

## 12. CONCLUSIONS

12.1 From the evidence and representations and having seen the application site, the surrounding area and other sites mentioned by the parties, I come to the following conclusions (based on the facts contained in the paragraphs of my report marked thus (1)):

12.2 This proposal is for a major new business park on the south-western edge of Paignton on 31ha of land currently included within an Area of Great Landscape Value and overlooking the Dart Valley Area of Outstanding Natural Beauty. It comprises a high quality, low density development with a total floorspace of no more than 69,722 sq m (750,000 sq ft), with roads and individual buildings set within extensive landscaping not only within the site and along the boundaries, but also within an 82ha "Countryside Fringe" area which adjoins the site. It is expected to provide up to 2,500 new jobs. Torbay Borough Council and Devon County Council support the project, but locally it is very controversial, with objections from the adjoining local authority, South Hams District Council, several local organisations and many individuals. [4: 1.6; 2.1; 2.3; 2.4]

12.3 In view of the sensitive location of the site within an AGLV and not far from an AONB, most parties, including the applicants, agree that this is a case where the economic need for the development has to be proven in order to outweigh the environmental, landscape and other policy objections. In my view, this is the central consideration in this case. In considering this question, it is necessary to examine the proposal against the approved development plan and assess the suitability of the site for the proposed development before considering whether there are other material factors, such as the need for the development, which might outweigh any policy objections to the proposal. The matters on which the Secretary of State wishes to be informed provide a useful framework for considering this proposal, namely: [2: 5.3; 6.2; 7.1; 8.2]

- ◆ its relationship to national, regional, strategic and local planning policy, including the implications for the employment development strategy for Torbay,
- ◆ the suitability of the site for the proposed development, particularly in relation to its impact on the environment and landscape, and on the local highway network;
- ◆ the implications of the development on the loss of high quality agricultural land;
- ◆ the need and justification for the development; and
- ◆ any necessary planning conditions and agreements which may be appropriate.

12.4 A considerable amount of evidence has been submitted regarding this proposal, including a full Environmental Impact Assessment and an extensive list of core documents and supporting material. McAlpines' team has undertaken much detailed work, particularly on the Master Plan, landscaping and other mitigation measures, and TBC has submitted much evidence about the evolution of this project. Those opposing the development have also submitted a great deal of supporting evidence, especially on its visual and environmental impact. I have taken all this evidence into account in coming to my conclusions. [5: 2.2; 5.14-5.15; 6.4-6.7; 7.41; 8.8]

### Planning policy considerations

#### National planning policy

12.5 Although not included in the original list, a new edition of PPG1 was published just after the inquiry opened. The new PPG emphasises the need for sustainable development, achieving economic development while protecting and enhancing the environment. It also emphasises the plan-led approach, confirming that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise, and sets out the circumstances when development may be premature. It highlights the importance of economic considerations, especially broadening the economy and stimulating employment opportunities, having regard to the locational needs of businesses, including accessibility to the workforce and infrastructure. [9: 3.17; 5.23; 7.3]

AI

12.6 In assessing the proposal against the guidance in PPG1, much depends on its environmental and visual impact balanced against the need for the development. The high quality of the proposed development meets many of the aims of good design promoted by the PPG. However, I note the importance of assessing the impact of new development on land adjoining urban areas on its rural surroundings. In particular, the proposal has to be carefully assessed against the statutory development plan, in this case, the approved Structure Plan and adopted Local Plan. Judgements have to be made about whether the current plans are up-to-date and the weight to be given to emerging plans and supplementary guidance such as the Development Brief for the site. The question of prematurity is also relevant, particularly whether the development would be so substantial or significant as to predetermine decisions about the scale and location of employment development which should be made in the development plan context. The urgency and need for the development also has to be considered in the light of the limited window of opportunity for grant aid under the Objective 5(b) regime. These are matters which I shall address in my detailed consideration of this proposal. [5.23; 7.3; 7.56]

12.7 As regards PPG4, the proposal would help to ensure that sufficient land is available to meet the differing employment needs of industry and commerce on land which is readily capable of development. It would provide an opportunity for enterprise and investment, giving a major boost to the local economy and providing much-needed jobs, and helping to integrate economic growth with a high quality environment. The fact that this is a speculative development is not material when considering land-use, but the absence of prospective occupiers may be relevant to questions of need. In terms of PPG4, the main considerations are whether the proposal strikes the right balance between economic need and the impact on the local environment, and whether this is the right location for this type of development, especially in terms of minimising the length and number of trips by motor vehicles. I shall return to these points in my detailed consideration of the proposal. [3.17; 5.17; 6.61; 7.4; 8.13]

12.8 A new edition of PPG7 was issued just before the inquiry opened. This emphasises the importance of achieving environmental quality and rural prosperity, as well as protecting and enhancing the countryside. Although the site adjoins the urban area it is intended to serve, there is no dispute that the development would have an impact on the surrounding rural area, not only as a result of the business park, but also because of the extensive off-site planting proposed. [9; 5.18; 7.4]

12.9 Several matters are particularly relevant in the context of PPG7. Firstly, the PPG emphasises the importance of conserving the natural beauty of the landscape within AONBs. Although this site lies outside the Dart Valley AONB, it can be seen from several key vantage points within it and the development would undoubtedly have some environmental and visual impact on views to and from the AONB. Secondly, PPG7 points out that local landscape areas do not have the same weight as national designations and should not be used to unduly restrict economic development without identifying the features which need to be respected or enhanced. In this case, the site lies within a designated AGLV and the impact of the development on the character, appearance and function of the AGLV is a major consideration. When considering the suitability of this site for the proposed development, it is important to see whether a rigorous examination of the AGLV has been undertaken and whether it deserves protection. Thirdly, the PPG emphasises the considerable weight which should be given to the protection of higher-grade agricultural land and the need to examine whether development could be directed to lower-grade farmland. There is no dispute that this development would utilise a significant area of the best and most versatile farmland, and even though MAFF has withdrawn its objection, it is important to examine these aspects and assess the full agricultural implications of the proposal. Finally, the fact that the site lies within an Objective 5(b) area is a material consideration in assessing the need and urgency for the development. [3.17; 5.18; 5.20; 6.60; 7.4; 7.55; 10.2; 10.7]

12.10 The key aims of PPG13 are to reduce the growth in motorised journeys, encourage alternative means of travel and reduce reliance on the private car. The location of major new generators of travel demand, such as business parks, is therefore a key consideration. This proposal contains a package of highway improvements which would ensure that the local highway network could accommodate traffic generated by the development. It also contains other complementary transportation measures which would help to encourage the use of public transport and reduce reliance on the private car. The site is close to existing housing and employment areas and, with immediate access to the Ring Road, is



accessible to the local workforce. Being located on the edge of Torbay, it offers the potential to reduce the growth in journeys to jobs outside the area. Its main drawback is that it currently has very poor accessibility by public transport and lies on the fringe of the urban area outside any existing centre. However, the measures offered by McAlpines would improve access by bus and, with limitations on car parking and other incentives, some use of private cars for commuting could be discouraged. These mitigation measures would go some way towards meeting the aims of PPG13 and reflect current thinking about limiting journeys and reducing reliance on the private car. Nevertheless, the development would substantially increase the amount of traffic on the local road network and, in terms of PPG13, the main considerations are the locational characteristics of the site, the impact of the additional traffic on the wider road network and the extent of the proposed mitigation measures.

[3.17; 5.21-5.22; 5.55; 8.26; 10.8]

### Regional planning policy

12.11 RPG10 emphasises the need for development to be sustainable, protecting and enhancing the region's environmental qualities, encouraging a healthy and diverse economy and providing an appropriate distribution of development. Several themes are particularly relevant to this proposal. Firstly, the need for the bulk of new development to take place in the region's main towns, including Torbay, without diminishing the particular environmental characteristics and qualities of the settlements and their settings. Secondly, the need to protect land which bounds nationally important landscapes, such as AONBs, from insensitive changes which detract from the designated areas. Thirdly, the need to maintain economic prosperity, encourage economic growth and business competitiveness, generate employment and diversify the economic base, while maintaining an attractive environment. RPG10 urges a positive approach towards employment development, ensuring a continuous supply of good quality sites, including prestige sites in a high quality setting. Development is also to be encouraged in areas with Government assistance, such as Assisted Areas and Objective 5(b) areas. [3.18; 5.26; 6.8; 7.5]

12.12 In the Torbay area, RPG10 specifically recognises the high unemployment levels and the need to diversify the economy to counter the decline in the tourism and fishing industries, but also emphasises the high environmental quality of the area and the limited scope for substantial growth. The employment base should be developed and the economy strengthened while maintaining the tourist function and protecting the local environment. [6.8; 7.5]

12.13 In so far as this proposal would bolster the local economy, diversify the economic base, generate jobs and stimulate economic growth and prosperity, these are positive attributes which accord with many of the economic aims set out in regional guidance. However, when considering the proposal against RPG10, these positive aspects have to be balanced against its impact on the environment, particularly on the landscape and setting of Torbay, and seen against the environmental constraints of the area.

