DPNP.
- 3.25 Policy DA9 in the Preferred Options Report deals with improving connectivity and accessibility within Dawlish. The proposals listed as part of this policy are fully reflected in the DPNP as follows:
- a) identification of strategic 'blue and green' routes for walking and cycling from;
 - Langdon Road to Dawlish Warren along Shutterton Brook
 - Dawlish seafront to the Newhay (Action 7.3)
 - b) bike park facilities and cross platform access for mobility impaired persons at Dawlish and Dawlish Warren rail stations (Action 7.5) It should be noted that the DPNP refers to 'station' rather than stations. It is recommended that the DPNP should refer to both Dawlish and Dawlish Warren stations and refer to provision for cyclists. This is currently omitted.
 - c) Supported National Cycle Network Route 2 from Dawlish to Teignmouth (Action 7.4).
 - d) Supported improvements to public transport services including bus and the Devon Metro scheme (Action 7.1) It is noted that the DPNP does not make reference to the Devon Metro scheme. It is suggested that this is included alongside bus services in Action 7.1 as it is likely to be a key element in securing shift from car based travel.
 - e) Improvements at :
 - Warren Car park (Action 7.5)
 - Strand Car Par (Action 7.8)
 - Barton Hill Car Park including coach drop-off / pick up point (Action 7.9)
 - Cockwood for on-street parking (Action 7.7). It is noted that there is some ambiguity between the wording of these policies
 - new Link Road from Elm Grove Road to the A379 Exeter Road (Action 7.2).
- 3.26 Policy DA10 deals with improvements to education and adult learning in Dawlish. The Preferred Options Report gives support to proposals for enhanced facilities at
- a) Existing Primary schools (Action 4.6) and
 - b) Dawlish Community College (Action 2.2).

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

The DPNP is entirely in conformity with this policy.

- 3.27 Policy DA11 in the Preferred Options Report deals with enhancement of healthcare facilities in Dawlish and includes:
- a) Support for existing facilities. This is reflected in Action 4.1 which specifically deals with the Barton Hill community hospital; and
 - b) The provision of a new multi-purpose building capable of incorporating health facilities in accordance with Policy DA1. While such a facility is referred to as Action 4.2 of the DPNP, there is clear conflict on where such a facility should be located. The Preferred Options Report proposes that it should be located as part of housing development south of Shutterton Lane while the DPNP proposed a location close to the entrance of Langdon Hospital. This clearly needs to be resolved as part of the reconsideration of Policies S17, DA1 and DA2 in the Preferred Options Report and Action 1.1 and 1.2 in the DPNP.
- 3.28 Policy DA12 of the Preferred Options Report lists a number of regeneration schemes which will be supported. These clearly relate to proposals included within the DPNP as illustrated below:
- a) The Strand – reconfigure to provide more space for pedestrians and improve the relationship with the Lawn (Action 6.1);
 - b) Bandstand – to provide a new building as a focus for arts and events (Action 6.2)
 - c) Tuck's Plot – enhance as a civic space (Action 5.1)
 - d) Warren Approach- improve the entrance to Dawlish Warren through enhancements at the Sunburnt Arms and Lee Cliff Park (Action 5.2);
 - e) Dawlish seafront – with improved access to the beach, jetty and along the seawall, replacement kiosk and seating (Action 5.3); and
 - f) Improvements to Dawlish Business Park to resolve current environmental issues (Action 2.3).
- 3.29 While the DPNP contains a number of other proposals which are not included within the emerging Core Strategy these reflect local concerns and priorities. While it can be argued that a number of these are not strictly appropriate for inclusion within a neighbourhood plan as envisaged by the Localism Act 2011 and accompanying regulations, as a community planning document there is no reason why they should not be retained as they appear to reflect the aspirations of the community.
- 3.30 Overall, while DPNP is in broad conformity with the Strategic Policy S17 of the Preferred Options Report there are substantive differences in terms strategic allocations of both housing and employment land requirements. While it may be possible to resolve these conflicts, particularly as the strategic policies remain to be settled, as currently drafted the two documents are in clear conflict.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

