

INGLEWOOD INQUIRY, JANUARY 2021

STATEMENT BY ADAM BILLINGS

Introduction

1. My name is Adam Billings. I am the elected Vice-Chairman of the Brixham Peninsula Neighbourhood Forum. I have held this role, unopposed, since the Forum's inception in 2011.
2. The purpose of my statement is to:
 - highlight the incomplete nature of the summary of the Local Plan examination process as advanced by appellants;
 - provide evidence on the spatial strategy of the Brixham Peninsula Neighbourhood Plan;
 - explain the genesis for policies E2 Settlement Boundaries and E3 Settlement Gaps;
 - highlight the development would cause substantial harm to the special character of the area and that this harm is the inevitable consequence from the poor choice of this site;
 - set out that in all the circumstances you, Sir, as the decision taker will be balancing the Government policies of: (i.) promoting localism and neighbourhood plans; against (ii.) boosting the supply of housing; and
 - respectfully ask you, Sir, to dismiss the appeal.

Local Plan process

3. You, Sir, just heard that the Local Plan Examiner Mr Holland was minded to include this site and that it was only the matter of the late provision of ecological information which led to its exclusion. Of those present at this inquiry, only Mr Pickhaver and I were present throughout the whole of the Local Plan examination. My evidence is that summary is incomplete.

4. Specifically Mr Holland accepted that the Brixham Peninsula should contribute 660 dwellings. This is clearly at odds with Mr Holland anticipating this site should come forward and increase the housing provision contributed by Brixham by 57% to 1033 dwellings.

Brixham Peninsula Neighbourhood Plan Spatial Strategy

5. The spatial strategy of the plan was developed in the context of the community's concern to the proposed Churston Golf Course development. That development was promoted by Counsel's colleague from Chambers, Christopher Young, now QC, and refused after a 14 day inquiry APP/X1165/A/13/2205208. While on the face of it an application for a new clubhouse and golf holes on permanent pasture on the AONB, it was inextricably linked to a development of 132 homes.
6. As per the Brixham Peninsula Neighbourhood Plan Consultation Statement at paragraph 4.6.7:

From a consultation perspective the appeal reinforced to the local community the need to find sites which could accommodate housing – recognising that if the housing allocated to Brixham by Torbay did not get allocated to the Council's land which formed part of Churston Golf Course it had to go somewhere.

7. In relation to the housing aspect of the Churston Golf Course development there were two community concerns: 1. the erosion of local character flowing from the location of the site; and 2. the large scale of the site.
8. The Neighbourhood Plan sought to learn from these expressed concerns and promote development on a larger number of smaller sites embedded within the existing settlement rather than a smaller number of large urban extension sites. Many of these smaller sites were brownfield and this also fitted the community aspiration regenerate the area. This strategy resonated with the community so much that they overwhelmingly supported a Neighbourhood Plan which promoted more development than anticipated in the Local Plan.

Policy E2 Settlement Boundaries and Policy E3 Settlement Gaps

9. The reason the community supported this higher level of development is they were reassured development would respect the special semi-rural character of our area. Central to this is Policy E2 Settlement Boundaries and Policy E3 Settlement Gaps.

10. In effect Policies E2 and E3 are 'zoning' policies. Policy E2 highlights where development should be located. Policy E3 then highlights the most important areas of countryside which should be avoided should development go outside of the area identified in Policy E2; albeit the 'zone' is not set by a line on a map rather than an impact on a vista. In combination this created 3 zones in increasing level of importance and sensitivity: (i.) within the settlement boundary; (ii.) in open countryside; (iii.) in open countryside within a settlement gap.
11. The Neighbourhood Plan at explanatory paragraph 5.23 says:

These separating countryside strips, or "settlement gaps", provide:

 - *an open characteristic to the area which draws in views of distant landscapes;*
 - *separation which prevents coalescence and the merging of settlements; or*
 - *corridors which physically connect to and interact with the wider countryside.*
12. This can be read in context with the Plans' *Introduction and Rational* which says at paragraph 2.4:

Our green environment of the Brixham Peninsula should be protected from development to maintain our outstanding landscape. In particular, the AONB should be protected in accordance with the local planning guidance and national policy. The settlement gaps between our villages will be protected from development to preserve the individual village characteristics, retain settlement boundaries and retain the semi-rural nature of their surroundings.
13. Consideration of the main ways the local area is experienced when travelling through it highlights why areas were designated in the way they were.
14. The primary route into Brixham is along the A380 and then along the A3022 Brixham Road. Along this route the urbanisation of Paignton is omnipresent from the junction of the A380 and Higher Ramshill Lane. Then, at the Appeal site, the special charter of the Brixham Peninsula starts as views open up across towards the AONB and the distant Dart Valley (View Point 1 in the Neighbourhood Plan at page 103).
15. This is a landscape which the community value just as much as the Secretary of State did when he referred to it as "*one of the finest riverine landscapes in the country*" (CD7a and CD7.3b; Reference SW/P/5183/220/4). The Appeal site, and the riverine landscape view across it, hence marks the transition from Paignton to Brixham and serves as the first of several sequentially experienced settlement gaps on the way into the Town.
16. The next settlement gap is further along while travelling along the A3022 across Galmpton Warborough Common as views open up across towards the AONB and the distant 'Hillhead' (View Point 2 in the Neighbourhood Plan at page 104). And then again along the A3022

across open fields towards the AONB and the distant 'Hillhead' (View Point 5 in the Neighbourhood Plan at page 106).

17. It is these settlement gaps which have a demonstrable impact on informing the special character of the area.

Harm to the special local character

18. The development is contrary to Policy E2 and Policy E3. Should this appeal be allowed it will be impossible to distinguish where the Brixham Peninsula area starts and Paignton ends. When travelling along the Brixham Road, but for a field which has been landscaped for use as a summer 'car boot' sales pitch, the village of Galmpton will visually merge with the town of Paignton, creating one large urban area.
19. This effect will be enhanced as the outstanding views from the Brixham Road which draws in the distant landscapes of the AONB and the riverine landscape of the River Dart would be lost, to be replaced by the generic appearance of urban development.
20. Given the travel disruption caused by the current pandemic the Forum has made available to the Inquiry drone footage which showcases this impact, showing the undeveloped appeal site in the context of the existing recent housing development at Whiterock – what Ms Pindham noted the community refer to as Whiterock 1. While clearly this elevated viewpoint does not accord with human views from ground level, it provides for easy comparison of the special landscape of the appeal site and its contribution to the wider area in its current undeveloped form and how it will likely become should this appeal be allowed.
21. And this is why the adopted Housing Site Assessment which forms part of the Neighbourhood Plan and is explanatory text to policy BH3 says (at page 83):

Development of this site would demonstrably impact on sweeping public views into Dart Valley AONB from the Dartmouth Road, something which currently significantly contributes to the character of the area. Furthermore, the open countryside at this location provides an important area of separation between the village of Galmpton and the Town of Paignton and any development would lead to the coalescence of these settlements.

Conclusion

Development of the site, so close to recently completed extensive developments in White Rock, would be a major urban encroachment into an area of sweeping farmland which flows into the Dart Valley AONB... This site is not considered suitable for inclusion in the Neighbourhood Plan.

22. The Appellants did not agree with this assessment and made extensive representations to the Neighbourhood Plan Examiner to variously seek both the inclusion of their site and/or the wholesale rejection of the plan, claiming it did not comply with the basic conditions (e.g., in the letter dated 15th December 2017 from Stride Treglown). However the Neighbourhood Plan Examiner was not persuaded by these submissions the Inglewood site was an appropriate location for development.
23. Indeed, it is difficult to envisage how the appellants could have chosen a worse location for their site. Had they proposed a development on the adjacent land to the south where that car boot sales pitch is located, to a site south of the junction with Hunters Tor Drive, the impact on distant views and hence the area's special character would have been more limited as the land form rises up and so the views are enclosed. Had they chosen a site such as the Pilgrim's Friend Land (Neighbourhood Plan Housing Site Assessment, page 94) there would be no impact on views across the site to distant landscapes.
24. It is reasonable the decision in relation to this site will be relied on going forward to assess the weight that should be given to Policy E2 and Policy E3. If this development were to be allowed it is unclear why any future development which impacted on another settlement gap should be refused. There is therefore a fear in the local community that allowing this development would set a precedent that would bring forward other developments on other settlement gaps magnifying the impact on area's special character.
25. The local tourist industry, a major driver of the local economy, stands to lose from the deterioration in the special character of our area. This is an important economic sector which sustains considerable local employment. However no-where in the extensive weight of material put forward by the appellants have they considered this important aspect.
26. More generally the decline in the special character of the area will harm the attractiveness of the locality as an area for inward migration. Economic data clearly shows that due to the limited number of higher waged employment opportunities locally, a fact which this proposal does not address, many young people leave the area for work and are replaced by older persons seeking to move into the area. These older persons predominantly bring with them income from employment elsewhere and this assists the local economy by providing demand in local service sectors e.g., local builders, landscape gardeners etc. The more the special character of the area is eroded, the more other areas will attract the inflows of capital which sustain the local economy.
27. The strap line of the Neighbourhood Plan "*Protecting the Green and the Marine - protecting the future*" is much more than mere sloganising. It was the embodiment of the local community's recognition that the environmental capital of the area was a central part of the its economic success. This is very different the way the economy in many other parts of the