### Development plan

12.14 The statutory development plan comprises the Devon County Structure Plan - 3rd Alteration (1989-2001) approved in 1994, and the Torbay Local Plan (1981-1996) adopted in 1991. DCC's Landscape Policy Areas Local Plan (originally approved in 1985) remains part of the statutory development plan in terms of the AGLV boundaries. The South Hams Local Plan (adopted in 1996) covers parts of the Countryside Fringe areas adjoining the application site. [3.1; 7.6]

12.15 The approved **Structure Plan** aims to achieve a balance between economic needs and the need to protect the environment. It recognises the need to improve job opportunities and provide employment close to the main population centres such as Torbay. It gives high priority to diversifying the local economy and recognises the high unemployment levels and the Objective 5(b) status of parts of the area. The proposed development would meet many of the plan's economic objectives, helping to diversify the economy, reduce unemployment and provide jobs, and improving the balance between employment and population. [3.3; 5.32; 6.10]

41

12.16 However, the approved Structure Plan recognises the severe environmental constraints in Torbay which place a finite capacity on the scope for new development. The underlying strategy is one of constraint in the longer term once existing commitments have been taken up. There is some dispute about whether this constraint policy applies equally to new housing and employment. However, the strategy clearly recognises that there is limited scope for identifying new employment sites in this sub-region and acknowledges that the diversification of the economy should not take place at the expense of conservation objectives. For this reason, growth is encouraged in the office/service sectors which have greater flexibility and less demanding land needs. Having examined the overall development strategy and settlement policy for this sub-region, I can see no reason why the severe environmental, landscape and agricultural protection constraints should not apply equally to both housing and employment development, and I find little in the approved Structure Plan or Notice of Approval which suggests that less constraint should be applied to employment development in Torbay. [3.2; 5.32; 7.7]

12.17 The approved Structure Plan also constrains development beyond and on the edge of the urban area and gives high priority to the conservation of the landscape in AONBs and AGLVs and the protection of high quality farmland (Policies CDE3, CDE4 & PRW1). Sufficient land has already been identified to meet the employment land requirements of the approved Structure Plan and the current plan makes no provision for further large-scale releases of land such as that at White Rock. All parties agree that the proposal is contrary to the approved Structure Plan, especially in terms of environment, landscape and agricultural land protection policies, and I fully concur with that view. [3.2; 5.34; 6.11; 6.60; 7.7; 8.4]

12.18 Some parties argue that the approved Structure Plan is not up-to-date, pointing to the need for early review particularly of employment land supported by the EIP Panel and Secretary of State. I also note that the plan predates PPG13, although it does take into account the emerging regional guidance in RPG10 and the fact that some areas have economic assistance and grant aid. Nevertheless, in my view, the policies of this plan remain highly relevant, particularly those relating to the economy, environment and landscape, and are certainly not outdated enough to reduce its importance in the context of the statutory development plan. Although the proposed development would help to meet many of the economic aims of this plan, I conclude that it would not accord with the underlying strategy of longer-term constraint and would directly conflict with long-standing policies which aim to protect the environment, landscape and agricultural land. [5.31; 6.64; 7.8]

12.19 As regards the adopted Torbay Local Plan, most parties agree that it is becoming out-of-date and is time expired. It predates the current Structure Plan and is based on information from the 1980s. It also predates key national and regional guidance such as PPG4, PPG7, PPG13 & RPG10 and the current grant assisted status of the area. Nevertheless, it remains in conformity with the approved Structure Plan and meets its employment land requirements. It also reflects many themes of the approved and emerging plans, recognising high unemployment levels and the long-standing need to diversify the economy and provide more jobs. It emphasises the need for new development to be balanced against environmental priorities, with a strategy to protect the setting of Torbay, contain outward growth and avoid breaching important ridge lines. It also seeks to protect higher grade agricultural land. Both McAlpines and TBC argue that the adopted Local Plan is outdated and has failed to achieve its economic objectives. However, during its time, a considerable amount of new employment development has occurred, such as at Yalberton industrial estate and along Riveria Way, and at least 30ha of other employment land allocated in this plan remains to be developed. In my view, it reflects current economic circumstances and its key aims and policies remain relevant today. [3.5; 5.38; 6.12; 7.9]

12.20 The application site is not specifically allocated for development and lies within an area where Policies L1 & L2 do not normally permit new development. Although some of this area is recognised as having longer term development potential, much depends on the line of an improved Ring Road and the provision of adequate landscaping to mask any impact from the AONB. In no way does this suggest that a major release of employment land at White Rock would be appropriate at this time. [3.5; 5.39]



12.21 As with the Structure Plan, the proposed development would help to meet many of the Local Plan's economic objectives, but all parties generally agree that the release of this land for employment development would directly conflict with the plan's environmental, landscape and agricultural land protection policies, a view with which I fully concur. The site also lies within an AGLV, forming part of the high ground around Torbay which helps to protect its landscape setting and that of the nearby AONB, and so the proposal would also conflict with DCC's Landscape Policy Areas Local Plan. Development of the scale and nature proposed would fundamentally affect the character and special landscape qualities of this peripheral area of Torbay. As for the Countryside Fringe area, I note that the South Hams Local Plan recognises the importance of woodland in rural areas, but much depends on the impact of any proposed planting on the inherent landscape qualities of the area and its impact on the overall character and appearance of the AONB and AGLV. [3.6-3.7; 5.39; 6.12; 6.60; 7.6; 7.9-7.10; 8.4]

12.22 In terms of the statutory development plan, I conclude that although the proposed development would help to meet many of the plans' economic aims and objectives, it would directly conflict with long-standing policies on the protection of the environment, landscape and agricultural land. Furthermore, although these plans do not reflect all the latest national and regional advice, they establish an underlying strategy of constraint and contain important policies which are relevant to this proposal.

#### Emerging planning policies

12.23 McAlpines and TBC argue that greater weight should be given to the emerging Structure Plan Review and Local Plan. Since both were deposited in late 1996, there can be little doubt that they are very up-to-date and are in line with most of the latest national and regional guidance. Indeed, since the proposed development would extend over a 10-year period, well beyond the timescale of the approved Structure Plan, it may be more appropriate to consider the proposal in the context of these emerging plans. [5.34; 5.36; 5.103; 6.16]

12.24 The emerging Structure Plan Review reinforces the need to diversify Torbay's economic base and provide sufficient employment land. It endorses provision in a sustainable and self-sufficient manner, providing employment land close to the main population centres and reducing the need to travel. It aims to concentrate an increased proportion of new development, including employment, within the Main Areas of Economic Activity, one of which is Torbay/Paignton/Newton Abbot. In Torbay, it recognises that employment provision has not kept in line with the growth of new housing and highlights the Objective 5(b) status of much of the area. It highlights the sub-regional importance of Torbay and the need for significant provision to meet its employment needs, allocating some 70ha of employment land to the area, including 29ha of new land. It also provides for "prestige" employment sites within the main economic areas. The White Rock proposal would not only accord with the underlying economic aims and objectives of the emerging Structure Plan Review but also help to meet the future employment land needs of Torbay. [3.9; 5.35-5.36; 6.16-6.17; 7.11]

12.25 However, the new Structure Plan Review recognises that environmental and other constraints limit the scope for further development in Torbay, as well as the need to reflect conservation objectives and the viability of tourism. More particularly, the underlying strategy for Torbay represents a major shift away from the current policy of long-term constraint. Although the new strategy recognises that proposed housing provision will not fully meet local needs, it does not apply the same level of restraint to employment land provision. Neither DCC nor TBC could fully explain or justify the 70ha of employment land proposed for Torbay in the emerging plan and I understand that both this figure and the revised strategy for the area are the subject of formal objections. The overall strategy for Torbay and the provision of employment land are matters which need to be debated and decided at strategic level, linked to the question of future housing provision and new settlements. I shall return to these matters later when considering the question of prematurity. Bearing in mind the significant changes in the development strategy proposed for Torbay and the fact that the increased employment land allocation could not be fully justified, and given that both these elements are the subject of objections, I cannot give significant weight to the emerging Structure Plan Review at this stage. [3.9-3.10; 5.35; 7.12; 7.31; 9.14]