4.0 COMPATIBILITY WITH LEGAL OBLIGATIONS

- 4.1 As noted at para 1.1 it is not proposed that the DPNP will be adopted as a statutory development plan. This effectively removes the requirement to comply with EU Habitat Directives and Human Rights obligations.
- 4.2 It will be the responsibility of Teignbridge District Council as local planning authority to ensure that the policies from the DPNP which are to be included in the emerging Core Strategy are legally compliant.
- 4.3 This will include ensuring that the plan is subject to a Sustainability Appraisal/Strategic Environmental Assessment and an Appropriate Assessment in respect of potential significant effects on the international habitat designations. The significance of such assessments for the proposals currently contained within the DPNP is discussed further at paras 5.7 and 5.8 below.
- 4.4 It is noted that fulfilling these obligations places a significant burden on a community-led neighbourhood planning group. The Dawlish Steering Group has been fortunate in the level of support that it has enjoyed from the professional planning staff of Teignbridge District Council. This highlights the challenge for any community contemplating the preparation of a neighbourhood plan intended to be formally adopted.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

5.0 ASSESSMENT OF 'SOUNDNESS'

5.1 The aim of this section is to examine whether or not the DPNP can be considered 'sound'. This is a test which Local Plans need to pass before they can be considered for formal adoption. As previously noted there is no requirement for neighbourhood plans to be assessed for soundness. However it has been agreed that consideration would be given to this as part of the Examination process.

5.2 The key elements of soundness which apply to Local Plan are identified in the NPPF as being:

- **Positively prepared** – based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from surrounding areas where it is reasonable to do so and consistent with achieving sustainable development
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; and
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic issues.
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies of the framework

Positively prepared

5.3 For the reasons set out at para 2.21 it is extremely difficult for an objective assessment of development needs for housing and employment land to be undertaken at a neighbourhood level. While the DPNP has accepted the amount of new employment land recommended in the Teignbridge Employment Land Review (DPNP LD37), it cannot be demonstrated that the level of housing growth provided for in the DPNP is based on firm evidence. Notwithstanding the challenges which Teignbridge District Council has itself faced in establishing District-wide housing numbers (DPNP LD27 and LD 28), it is clear that the amount of housing provided for in the DPNP will not meet the identified need for affordable housing. This is because the approach followed by the Steering Group has sought to assess the level of housing which would be 'acceptable' to the local community rather than that which is needed. In this regard the Steering Group has sought to take into account understandable concerns over the growth of traffic on the A379, perceived pressure on the town's sewerage system and a desire to protect the surrounding countryside and habitats.

5.4 While Teignbridge has sought to reflect the views of the local community in its emerging strategic policies for Dawlish, this has resulted in a housing figure which is at the bottom end of the range of options canvassed in the Core Strategy Issues and Alternative Options Report in Summer 2010 which ranged from 45 additional new dwellings per annum (dpa) to 74dpa. These figures represent Dawlish taking between a 6% and 10% share of the District's identified housing needs. While recent work suggests that the overall figure may be revised down, the approach followed in the DPNP (and reflected in Teignbridge's strategic policy for Dawlish) cannot be

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

regarded as having been positively prepared. The only caveat which could be applied to this conclusion is if it can be demonstrated that there are clear infrastructure and environmental constraints to housing growth above the level proposed.

- 5.5 Considerable concern has been expressed regarding increased traffic congestion on the A379 arising as a result of housing growth, particularly at pinch points in Dawlish town centre (part of which is designated as an Air Quality Management Area) and Starcross. Work undertaken by Devon County Council has shown that the potential additional traffic will only add marginally to peak hour traffic flows assuming the current modal split. As and when public transport improvements are delivered through improvements to rail facilities and services and sustainable transport connections, modal shift should occur which should limit congestion. However there is clearly a need to investigate opportunities for road improvements along the A379 as noted in the DPNP. On the basis of this advice transport does not appear to be a critical constraint.
- 5.6 Concern has also been expressed about the ability of the sewerage infrastructure to cope with additional growth, particularly given the need to protect the resort's bathing waters. Based on the information provided by South West Water, the provision of adequate sewerage infrastructure does not appear to be a binding constraint. However it is clear that there is an ongoing maintenance issue associated with the current infrastructure.
- 5.7 There are grounds for potential concern regarding the need to protect internationally designated habitats at Dawlish Warren and the Exe Estuary from increases recreational pressures arising from housing growth. The potential for significant effect on these wildlife sites arising from the proposals in the DPNP has been clearly identified in the Draft Habitat Regulations Assessment (DPNP LD68). The current Joint Interim Approach requires developers of tourist and residential accommodation within 10km to provide funding for mitigation measures, while the DPNP seeks specific provision for of the Sites of Alternative Natural Green Space at the proposed Dawlish Coastal and Community Parks (Actions 3.1 and 9.7). In addition the proposed Cirl Bunting habitat enhancement proposal (Action 9.1) seeks to manage the impact which development on the edge of Dawlish will have on biodiversity.
- 5.8 Given the criticality of these measures to protecting interests of acknowledged importance it is not considered that the housing growth numbers contained within the DPNP (and Core Strategy) can be confirmed until they have been the subject of a specific SA/SEA and Appropriate Assessment and that a clear implementation plan is agreed to secure the necessary mitigation measures. If it can be clearly demonstrated that a level of housing growth above 45 dpa can be accommodated in Dawlish Parish without harm, then consideration should be given to an increased allocation. Until this exercise is undertaken the DPNP (and Policy S17) must be considered unsound.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

