

Town and Country Planning Act 1990

APPEALS BY

1. FENITON PARK LIMITED

AT LAND ADJACENT NORTH OF ACLAND PARK, FENITON

Appeal Reference Number: APP/U1105/A/13/2191905/NWF

2. STRATEGIC LAND PARTNERSHIP

AT LAND WEST OF OTTERY ROAD, FENITON

Appeal Reference Numbers: APP/U1105/A/13/2197001

&

APP/U1105/A/13/2197002

3. WAINHOMES (SOUTH WEST) HOLDINGS LIMITED

AT LAND ADJACENT TO LOUVIGNY CLOSE, FENITON

Appeal Reference Number: APP/U1105/A/13/2200204

OPENING STATEMENT by FENITON PARISH COUNCIL (FPC)

1. "Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

...improving the conditions in which people live, work, travel and take leisure"
2. This is not my own personal take on the meaning of the phrase "sustainable development", nor that of FPC, nor that of some well-intentioned environmental NGO. It is one of the interpretations given by the Government as set out in the NPPF at para.9.
3. Although sometimes hard to credit, this is one of the central criteria against which planning applications must be determined. It is one of the criteria against which these planning appeals must be determined. The underlying question, irrespective of whether we are considering the so called need for the proposed developments at Feniton, impacts arising from traffic, increased risks of flooding, damage to the landscape, the loss of some of the best and most versatile agricultural land in the area, impacts on the community, is "will these developments make peoples' lives better?"
4. Bearing this in mind, the evidence produced by FPC and EDDC at this inquiry will unequivocally establish that the answer to this question is a resounding "no".
5. The evidence of Martyn Smith, Chairman of the Parish Council will show that not only will this proposed development adversely impact on the vitality of the village as it presently is, but as importantly, it will threaten the community's vision, aims and objectives for the future. This vision is evolving, through the democratic process of the emerging East Devon Local Plan. It is a vision underpinned by sustainable development. It is a vision of improving peoples' lives now and in the future. It is a vision of sustainable growth, building on its

past history and its present resources. It is a community vision involving the whole community, local businesses, the young and the old.

6. This vision is wholly supported by Government national planning policy. The NPPF encourages communities to develop plans to support local development (para.16). It is a vision that seeks to empower “local people to shape their surroundings”. It must be “a creative exercise in finding ways to enhance and improve the places in which people live their lives”. It is a vision that must “contribute to conserving and enhancing the natural environment and reducing pollution.”
7. Again, this is not wishful thinking, it is not a pipe dream of some far off utopia. These are all core planning principles set out in para.17 of the NPPF. These core land-use principles should underpin both plan-making and decision-taking. It is a vision apparently shared by Government. It is a vision which will be wholly frustrated should these proposed developments be approved.
8. The vision does not stop there. National planning policy advises us that there are three dimensions to sustainable development, and that these dimensions give rise to the need for the planning system to perform a number of roles. These roles are; an economic role – by ensuring that sufficient land of the right type is available in the right places at the right time; a social role – to support strong, vibrant and healthy communities; and an environmental role – by which the planning system contributes to protecting and enhancing the environment. (NPPF para.7)
9. The evidence will show that these proposed developments are not only incapable of fulfilling any of these roles, but will actually serve to frustrate them.
10. The inevitable increases in out-commuting by private car and the need to travel by car to access both retail and leisure services, together with the lack

of the provision of local employment opportunities will fail to serve either an economic, social or environmental role. The loss of the best and most versatile agricultural land from a rural community hardly protects and enhances the environment, and local services will be overwhelmed by the likely increases in demand for accessible educational and health services, thus defeating the social role of the planning system.

11. Sustainable development should now be seen as a “golden thread” running through both plan-making and decision-taking (NPPF para.14), the Minister for planning at the time advising us that “sustainable” means ensuring that better lives for ourselves should not mean worse lives for future generations, and that “development” means growth, the accommodation of new ways of living and working, responding to changes. Put together, sustainable development is about change, but for the better. (NPPF Ministerial Foreword)
12. The pursuit of sustainable development, we are assured, involves seeking positive improvements in the quality of the environment (whether built, natural or historic) as well as in the quality of peoples’ lives, the conditions in which they live, work, travel and take leisure. (NPPF para.9)
13. These, according to Government planning policy, are among the criteria against which this proposed development must be assessed.
14. The NPPF sets out 12 core planning principles, which state that planning should be not just about the scrutiny of planning applications, but to be “a creative exercise in finding ways to enhance and improve the places in which people live their lives”, encouraging the use of brownfield land, and making the fullest possible use of public transport, walking and cycling, focusing significant development in places that are sustainable or can be made so. (NPPF para.17)
15. The evidence of Dr Claire Horrocks, an expert in sustainability matters and Roger Giles, a former County Councillor with long experience of planning issues in East Devon, will show that, notwithstanding a previous Inspector’s finding that Feniton is a sustainable location for development, and notwithstanding the agreement of EDDC with the Appellants on this matter,

Feniton is an inherently unsustainable location for these proposed developments now subject to this appeal process.

16. Dr Horrocks' evidence will show that the definition of a sustainable location adopted by EDDC and the Appellants is overly simplistic, narrow and mechanistic, reducing sustainability appraisal to a tick box exercise.
17. Having not been invited by any of the other parties to this inquiry to participate in the process of agreeing Statements of Common Ground, FPC wish to make it clear from the outset that it does not agree with EDDC and the Appellants that there will be no adverse highway impacts arising from these developments, nor that Feniton is a suitable or sustainable location for developments of the scale proposed.
18. The need for these proposed developments is not a public interest need, these are not requirements of planning policy, at either a national or local level. As such, they cannot possibly override the public interest inherent in good planning, the public interest in protecting the public and the environment, the public interest enshrined in planning policy and legislation.
19. What of the persistent failure of EDDC to deliver housing in the district, and the NPPF's presumption to approve development proposals where the plan is out of date, upon which the Appellants place such reliance? What of the issue of whether or not EDDC can demonstrate a five year supply of deliverable housing sites and how that is calculated?
20. No doubt, a great deal of time will be spent on these matters at this inquiry, yet this must be set in the overall context of policies set out in the NPPF, as we are reminded in para 14. When set in the overall context of sustainable development, as detailed above, the disagreements between EDDC and the Appellants are reminiscent of debates between medieval theologians as to how many angels can dance on the head of a needle.
21. If planning is about any one thing it is about ensuring that appropriate, sustainable developments take place at appropriate, sustainable locations at the appropriate time. These are the issues to be addressed at this inquiry.

Para 122 of the NPPF reminds us that the focus should be on whether development is an acceptable use of land and what the impact of that use will be. Underpinning this focus is the definition of sustainable development with which this opening statement began.

22. The evidence will show that these proposed developments are not acceptable uses of land at this location and that the impacts of these developments will be equally unacceptable. These proposed developments are not sustainable, they will not positively improve the quality of peoples' lives or that of the natural environment, and will not perform a positive economic, social or environmental role.

23. For all these reasons and those set out above, these Appeals should be dismissed.

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