41

12.26 Similar points apply to the emerging Torbay Local Plan. Since the White Rock project and the Local Plan allocation evolved through the same process, it is not surprising that the current application fits well with the policies and proposals of this latest plan. This plan is also very up-to-date and, being prepared in parallel with the new Structure Plan Review, reflects the new strategy and employment land requirements for Torbay. It recognises the continuing poor economic performance of Torbay, the need to diversify the economy and create new jobs, in line with TBC's Economic Development Strategy. However, it also recognises the importance of protecting the high quality of Torbay's landscape and setting, important to tourism, and the need to protect the AONB & AGLV and avoid new development breaching the ridge lines around the urban area. There is no comprehensive review of AGLV boundaries and no assessment of any other opportunities or locations for new employment development. On a detailed point, I note that although the current proposal accords with the emerging Local Plan, the inclusion of Class B2 uses and deletion of Class B8 use does not directly reflect the specific allocation in the plan for a business park with light industrial and warehousing uses. [3.11; 5.40; 6.18; 7.13-7.14]

12.27 The emerging Local Plan is at a very early stage in the process, has not been approved for development control purposes and it will be some years before it is adopted. More particularly, the White Rock proposal is subject to many objections and directly conflicts with current policies for the area. Although the overall strategy of the plan closely reflects that of the emerging Structure Plan Review, it directly conflicts with that of the approved development plan. In line with the latest guidance in PPG1, I cannot therefore give significant weight to the emerging Local Plan. [3.11; 6.68; 7.13-7.14]

12.28 As for TBC's White Rock Development Brief, this provides much of the justification for the Local Plan allocation and has emerged from the Economic Development Strategy. Although it has been subject to public debate and Council resolution, given the contentious nature of the business park proposal and the conflict with currently approved planning policies, it can only have limited weight in terms of supplementary planning guidance. [3.14; 6.14; 7.15]

#### European policy considerations

12.29 The proposal also has a relationship to European policy, since the site lies within the ERDF Objective 5(b) area where grants are available towards infrastructure costs for economic development which helps to regenerate the rural economy. The Single Programming Document for the South-West Region notes that industrial diversification and improved accessibility are important priorities for Torbay. The proposed development would address one of the key measures in the priorities for business support and development. This measure is directed at capital investment projects which provide facilities for industry and business use, and encourages business development and new employment opportunities by the construction of buildings and preparation of serviced sites, such as this business park scheme. In so far as this project would help to achieve those aims, these are material considerations to be weighed against any planning or other objections to the proposal. [3.15; 5.16; 5.95; 6.27]

#### Implications for the development plan strategy for employment in Torbay

12.30 The current and emerging employment strategy for Torbay is clearly based on the need to provide a substantial number of new jobs in order to reduce unemployment and diversify the local economy, broadening the economic base to offset the decline in tourism and fishing and introducing new and dynamic sectors of employment. The underlying problems of Torbay's economy have been recognised for more than 20 years and have been addressed in previous, current and emerging plans. To date, previous policies have had limited success and there is clearly a need to examine other opportunities and consider a new approach. [6.4; 6.15; 7.17]

12.31 The current White Rock proposal would undoubtedly assist in achieving the long-standing aims of creating new jobs and diversifying employment opportunities in Torbay. It would also give a major boost to the local economy and capitalise on the recent investment at Nortel. It is a key element in the emerging development plans and would make a substantial contribution to the employment strategy in the period up to 2011. The project is a central element in TBC's Economic Development Strategy which seems to have driven both the emerging Structure Plan Review and Local Plan, rather than being



fully justified in terms of overall and specific need. Furthermore, the release of such a major area of new land on the edge of the urban area would directly conflict with the currently approved strategy of longer-term development constraint in the Torbay sub-region and would be contrary to other development plan objectives which aim to protect the environment and higher grade farmland and conserve the landscape and setting of Torbay. Although the project would represent a very positive element in the employment development strategy for Torbay, this would be at the expense of environmental, landscape and other conservation objectives. [5.36; 6.15; 6.17; 7.11; 7.16]

12.32 McAlpines and TBC, supported by regional development agencies, are also concerned about the implications of not permitting this proposed development on the employment strategy for Torbay. However, this project is clearly linked to the timescale of the emerging strategic and local plans. I do not consider that a review of the strategy and opportunities for this sub-region following confirmation of the development strategy and employment land provision for this area as part of the strategic planning process would seriously delay economic investment and the provision of jobs, given the amount of employment land already identified in this area. This approach does not imply that employment provision for Torbay should take place outside the area in places like Plymouth or Exeter, since this would not help to achieve self-sufficiency or sustainability. However, while the development strategy is being finalised, existing land can come forward to meet current employment needs. [5.28; 5.34; 6.30; 5.103]

### Suitability of the site for the proposed development

#### The impact on the AONB, AGLV and the countryside

12.33 The suitability of this site for the proposed development, particularly in terms of its visual impact on the surrounding area, is a prime consideration in this case. A considerable amount of evidence, including photographs and photomontages, has been submitted on this topic which occupied much time at the inquiry. There is little doubt that this site lies within an attractive and pleasant landscape. Indeed, this is a major selling point of the proposed business park, and the main parties agree that without the need for the development, there is little justification for selecting this site. I accept that national, strategic and local planning policies do not rule out all development near AONBs and within AGLVs. The question is whether the development would harm the special landscape qualities of these areas which Structure Plan Policies CDE3 & CDE4 seek to protect. It is also important to ensure that new development does not prejudice the attractiveness of the area for tourists. [1.7; 5.43; 5.46; 6.50; 7.40]

12.34 In considering this aspect, it is important to recognise the particular characteristics, function and qualities of this area of landscape and carefully assess the likely visual impact of the development. The application site forms part of the broad swathe of high ground which extends around Torbay above the Dart valley. By way of subtle and complex topography, the site rises in a series of undulations from 55m AOD in the south to 88m AOD in the north, with a series of secondary ridges dividing the site into two main areas. The northern area is contained by the high ground between White Rock and Waddeton Lane Plantation, whilst the southern area has an open character, sloping gently down with a southerly aspect facing towards the Dart Valley AONB. Most of the site comprises intensively managed farmland and is elevated and prominent when viewed from the south. Apart from boundary trees and hedgerows, there is little vegetation, and the site lacks some of the richness and variety of the landscape nearer to the River Dart. The landscape character of the application site and its surroundings is also totally different from the "Ria" landscape of the Dart valley. Nevertheless, the site exhibits the characteristic features of the "plateau" landscape described in the County's Draft Landscape Strategy and forms an integral part of the open and elevated ground which provides the landscape setting of Torbay and acts as a transitional zone between the urban area and the AONB. [1.2-1.3; 5.43; 5.51; 6.39; 7.41]

12.35 Apart from representing a distinctive landscape in its own right, the main function of this part of the AGLV is to protect the high ground around Torbay, preventing urban sprawl and maintaining a buffer between the built-up area and the AONB. Although local landscape designations carry less weight than national designations and should not be used to unduly restrict economic development, PPG7 does not weaken the protection to be given to such areas provided that the particular features which need to be respected can be identified. [5.20; 7.4; 7.43]

12.36 At the inquiry, both McAlpines' and TBC's landscape witnesses thought that the application site no longer justified AGLV designation, notwithstanding the proposed development, and argued that the buffer function of the AGLV would not be undermined. However, I cannot agree with this view. Firstly, the site forms an integral part of the distinctive open plateau around Torbay, with characteristics little different from those of the adjoining land. To argue that only the site of the business park should be excluded from the AGLV has no basis in terms of the landscape character and features of the site compared with the surrounding area. As the County Council has said, it is a pleasant landscape which fully deserves its designation because of its strategic importance in the setting of the Dart valley and restraining the spread of urban development over the existing ridge line around Torbay. The landscape characteristics of the site fully meet the criteria for AGLV designation set out in the Landscape Policy Areas Local Plan and little has changed since the land was originally designated. The qualities of this landscape are valued by local people and visitors, and were previously promoted and supported by both the County Council and TBC.