Justified

- 5.9 It is evident that the Steering Group has sought to identify the most appropriate strategy for the future development of Dawlish. This started from a substantial evidence base derived from previous work on the town, supplemented by information assembled by Teignbridge District Council as part of their work on the Core Strategy. This was supplemented by a series of consultations events aimed at understanding the aspirations and concerns of local people.
- 5.10 A workshop was held with an invited audience to explore how planned growth could assist in providing funding for much needed investment in the town. This sought to examine local opinions on how much growth could be accommodated and where this might be located. This process has been subject to some criticism. However the use of design 'charettes' and 'planning for real' events is now an accepted means of engaging local communities in debate around the future of places.
- 5.11 The Consultation Draft DPNP published in September 2012 attracted over 400 completed response forms including comments on a series of questions. These responses were overwhelmingly from residents (there was limited engagement from business and development interests) who expressed a mixture of support for the principle of positive plans for the future, general agreement about the proposed direction of growth to the north west of the town, but strong concerns regarding the amount of housing proposed and the impact of specific allocations.
- 5.12 The Steering Group sought to take the results of the consultation into account in reaching the key judgements which needed to be made particularly regarding the level and distribution of housing involved. As the minutes of the Steering Group reveal this involved long and difficult discussions culminating in some cases in a vote in order to reach a decision. While the Hearing clearly revealed the factors which the Steering Group took into account in reaching their judgements, the majority of which appear to have been driven by planning considerations, there is no clear 'audit trail' available, for example a systematic analysis of the pros and cons of different sites. This lack of clear analysis makes it difficult to argue that the Plan is justified.
- 5.13 It cannot be reasonable for a community-led neighbourhood plan to be subject to the same level of expectation in terms of evidence and justification in terms of generating and testing alternatives as a Local Plan prepared by a local planning authority. However it is important that the key decisions can be seen to have been taken on the basis of well grounded planning considerations which are clearly documented. For these reasons one can sympathise with promoters who sought to understand and challenge the basis of the DPNP.
- 5.14 While the Examination Hearing allowed light to be shed on the evolution of the DPNP which has properly sought to take the results of consultation into account it remains difficult at this stage to conclude that the document as presented is justified.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

Effective

- 5.15 The delivery of the DPNP is highly dependent upon the willingness and the ability of the development industry to bring forward market-led housing in Dawlish, thereby delivering affordable housing, and elements of the proposed green infrastructure. The Examination has revealed a good level of cooperation with landowners that indicates that it should be possible to deliver a master planned, mixed use development to the north west of Secmaton Lane (Action 1.1). However some adjustment to the plan is recommended (Action 4.2) to ensure that the Devon Partnership NHS Trust is able to contribute their land to the creation of the new Link Road.
- 5.16 The other housing allocations included within the DPNP all appear deliverable in terms of landownership. Recommendations have been made regarding the proposed allocation west of Southdowns Road which could be increased to deliver net biodiversity and recreational benefits.
- 5.17 Scepticism has been expressed regarding the ability of the plan to deliver the anticipated level of affordable housing contribution. This is based on recent experience based on an limited policy base (DPNP LD31 and LD 32) and weak market conditions. The emerging planning framework, which is underpinned by economic viability reports (DPNP LD29 and 30) should provide a firm basis for achieving the target level of affordable homes. However there may be a case for exploring the potential contributions of other local housing delivery approaches such as provision for self build.
- 5.18 A similar scepticism exists in relation to the ability of the plan to deliver jobs. This reflects the slow rate of development and high vacancy rate at the Dawlish Business Park. While this is undoubtedly due in part to Dawlish's poor competitive position relative to the urban centres of Exeter, Newton Abbot and Torbay, it must also in part be due to the poor condition of the existing industrial estate. The proposals contained within the DPNP for the allocation of employment land to the east of the A379 following the development of the Sainsbury's foodstore appear well founded, although it may be necessary to approach this as a package including housing south of Shutterton Road. This would also be effective in delivering the proposed green infrastructure alongside Shutterton Brook.
- 5.16 A key question regarding the delivery of DPNP surrounds the delivery of the Coastal and Community Parks. For the reasons set out a paras 2.42 these should be viewed as an integral part of the planned approach to housing growth. At present the land for both of these facilities is in private ownership and arrangements need to be put in place to ensure that they are available to mitigate potential adverse habitat and wildlife impacts. This represents a potentially critical weakness in the implementation of the DPNP.
- 5.17 Concern has been expressed about the ability of development to provide sufficient funding to deliver the regeneration, environmental and community facilities

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

proposed in by the DPNP. The DPNP provides an indicative approach to the use of funding arising from Community Infrastructure Levy and New Homes Bonus. A formal agreement between Teignbridge District Council and Dawlish Town Council might remove some of the doubts which have been expressed about whether Dawlish will benefit from the level of growth planned.