country functions. For example, the economic success of towns such as Exeter or Plymouth do not depend in the same way on those areas maintaining their special character.

Balancing Government policies - localism vs boosting the supply of housing

28. It is anticipated the key argument which will be relied on by the appellants is that there is an urgent need for housing which justifies in all the circumstances building on this site. It is agreed correct there is a government policy of boosting the supply of housing. However it is also the case there is a government policy of localism and allowing local people to say where development should be located in their area.
29. The appellants had every opportunity to engage with the Neighbourhood Plan preparation process but at all times chose not to until the plan had effectively already been prepared. They are uniquely the only developer who was promoting a site in the Brixham Peninsula area during the plan preparation process but who never attended either directly or through their agents a single Forum meeting.
30. Should this appeal be allowed, volunteers like myself will need to explain to our community why they should continue to engage in the Neighbourhood Plan process when their views do not prevail and furthermore whatever they do going forward they will be powerless to prevent the same thing would happening again. However, I would be unsure what to say.
31. Simply, it is not in the gift of the Brixham Peninsula Neighbourhood Plan forum to give Torbay as a whole a 5 year land supply; and it is only the lack of such a supply that has caused this proposal to even come forward. This is not in any way the localism or promotion of neighbourhood planning proposed by government, rather it is an undemocratic oppression of a minority community who would have no effective say in their future.
32. In the aforementioned extensive representations to the Neighbourhood Plan examiner the appellants were of the view *“the examination of the proposed Neighbourhood Plans [is] a matter of greater than neighbourhood importance. The plans, if made, are critical to the delivery of the Council’s wider strategy and as such their examinations should be held together and by a single examiner who is then able to consider strategic planning issues at play in these cases”* (letter dated 15th December 2017 from Stride Treglown). It cannot therefore be right that they should now wholly undermine the Neighbourhood Plan process by arguing now, contrary to the clear landscape protection policies, a new village needs to be being created, joining Paignton to Galmpton, in this Section 78 appeal.
33. Indeed, as the conflict with the Brixham Peninsula Neighbourhood Plan is so demonstrable, this appeal is being seen as a bell-weather for the weight which will be given by decision

takers to the 3 Torbay neighbourhood plans. Effectively the community perception is *'if this development is allowed so too will every other development which runs contrary to the neighbourhood plan'*. That is why Sir, spokespersons from both the Paignton and Torquay have asked to address the inquiry to highlight the authority wide impact this decision will have on the neighbourhood planning process.

34. At the same time through detailed local knowledge the Forum has already been made aware of many businesses in the Brixham Peninsula area who will likely close as a result of the current Pandemic. Accordingly, the regeneration of brownfield sites will become more pressing in coming years. Mr Payne's evidence highlights the acceleration in the delivery of windfall sites and boost to the housing supply this will bring. And it is reasonable that many of these brownfield sites will provide come forward before some of the homes provided by this development given we have just heard, from Mr Goatley's opening, these could take up to 8 years to come forward. It is hence simply not the case the local need for homes justifies the harm caused by developing this site.

Conclusion

35. In summary you Sir, are respectfully asked to dismiss the Inquiry based on the harm to the landscape character in terms of the impact on the AONB and the material degree of conflict with the Brixham Peninsula Neighbourhood Plan by the development being located within a settlement gap.
36. Although the proposal does offer benefits through the delivery of new homes which would add to the housing land supply, these are insufficient to offset the harm caused by the development.
37. As Mr Goatley QC observed in his opening remarks, the appeal site does, and I quote, "have a pedigree". However, it is a very poor pedigree of having already been rejected by the Secretary of State for development, and the reasons for its rejection then are as pressing now particularly given the extent of the conflict with the recently made Neighbourhood Plan.

Adam Billings

Vice-Chairman of the Brixham Peninsula Neighbourhood Forum

12 January 2021