[5.43; 6.40; 7.52; 7.43; 8.6; 8.10]

12.37 Secondly, although AGLV boundaries are not sacrosanct, they should not be altered on an ad-hoc basis merely because of development opportunities. Although TBC has assessed the landscape value of the application site and adjoining land, it has not undertaken any formal evaluation or rigorous appraisal of the wider AGLV, as recommended in PPG7. Without such a review, it is difficult to assess the comparative value of various parts of the AGLV. It seems that the decision to exclude this land was based more on the need to find a site for a business park rather than on a thorough and objective review of the AGLV boundaries. Having seen the site and having examined all the evidence, I find nothing to question the soundness of the original designation of this site within the AGLV.

[6.39; 7.52]

12.38 In terms of its likely visual impact, there is little dispute that the development would affect the character and appearance of the landscape, both of the AGLV and near the AONB. Indeed, the extensive work undertaken on the landscaping and other mitigation measures reflects the concern of all parties on this matter. I recognise that the particular form of the development, as a low-density business park with landscaping between the buildings and outside the application site, influences its visual impact. However, the development does not respect any existing topographic features and, since much of the outer boundary is currently undefined on the ground, the proposal relies on establishing new firm and defensible boundaries by new planting to contain the development.

[5.45; 5.51; 6.40-6.41; 7.49]

12.39 Dealing firstly with the AONB, Structure Plan Policy CDE3 aims to ensure that proposed development adjacent to such areas does not damage their landscape character. In this case, the proposed site is not directly adjacent to the AONB, being at least 750m away from the boundary. However, in view of the scale and extent of the development and the south facing nature of much of the application site, it would nevertheless have a major impact on views to and from the AONB and may influence the perception of its value and setting. Furthermore, as the Countryside Commission points out, the high quality of the Dart Valley as one of the finest riverine landscapes in the country cannot be doubted, and it is important to maintain a rural skyline around Torbay without intrusive buildings, landscaping, lighting or noise so as to provide an appropriate setting for the AONB.

[3.2; 5.44; 7.41; 8.7]

12.40 When viewed from Brixham Road near the site boundary, the presence of the business park along with the peripheral and on-site planting would obstruct the fine open views across the site to the Dart Valley AONB. When travelling southwards, this vantage point is particularly important since it represents the first view of the Dart valley seen by visitors after cresting the ridge at White Rock. During the holiday season, many hundreds of tourists pass this way in cars or coaches and see this currently uninterrupted view across to the other side of the Dart valley and would readily perceive the loss of this vista. When viewed in a northerly direction from vantage points such as Galampton Common and Churston Lane, the development would be seen as a substantial extension of the existing urban area beyond the present well-defined limits of Brixham Road and Waddeton industrial estate, spilling over the ridge line at White Rock and breaching the visual watershed. Although existing development on the other side of Brixham Road has already breached the ridge line, this is no reason to extend development further beyond it into an area which has previously been protected from development. This further extension would be all the more damaging given the prominent and visually sensitive nature of much of the application site.

[1.7; 5.46-5.47; 5.52; 6.44; 7.44; 7.46; 8.8; 11.25]



12.41 Although the site cannot be seen from the River Dart itself, the development would also impinge on views from other key vantage points within the AONB. Much of the proposed development area is clearly visible from the higher ground on the far side of the River Dart, such as from Fire Beacon Hill and from places above Dittisham and Cornworthy. Some of these points may be 4km or more away from the site, but they lie on key public footpaths forming part of the Dart Valley Trail which is being promoted in tourist literature. They are used by many walkers and visitors who value the scenic quality of the area and may be sensitive to the intrusion of new development. As the various photographs show, on a clear day, views from these footpaths include a splendid panorama of the Dart valley in which the application site occupies a central position on the higher ground above the valley. The main views face directly towards the site, with the distinctive Nortel building drawing the eye to the area.

[1.7-1.8; 5.48; 5.52; 6.44; 7.41; 8.10; 11.48]

12.42 I recognise that the development would be seen at a distance against the background of the urban area of Torbay and would be partly screened when the landscaping matures. Nevertheless, it would represent a major incursion into the surrounding open countryside, harming the landscape setting of Torbay, extending the urban area much closer to the AONB and significantly eroding the buffer between the built-up area and the AONB. At night-time, the extension of the built-up area would also be apparent, with additional lighting adding to the existing glow from the urban area and brightening the night sky further. Having visited the area on several occasions, I do not consider that the likely visual impact of the development from these important vantage points has been exaggerated or overstated. In my view, the scale and nature of the proposed development would seriously harm the surroundings and perception of the Dart Valley AONB, diminishing its overall attractiveness, especially for tourists, and eroding its natural setting, wholly contrary to long-established planning policies which seek to protect the natural beauty of such areas.

[5.49; 6.41; 6.43; 7.44; 7.46; 8.9]

12.43 As for the impact on the AGLV, most parties agree that the development would significantly affect the special landscape qualities of the AGLV as currently defined. The proposal would result in the loss of a substantial part of the AGLV, immediately adjoining the urban area, along with open fields and hedgerows. From Brixham Road and the Hookhills housing estate, open views over the site towards the Dart valley would be lost. From the upper part of Waddeton Road, the buildings in the business park would be clearly seen through the peripheral landscaping, eroding the rural quality and landscape setting of this part of Torbay. At present, there is a distinct break between the urban area and the surrounding open countryside along Brixham Road. The breaching of the existing ridge line and well-defined edge to the built-up area would be all the more apparent at points close to the development. Although the proposal would not lead to the merging of settlements, it would allow a significant expansion of the urban area and seriously erode the function of this area as a buffer between the built-up area and the AONB, contrary to Structure Plan Policy CDE4 and Local Plan Policy L2.

[5.46-5.47; 6.40; 7.46; 7.53; 8.9]

12.44 Furthermore, the existing character and landscape qualities of this part of the AGLV would be fundamentally altered, not only by the development of the business park, but also by the extensive areas of woodland proposed in the Countryside Fringe, where over 18ha of new woodland is envisaged. This may not seem a large amount in the context of the wider AGLV, adding perhaps 5-10% to the woodland cover, but in the more local context of the Countryside Fringe area, it would increase woodland cover by up to 25%, completely altering the present open character of the area. I realise that national policy aims to increase woodland cover in rural areas and note that the South Hams Local Plan emphasises the importance of woodland in this area. However, additional woodland may not always be appropriate where it has a detrimental impact on the underlying qualities and character of the landscape. In this instance, the planting of broad belts of woodland would be visually intrusive and out of keeping in this largely open landscape. In saying this, I note the objection from the Countryside Commission who highlights the inappropriateness of such extensive landscaping in this locality. Overall, I consider that the development would have a permanent negative impact on the special landscape qualities of not only this part of the AGLV, but also the wider area.

[5.50; 6.46; 7.45; 7.48; 8.14]

41

12.45 A considerable amount of thought has gone into producing a landscaping plan to mitigate the worst effects of this development through the Master Plan which seeks to retain features of interest and reflect the existing pattern of woodland in the area. However, it is readily apparent that this additional planting is only needed in order to assimilate the new development into its surroundings, rather than to enhance the landscape quality of the area. The scale and extent of the proposed landscaping and woodland planting only serves to underline the visual prominence of the site and the need for such extensive mitigation measures. This is further emphasised by the need to establish the strategic landscaping at an early stage and the restrictions on the height and colour of the buildings. I also note that the project involves the creation of level development platforms cut into the slopes of the site, with a considerable amount of "cut and fill" to accommodate buildings of the sizes envisaged, producing rather unnatural contours on this sloping site. Furthermore, although the northern part of the site was initially thought to be visually contained, the visual impact of the new RDL building sheds some doubt about the suitability of this part of the site to accommodate buildings up to 12m in height. The possibility that the proposed development might screen existing buildings on the industrial estate is not a reason for allowing a 3 lha business park.

[5.15; 5.45; 5.52; 6.37; 6.42; 7.48; 7.51; 8.11; 8.14]

12.46 I accept that the landscaping and other mitigation measures would make the development less obtrusive. However, since most of the areas proposed for landscaping lie at a lower level than the development areas, it would take some considerable time, perhaps 15 years or more, for the landscaping to become fully effective. In the meantime, and when the trees were not in leaf, the screening effect would be limited. To my mind, the extent of the proposed mitigation measures merely reinforces my view that this site is unsuited to a development of this scale and nature, principally because of its wholly adverse visual impact on its surroundings and on the wider AGLV & AONB.