- 5.18 The DPNP has been criticised for including proposals which are dependent upon the actions of outside agencies which cannot be guaranteed. This includes the County Council in relation to education and transport, the NHS in relation to healthcare, Network Rail and train operators in relation to rail facilities and services. Clearly Teignbridge District Council will have a significant role in relation to the delivery of other aspects of the Plan. It seems inevitable that a plan prepared at the level of a community such as Dawlish will involve such dependencies. This is not a valid basis for criticism. Indeed a key role of a neighbourhood plan is to express the vision and aspirations of the local community.
- 5.19 Consideration does need to be given to the potential for the proposals contained within a neighbourhood plan to impact on other communities. In this regard the principal concern relates to the impact of growth on traffic congestion in communities along the A379, particularly Starcross and, to a lesser extent, Kenton and Exminster. These communities have expressed their concern to the Steering Group who prepared the DPNP and these concerns have been considered and specifically investigated by Devon County Council. On the basis of their advice and ongoing investigations into the potential for easing traffic flows on the A379, one can conclude that the DPNP will not result in significant 'spillover effects'.
- 5.20 Section 2 of this report has considered whether the DPNP is in accordance with the policies of the NPPF.

Conclusion on Soundness

- 5.21 While it is not a requirement that neighbourhood plans pass the test of soundness, the assessment of the DPNP has found that it is neither positively prepared or justified. This is in large part due to the fact that the DPNP has been prepared as an input to the emerging Core Strategy. This required the Steering Group to make difficult judgements about the appropriate level of housing growth for Dawlish which they were not equipped to do.

DAWLISH PARISH NEIGHBOURHOOD PLAN EXAMINER'S REPORT

6.0 ASSESSMENT OF CONSULTATION PROCESS

- 6.1 In this final section of this report consideration is given to the effectiveness of the process for engaging the community in the process of preparing the DPNP. A number of criticisms have been raised both with respect to the representativeness of the Steering Group which was formed to lead the neighbourhood planning pilot and the extent of consultation. The validity of these points is considered briefly below.
- 6.2 The Steering Group sought to draw together a range of interests from across the community. This included: Town, District and County elected Councillors; the Dawlish Conservation Trust; Dawlish Learning Partnership; Teenbridge Project (Christian youth project); DARE for the environment of Dawlish; Holcombe Residents' Association and other community interests; Dawlish & District Chamber of Commerce; Dawlish Community Trust; the NHS; Dawlish Warren Tourism Group; Dawlish Transition Ambition group; the Police; the United Reformed Church; Rotary; Women's Institute; British Horse Society & Rights of Way representative; Starcross Parish Council; Dawlish Community College; Cockwood Residents Association; and Dawlish Senior Council.
- 6.3 While the composition of the Steering Group appears to have reflected a cross section of community interests, it has been observed that, with the exception of a representative from the Chamber of Commerce, business and landowner/developer interests were not included. In this regard the Steering Group were reliant on Teignbridge District Council's planning officers for information on potential development proposals. In the discussion at the Hearing it was noted that it would have been valuable for there to have been direct contact between the Steering Group and development interests earlier in the plan-making process. This should be the responsibility of all parties.
- 6.4 Paras 5.9 to 5.12 outline the approach to consultation taken during the preparation of the plan. Despite a small number of complaints about lack of information or opportunity to participate which typically arise in respect of all public consultations, it is clear that strenuous efforts were made to reach out to all sections of the community, including young people. Video, web based and written materials were prepared and distributed widely including participation at popular local events. Whilst the workshop event attracted some criticism, it appears to have been a worthwhile attempt to engage local people with the challenge of planning at the level of the town and parish of Dawlish. The success of the consultation process can be seen in the large number of comments received and in the ongoing involvement of the community in consultation on the emerging Core Strategy and the Informal Hearing.
- 6.5 While there are clearly lessons which can be learnt for the future, overall the consultation process associated with the DPNP appears robust and fit for purpose.