[5.50; 7.45; 7.50; 8.14; 10.10]

12.47 Much is made of the proposed reduction in the development area, preventing buildings from being constructed on the most visually prominent and exposed south-western corner of the site. The County Council was particularly concerned about this point and undoubtedly expected some reduction in the development area following the deletion of the commercial leisure element previously included in the scheme. However, the current intention would reduce the development area by little more than 4ha which, in my view, would only marginally reduce the impact of the scheme.

[6.38; 7.53]

12.48 I also note that development pressure is increasing in this locality, possibly partly due to the promotion of this business park. I am not confident that the newly established boundaries around the business park site would effectively contain development in the longer term and fear that resisting further development in this area would be much more difficult once the clear urban edge and ridge line had been breached on this side of Brixham Road. In considering the likely impact on the AONB & AGLV, I realise that the development of some of the other sites suggested, such as that south of Yalberton Road, may have some visual impact on the surrounding area. However, none of the sites examined, except perhaps the land at Churston Ferrers, overlook the AONB or would have such a dramatic impact on its setting as that at White Rock.

[4.2; 6.49; 6.59; 6.67; 7.47]

12.49 I therefore conclude that this proposed development would have a significantly adverse and wholly unacceptable visual impact on the AGLV & AONB and the surrounding countryside, detracting from the special landscape qualities of these areas and eroding the landscape setting of Torbay. As such, the proposal directly conflicts with Structure Plan Policies CDE3 & CDE4 & Local Plan Policies L1 & L2 and is a fundamental and soundly-based reason to reject this development.

[7.53]

#### Highways and traffic considerations

12.50 There is considerable concern, mainly from local organisations and individuals, about the impact of additional traffic generated by the proposed business park on the local highway network. This concern largely focuses on the unimproved sections of the Torbay Ring Road, the absence of a by-pass at Kingskerswell, and the possibility of nearby country lanes being used as "rat-runs". Many people highlight the existing congestion along stretches of the ring road at peak hours and during peak holiday periods and there is also concern about the inadequacies of the TIA and the proposed mitigation measures, as well as the locational drawbacks of the White Rock site.

[7.54; 8.4; 9.9]



12.51 All parties agree that the proposed business park would generate a considerable volume of extra traffic, with estimates of an extra 7,000 journeys per day and up to 1,000 extra vehicles during peak periods, increasing traffic by 25% by 2011. However, the TIA has assessed the impact of additional traffic on the road network south from Tweenaways Cross and a package of highway and transportation measures has been drawn up. The County Council as Highway Authority has no objections to the development subject to the phased implementation of the proposed measures as outlined in the draft Section 106 agreement.

[2.5; 5.53; 6.53; 6.58; 9.9; 11.20]

12.52 The package of proposed measures, costing more than £3 million, would not only provide a new roundabout access to serve the development and widen the junctions along the Ring Road between the site and Tweenaways Cross, but also include contributions towards the improvement of the junction at Tweenaways Cross and to the proposed Park-and-Ride scheme at Churston, along with new footpaths and cycleways. These measures would ensure that the local road network could accommodate the extra traffic arising from the business park and improve local roads and junctions, taking account of predicted flows up to 2011, in line with the latest national guidelines. The measures would bring forward improvements to the local road network, in line with the latest TPP and transportation strategy for Torbay, improving road safety and benefitting all road users, including pedestrians and cyclists.

[5.54-5.56; 6.53]

12.53 I recognise that the extra traffic might add to existing congestion along some stretches of the ring road, especially during the holiday period. However, the peak traffic flows to and from the business park would be unlikely to coincide with peak times for holiday traffic, and some level of congestion is almost inevitable on a busy main route such as this ring road. The detailed site access arrangements are satisfactory and, having examined the detailed drawings and figures, I am satisfied that the package of proposed measures would ensure that the local road network in the vicinity of the site would be able to accommodate traffic flows arising from the proposed development.

[5.109; 6.54; 6.57; 8.22]

12.54 However, I am less satisfied about the impact of additional traffic on the wider road network, especially on the unimproved sections of the Ring Road north of Tweenaways Cross. As WRCAG and others point out, the TIA did not consider the impact of the development on the road network beyond Tweenaways Cross and, at first sight, this is a serious omission. However, I understand that the County Council has already assessed the impact of a development of the type proposed as part of its work on Stages 3 & 4 of the Ring Road improvement and has agreed the scope of the TIA. Nevertheless, at the inquiry, it was apparent that they had given little consideration to the impact of the proposed development on the existing unimproved sections of the Ring Road beyond Tweenaways Cross in the absence of the proposed Ring Road improvements.

[5.58; 6.53; 6.56-6.57; 8.16]

12.55 McAlpines and others point out that the proposed improvements would be in place by the time the later phases of the development are completed and argue that the limited impact on the existing roads during the early phases would not be sufficient to delay or refuse the development. However, I consider that this is a rather short-sighted and potentially dangerous approach. All parties acknowledge that Kings Ash Road (north of Tweenaways Cross) is narrow in places, with a steep gradient, slow vehicle speeds and a poor alignment, visibility and accident rate. In the past, a nearby major new housing development has been restricted until Stage 3 of the Ring Road is completed. The White Rock proposal would generate much more traffic than this housing project, adding up to 15% to peak hour traffic flows along this stretch of road, increasing congestion, inconvenience and delay and resulting in a further deterioration in traffic conditions. Additional HGV traffic would create particularly difficult conditions, due to their large size and slow speed. McAlpines do not intend to make or contribute to any improvements to this road and fail to provide sufficient safeguards pending the completion of this part of the Ring Road. I therefore consider it would be most unwise to allow the proposed business park to be completed before this section of the Ring Road is implemented.

[1.10; 5.57; 5.109; 6.56-6.57; 8.17; 8.19]

AI

12.56 Although Stage 3 of the Ring Road features in the latest TPP for completion by 2001 and has been the subject of a public inquiry, the outcome was not known by the end of this inquiry. Other elements of uncertainty include the lack of funding and Government approval, and a dispute between the County Council and TBC about the precise line of the route. I realise that the need for the scheme is not questioned, but since TBC will take over this scheme after local government reorganisation in 1998 and will have to fund the scheme and agree the route, serious doubts remain about the timescale and deliverability of this key section of the Ring Road. The improvement of Tweenaways Cross junction (Stage 4 of the Ring Road), planned for completion by 2000, is less contentious, but even with McAlpines' and other contributions, a deficit of £3 million remains to be funded and there is no guarantee that this improvement will be completed by the programmed date. At times, this junction is already operating at capacity and the County Council accepts that without improvement the predicted traffic flows could not be accommodated, resulting in excessive queues and further delay to traffic.

[5.55; 5.57; 6.52; 7.22; 8.19-8.20; 8.23]

12.57 I realise that the business park would be developed over a 10-year period and would not reach its full potential until perhaps 2010, but until Stages 3 & 4 of the Ring Road are firmly committed with finance in place, I consider it would be premature to grant planning permission for the proposed development. A "Grampian" condition would be inappropriate since the prospects of implementing these road schemes by the programmed date are uncertain and out of McAlpines' control.

[2.7; 5.14; 5.58; 8.25]

12.58 There is also some concern about the section of the A380 through Kingskerswell, which is a key link from the M5/A38 to Torbay and which already suffers serious congestion at peak periods. I realise that the extra traffic would add to congestion during the rush hours and at peak holiday times, delaying traffic and making journeys longer. However, the extra traffic arising from the business park would be less significant (less than a 5% increase) and this section of road lies much further away from White Rock. Although the Kingskerswell by-pass is a high priority, it no longer features in the Trunk Road programme or TPP and is to be financed through the PFI process. A route is protected, but statutory orders have yet to be made, and the earliest date for completion is 2002. Although it would be desirable for this road to be in place before the business park is completed, in view of the limited impact of the additional traffic and the distance from the site, I consider it would be unreasonable to withhold permission for this development because of any uncertainty about this scheme. However, it does underline the locational drawbacks of the White Rock site.

[5.57; 6.52; 7.22; 8.18; 8.24]

12.59 As for the possibility of increased use of the country lanes to the south and west of the site by business park traffic, I recognise that this might inconvenience local people. However, bearing in mind the narrow, twisting nature of these lanes and the limited amount of time that might be saved, I cannot see that many people would be encouraged to use these routes, especially after the planned improvements to Tweenaways Cross and other junctions along the Ring Road. As part of the package of transportation measures, McAlpines offer £30,000 to restrict the use of local roads by business park traffic and control "rat-running". A wide range of traffic management measures is available to discourage through traffic using these routes which could be considered at the detailed stage. As for the A385 Totnes road, the amount of extra traffic would be relatively small and would be unlikely to significantly affect traffic flows or journey times along this route. Consequently, I do not consider that these are major factors in considering the traffic impact of this proposal.

[2.5; 5.55; 5.109; 6.56; 8.21]

12.60 McAlpines propose other measures to mitigate the impact of the proposal in traffic terms. Of these, probably the most significant is the contribution towards public transport, subsidising a bus service to the site for the first 5 years of the development. At present, no bus services directly pass the site and this contribution would provide a regular service which would not only benefit employees at the business park, but also those at the adjoining employment area, including Nortel. However, whilst this proposal is certainly along the right lines, it would be of limited value, since the number of buses at peak times would cater for barely 5% of the employees at the site. If successful, services could be expanded, but as envisaged it would do little to overcome the present lack of accessibility to the site by public transport or encourage employees to leave their cars at home.

[2.5; 5.55; 6.54; 8.28]



12.61 Of more significance are the Company Transport Schemes included in the draft Section 106 agreement, coupled with a restriction on the number of car parking spaces and provision for cyclists and pedestrians. However, these restrictions may affect the likely success of the business park and its attractiveness to outside investors, particularly when it is in competition with other projects without such constraints. In my view, it is inevitable that this business park would be a major generator of travel demand for which the proposed mitigation measures would do little to offset. If this development were to be approved, I consider that much more thought would need to be given to improving accessibility by means other than by private car. In my view, this site is not genuinely accessible by means of transport other than private car, and the need for such measures again reinforces the locational disadvantages of this peripheral site in terms of public transport. [5.60-5.61; 6.55; 8.27-8.28; 11.21]

12.62 I am also concerned about the suitability of this site for a business park in locational terms from a highway and traffic viewpoint. Although it adjoins established employment and housing areas, it does not lie within the urban area or in an existing centre where it would be highly accessible and served by public transport. It is not close to a rail or bus station and is poorly served by bus routes. Although McAlpines proposed subsidy of bus services would help to make the site more accessible by public transport, this tends to highlight the difficulty of serving the site by public transport and the strong encouragement needed to persuade employees to leave their cars at home. I recognise that a high proportion of the catchment population is within a reasonable distance of the site to travel by bus, cycle or walk, but the distances involved, the existing congestion at peak times and the hilly terrain might make travel by private car more convenient and preferable. [5.21; 5.29; 8.26; 8.28]

12.63 Although the provision of employment at White Rock might theoretically reduce the growth in commuting to jobs outside Torbay, this largely depends on the origin of the workforce and the means of transport used. The figures of potential journeys, energy and pollution saved look impressive, but they are more likely to be theoretical rather than actual savings. The potential reduction in journeys to places outside Torbay does not necessarily support the development of land at White Rock, since this argument could apply to any site in or around Torbay. This is clearly a peripheral out-of-town development which would be a major generator of traffic which would generate rather than contain the growth in motorised transport. [5.22; 5.59; 8.26]

12.64 Furthermore, I consider the location of this business park is not ideal to meet sub-regional or regional needs. Good communications are vital for maintaining and promoting the economic health of the area, and a prime location is one of the key determinants when considering a development such as this. To ensure that the scheme has the best chance of success and is able to attract footloose investors, it should be located where road, rail and air communications are the best available in the area. In this case, although accessibility to the Ring Road is excellent, the site lies over 30km from the nearest motorway, a journey which can take at least 30 minutes at the best of times. Apart from the main A38 and the improved sections of the ring road, much of this journey is along a single-carriageway road through residential areas which experiences congestion at peak periods, especially during holiday times. This does not give the best impression to outside investors, especially when compared with other business parks closer to the main road network and regional centres. The nearest regional airports are at Exeter and Plymouth, with few direct international flights. In regional terms, this site is in the second division, and this could affect its success in attracting major international firms who seek the best communications that are available. In more local terms, the site does not lie at the main "gateway" of Torquay, but at the south-western extremity of the Ring Road, on the far side of the built-up area, requiring nearly all traffic to travel along the full length of the ring road to reach the new business park. [1.10-1.11; 6.51; 7.19-7.20; 7.22-7.23; 8.15; 8.25; 8.27]

12.65 I therefore conclude that the package of highways and transportation measures would ensure that the local road network could accommodate the additional traffic generated by the development. However, the proposed mitigation measures do not go far enough to improve the accessibility of the site by means of transport other than by private car or to overcome the locational drawbacks of this peripheral site. Bearing in mind the uncertainties about Stages 3 & 4 of the Torbay Ring Road and the inadequate nature of the unimproved sections of the ring road north of Tweenaways Cross, I also consider that it would be premature to approve this development until these improvements are firmly committed and fully funded.

## Drainage considerations

12.66 Several local organisations and residents are concerned about the risk of pollution to the shellfish beds in the River Dart near Galmpton Creek as a result of drainage outfalls from the business park. These shellfish beds are proposed to be expanded, and this is clearly a relevant consideration in this case. McAlpines' consultants have undertaken detailed technical work on this matter and propose a separate drainage system with two-stage detention ponds which is acceptable to the drainage agencies. The technical analysis shows that pollutants would be unlikely to reach the river or contaminate the shellfish beds since they would be contained in the detention ponds and diluted through the watercourses. Additional protective measures would reduce the risk of pollution to the lowest technically feasible level. Water quality at the outfalls would be good and normal discharges would not adversely affect the water quality of the river. In saying this, I note that there are other discharge points, including a sewage works, along this stretch of the river and, from the evidence submitted, the proposed business park would certainly pose no greater risk to the shellfish beds than these existing outfalls.

[2.6; 5.63-5.64; 11.8; 11.10-11.11]

12.67 The Devon Sea Fisheries Committee is generally satisfied with the proposed drainage arrangements and the outstanding concerns about the capacity and long-term management of the detention ponds could be considered at the detailed stage. These matters could be covered by planning conditions and the separate discharge consent needed under other legislation. There is no conclusive evidence which suggests that any deterioration in water quality would result from this development or that it would inevitably breach Section 7 of the Sea Fisheries Act or the EU Shellfish Waters Directive. As for the possible inclusion of the River Dart within the Designated Shellfish Waters, this is a matter to be considered under other legislation. Consequently, I am satisfied that the development would be unlikely to pose any serious risk to the shellfish beds in the River Dart.

[5.65; 11.12]

## Ecological considerations

12.68 Although not one of the major issues, McAlpines have carried out an ecological appraisal as part of the EIA, which confirms that the site has little special value for nature conservation. More recent work on hedgerows, amphibians, badgers, birds and bats generally confirms the situation. The proposed development would result in the loss of a 31ha green-field site largely of intensively managed farmland, along with some 800m of hedgerows and 5 trees. However, extensive new woodland, planting and other mitigation measures would help to offset this loss and generally enhance the wildlife value of the Countryside Fringe area.

[5.66; 5.68; 6.42]

12.69 In terms of existing wildlife, the development would occupy a small part of the territory of a group of badgers, but it would not directly affect any badger setts or significantly affect their resources. The impact on amphibians and the local bird population would be minimal. There is some concern about the effect of the development on bats which have been recorded on and around the site, but there is no firm evidence that bats definitely roost in buildings on the site. The loss of hedgerows and hedgebanks, with gaps, might affect their value for foraging and navigation, but new woodland and wetland features would provide alternative foraging areas for bats nearby. Overall, I consider the impact on wildlife would be minimal due to the limited value of the existing habitats. Furthermore, the proposed planting and other mitigation measures would help to compensate for any loss and, in time, enhance wildlife habitats in the Countryside Fringe area without conflicting with the advice in PPG9.

[5.67-5.71; 11.47]

## Agricultural considerations

12.70 All parties agree that the proposal would result in the loss of a considerable area of the best and most versatile farmland. The proposed business park would utilise over 32ha of Grade 2/3A farmland, (80% of which is Grade 2), whilst new planting in the Countryside Fringe would result in the loss of over 18ha of similar quality farmland to woodland, a total loss of 50ha of good quality agricultural land. This loss of high-grade farmland is not only objectionable in policy terms, but would also significantly affect the existing farmholdings. White Rock Farm would lose about 40% of its land, but since McAlpines intend to provide replacement land nearby at Stoke Gabriel, which would satisfy the farmers, the effects on this farmholding could be satisfactorily mitigated.

[5.73-5.74; 6.59; 7.55; 9.8; 10.2]



12.71 However, the impact on Waddeton Barton Farm would be more significant. This large farm would lose almost 32ha to the business park and planting in the Countryside Fringe, representing more than 12% of its productive land and resulting in a loss of up to £24,000 in annual income. McAlpines accept that this is some of the best land on the farm and that this loss would significantly affect the farm business. Although the farmer confirms that the farm would remain viable, the farm business would clearly be hard-hit financially. In addition, the new footpaths in the Countryside Fringe could result in trespass, disturbance and other urban fringe problems. Within the principles of sustainable development, it is difficult to see anything positive in the proposal for agriculture, and it is clear to me that the business park would have a significant and wholly adverse impact on this farmholding. [5.75-5.77; 10.2]

12.72 As for possible mitigation, although more land would remain for farming in the Countryside Fringe than originally envisaged, the proposed planting would reduce the size and profitability of many of the remaining fields. Some land affected by the later phases of the development could be farmed in the short term, allowing a gradual transition to be made, but it would not provide for longer term investment or security in farming terms. Furthermore, as McAlpines accept, the chances of finding replacement land to offset the losses to this farmholding are remote, at least in the short term. [5.75; 10.3]

12.73 Much is made of the possibilities of farm diversification, which is encouraged at national level. At present, the farm operates in a balanced self-sufficient manner, providing cereals, milk and beef, with an award-winning herd of cattle. It is a successful farm and a change in agricultural activities, diversifying into horticulture, field-scale vegetables or farm shops, would alter this balance and may be difficult due to soil conditions and location. Other options such as farm processing or packaging require investment and the co-operation of other farms. Energy crops and Christmas trees have been tried, but with marginal success, and there is little demand for more farm workshops or services. Stabling and horse livery needs investment and expertise and may be unsuccessful due to lack of bridle paths, poor access and uncertain demand. Farm-based sports and recreation would also take up agricultural land and largely depends on demand. [5.77; 10.1; 10.4-10.5]

12.74 Tourist-based activities, such as caravan/camping sites and leisure projects need investment and good access, which this farm lacks. Woodland planting could bring some extra income through grant aid, especially in the longer term, but at the expense of farmland. National policy encourages more woodland cover in rural areas and there is no policy against converting farmland to woodland. However, this possibility would not accord with the present farming regime or compensate the farmers for the loss of good quality farmland. The current farmers have considered diversification and on the advice of ADAS do not wish to venture into unknown activities where new skills and expertise are needed. Diversification is easier said than done and in my view it is no solution to overcome the harm which this development would have on this long-established farming enterprise. [5.76; 10.4-10.5]

12.75 MAFF originally objected to this proposal because the loss of high-grade farmland would be contrary to national policy and would be premature in advance of the local planning process. In my view, this was a soundly-based objection based on proper agricultural considerations. The later withdrawal of this objection was based on non-agricultural factors, including the economic context, employment land provision, need for the development, Objective 5(b) funding and lack of alternative sites. However, if the need for the development is not proven, this objection clearly remains. Moreover, although a desk-top search for alternative sites was undertaken, only one area (at Churston Ferrers) was examined in any detail in terms of agricultural land quality. Given the limited amount of detailed information on the quality of other agricultural land in and around Torbay, I cannot be certain that the sequential approach advised in PPG7 was rigorously undertaken or that no other suitable sites exist on lower quality farmland. [5.19; 5.78; 6.59; 7.55; 10.6]

12.76 I realise that national and strategic policies do not preclude the development of higher grade farmland in all cases, but without an overriding case on the grounds of exceptional need, I conclude that there is a soundly-based objection to the proposal on the grounds of loss of good quality farmland, reinforced by the adverse impact on one of the existing farmholdings. The proposal therefore conflicts not only with national policy on the protection of the best farmland, but also with Policy PRW1 of the approved Structure Plan and Policy L4 of the adopted Local Plan. [5.79; 6.59; 7.55]

## Need and justification for the proposed development

12.77 The need and justification for this development is central to the consideration of this case. Most parties agree that without a convincing case on the grounds of need, this proposal should be rejected. The key question is whether the need for this development outweighs the visual, environmental and other planning objections to the project. [5.3; 6.3; 7.1]

### Economic context and evolution of economic policy

12.78 No-one disputes that Torbay has serious economic and unemployment problems. However, this is not a new issue, since the need to solve Torbay's unemployment problems and diversify the local economy away from its reliance on the tourism and fishing industries has been recognised for more than 20 years, highlighted in regional, strategic and local plans and restated in the emerging plans. There is also no dispute that the local tourism and fishing industries have declined in the past, with much of the area's population being dependent on these key sectors of the economy. Unemployment has been consistently higher than county and UK averages and parts of Torbay rely on a "benefit" economy. There can be no doubt that these are pressing problems which need effective solutions. [5.80; 5.114; 6.4; 6.28; 7.17; 8.30; 9.10]

12.79 The White Rock proposal has not been drawn up in isolation, but has emerged through a careful analysis of the economic situation and the opportunities available. The evolution of TBC's current economic policy following a fundamental review in the early 1990s through to the Economic Development Strategy, Development Brief and land allocation in the emerging Local Plan is set out in the evidence and supporting documents. The need to create new jobs, diversify the local economy and identify new employment land is central to the current strategy. The White Rock project has grown out of the perceived failure of past policies and the realisation that a "quantum leap" in employment provision is needed to solve present economic problems. The current planning application is closely tied in with this process, having evolved to reflect changing needs and priorities. [4.3; 6.5; 6.7; 6.12]

12.80 McAlpines and TBC emphasise the lack of success of past policies as one of the reasons for this proposal. However, previous policies may not have been so unsuccessful as they make out. Several key projects have been implemented in recent years and substantial areas of employment land have been developed, both before and after the area gained grant assistance. Considerable efforts have been made to address Torbay's economic problems, not only in achieving grant assistance, but also in bringing forward new employment land. The developments at Yalberton industrial estate and Riveria Way, and the major investment at Nortel, are prime examples of the success of recent policies. Unemployment though higher than average, is falling in line with national trends, and tourism is buoyant and improving. Nevertheless, serious economic problems remain which need to be addressed in terms of economic strategy and employment development. However, as recognised in the past, merely providing additional employment land is unlikely to solve these problems. What is needed is the right project in the right place to meet Torbay's particular needs. [5.81; 6.4; 6.6; 6.12; 6.20; 7.18; 7.20; 7.24]

12.81 Both McAlpines and TBC have undertaken much work on the White Rock project. McAlpines promote the high quality and prestige nature of this business park, but there is little firm evidence about the likely success of the project or the specific demand from prospective occupiers. Without a firm idea of the types of businesses expected to occupy the business park there can be no certainty that the project would meet or reflect the specific needs of Torbay and help to overcome its economic problems. This business park is put forward as the panacea to solve Torbay's economic problems which may not be the case. Although TBC recognises the wide range of employment opportunities needed, as set out in the Development Brief and emerging Local Plan, I do not consider that McAlpines have given sufficient consideration to the relationship of this type of development to the specific needs of Torbay. The development would undoubtedly provide much-needed jobs and give a major boost to the local economy, but whether it would solve Torbay's economic problems is debatable. Having looked at all the evidence, I am not convinced that this is the right project for Torbay and, given the existing provision of employment land, I cannot conclude that this is the only site in Torbay with the potential to achieve the objectives of TBC's Economic Development Strategy and the aims of regional and strategic policy. [5.2; 5.90; 6.14-6.15; 7.25; 8.33; 10.12]



## Employment land and job requirement

12.82 Part of the justification for this project relies on the perceived quantitative need for additional employment land in Torbay for the period to 2011. There is little dispute that some new land may be needed to solve Torbay's economic problems, but I consider some of the quantitative estimates may be flawed. TBC argues for an allocation of at least 70ha of employment land in this period, as proposed in the emerging Structure Plan, but at the inquiry, neither TBC nor DCC could fully justify this figure. The figure was not calculated on the basis set out in the new Structure Plan (past take-up rates + 4 years supply), since this gives a requirement of 41ha which equates to current supply. Similarly, the 70ha figure cannot be justified by the past take-up of land (about 2ha/annum), since on this basis, this provision would last for 35 years. If developed in the period to 2011, this would imply a take-up rate of more than double that currently achieved.

[5.84; 6.17; 6.30; 7.31-7.32; 9.14]

12.83 Of course, previous take-up rates tend to reflect the quality and availability of employment land as well as demand and may not be the most appropriate basis to determine future provision, particularly since past development has not resulted in a major expansion or diversification of the local economy. Nevertheless, approved plans and identified land already provide for a take-up rate more than double that achieved in the past. Furthermore, sufficient land remains identified, committed and undeveloped to meet the requirements of the approved Structure Plan and adopted Local Plan and, on the basis of currently approved Structure Plan strategy, no further land allocations are needed on a quantitative basis.

[5.83; 7.33]

12.84 TBC and McAlpines also attempt to justify the provision of additional employment land based on the need to create a substantial number of new jobs in Torbay, both now and in the future. All parties accept the need for new jobs, especially given the high levels of unemployment in the area. Estimates vary from 5000-9000 new jobs, but it is generally accepted that 6000-7000 is the minimum number of new jobs needed to reduce unemployment levels to the national average and meet the needs of an increasing workforce up to 2011. However, the calculations which show a need for up to 70-80ha of employment land are seriously flawed, since they assume more than 50% of new jobs are created on new land. This is far higher than the 20-25% figure quoted in the approved and emerging Structure Plans, and using these figures, little more than 20ha of new land would be needed to create 5000-6000 jobs. Having examined all the figures and calculations, I can find no sound basis for the provision of 70ha of employment land in Torbay in the period 1996-2011, and since this figure has been challenged at Structure Plan level, it will no doubt be a matter for further debate as part of the strategic planning process. The proposed business park would undoubtedly make a major contribution to existing and future job requirements in Torbay, but given the amount of land already identified, allocated and remaining undeveloped, I can see no compelling reason justifying an early release this substantial green-field site on the basis of the quantitative need for new employment land and additional jobs.

[5.84-5.85; 6.29-6.30; 7.32]

## Employment land supply and availability

12.85 Most parties agree that the existing provision of employment land may not be able to solve Torbay's economic problems. Although over 60ha of allocated and identified land remains to be developed, much of this is on small sites or on other land which is not readily available. The overall figure includes the current application site at White Rock and, apart from this site, it is generally agreed that there are no other sites of this size and quality which could be readily developed. The closest alternative is land south of Yalberton Road where there are doubts about its availability and the extent of development. Without these and other contentious sites, barely 14ha of employment land is readily available in the Torbay area. Regional agencies, such as DCDI & WCD, highlight the lack of readily available serviced land suitable for large inward investors in the region and particularly highlight the lack of medium-sized sites in Torbay. However, even without the White Rock site, a considerable amount of employment land has already been allocated and identified in the Torbay area which could provide for a variety of employment opportunities in a range of locations. Although not all is readily available, with demand from firms and interest from developers, it could be brought forward to help meet Torbay's economic needs.

[5.27-5.29; 5.86-5.87; 6.21-6.22; 7.27-7.28]

AI

12.86 Several sites were discussed at the inquiry. The land south of **Yalberton Road** is not as large or as attractive as White Rock, but it is a high profile site with a frontage to the Ring Road. As several objectors say, it is eminently suitable for a wide range of employment uses and is appropriate in locational terms. It lies within the Objective 5(b) area and development here would have far less visual impact than that at White Rock, particularly in terms of the AONB. Not all the land is immediately available, but there is firm interest from the landowners and it could readily come forward. There are constraints, such as the power lines and steep slopes, and the site overlooks factories and a superstore, but I am sure that these shortcomings could be overcome. Estimates of the site area vary, but with some adjustments to the boundary, extending the site along the Ring Road and a little to the west, it could readily provide 20ha of land which would easily meet the 15ha "critical mass" required of a modern business park.

[1.13; 5.87; 6.22; 7.28]

12.87 At least 10ha of land remains to be developed at **Long Road**, next to Nortel, which can be developed now that infrastructure has been provided. After careful examination of the topography, there may also be possibilities for a much smaller development on part of the northern area of the current application site on land north of White Rock between Waddeton Road and Brixham Road. At Riveria Way, most of the allocated land has been taken up and much of the undeveloped land has environmental, amenity or other constraints. However, this is a high profile area at the gateway to Torquay, and there may be possibilities for further employment land in this location. As for other areas, the land at **Edginswell** cannot be finally identified until the route of the Kingskerswell by-pass is decided, and it seems that there is little "brown-field" land available within the urban area and certainly nothing of the size and quality as White Rock. Some parties suggest seeking land outside Torbay. I have little firm evidence, but the general consensus suggests that opportunities are limited to existing sites with little scope for major new sites in the South Hams, Newton Abbot or Teignbridge areas. Significant development is planned at Plymouth and Exeter, but this would not directly serve Torbay or help to achieve self-sufficiency or sustainability for this particular area.

[1.12; 1.14; 5.87; 6.23; 6.37; 6.65; 7.27-7.28; 7.51; 11.35]

12.88 The available evidence confirms that although there is no readily developable site of the size and quality of White Rock, several substantial areas of employment land have been identified which could readily be made available to help meet Torbay's economic needs. None is of the same size as White Rock, but at over 30ha, this site is much larger than the "critical mass" needed for a business park of this nature. The market evidence refers to a minimum size of 20ha, whilst the emerging Structure Plan Review defines a prestige employment site as up to 15ha, the minimum figure quoted in RPG11. Although a larger site may bring a lower density, increased landscaping, higher quality and improved economics, I can see little justification for a site of this magnitude in the Torbay or Devon context, especially in view of the environmental constraints of this site and this area.

[3.9; 5.87; 5.89; 6.14; 7.30]

12.89 I understand that the White Rock site emerged as the most suitable and least constrained site following a broad exercise to identify possible opportunities for a large employment site in Torbay. This exercise confirmed that much of the land surrounding Torbay is steeply sloping or has landscape, environmental, access or other constraints. I also understand that the study examined existing sites within the urban area and, although no report was published, I have no reason to doubt that a thorough and comprehensive assessment was undertaken. However, I note that the brief sought a single site of 20ha, rather than the minimum 15ha required, and in view of the possibilities of extending some of the existing sites, I am not confident that all opportunities for utilising existing land were examined before proposing the release of such a sensitive green-field site in the AGLV as White Rock. Indeed, in the context of sustainable development, there may be an argument for the development being tailored to the land available, rather than the development determining the land requirement.

[5.88; 6.34; 7.29]

12.90 In terms of employment land supply, I conclude that the case for a business park of the size and scale proposed at White Rock has not been fully proven. Given the amount of existing employment land already allocated and identified, along with possible opportunities for further development on some of these sites, I consider that there is no compelling case for a major release of further employment land of this scale at this time, either on quantitative or qualitative grounds.



Market demand

12.91 I recognise that the project is supported by regional agencies such as DCDI & WDC who wish to attract new firms to the region. As they say, the importance of readily available serviced sites and premises is vital for attracting major new investors and improving the competitiveness of the region. At regional level, there are requests for green-field sites and premises from potential inward investors. Regional agencies are targeting several growth sectors for investment and the lack of available large sites is hindering their success in attracting new firms. McAlpines and TBC, supported by these regional agencies, perceive a critical need for a major release of new employment land to solve these economic problems and see this business park as the key to success. The White Rock development would clearly have regional significance in helping to attract footloose inward investors and growth businesses to the area, boosting the economy and perception of this part of the region. [5.27; 5.29; 6.26]

12.92 The site also fulfils many of the market's key requirements for a prestige business park. Its size is more than adequate to meet the "critical mass" of 15-20ha, and its setting and proposed landscaping would provide a first-class environment. It has prominence and ready access to the Ring Road and is next to established employment and housing areas, with a readily available workforce, some of whom are skilled. As for management and tenure, I am confident that McAlpines would provide sufficient control and flexibility, and the availability of grant aid is another advantage. If permitted, the site could be immediately developed with commitment from the landowners and promoters. [5.9-5.10; 5.89; 5.92]

12.93 However, although Torbay has several major firms and has experienced the major investment of Nortel, there is little evidence that inward investors or footloose companies wish to come to this area. Most of the enquiries for land and buildings are from local light industrial and warehousing firms, and firms who could have located on a new business park have found suitable sites in Torbay without the need for such high quality surroundings. There is no firm evidence of any prospective tenants or specific enquiries from companies, let alone major international concerns, for space on the proposed business park. I realise that such requests are less likely given the absence of available sites with planning permission, but I would have expected some evidence of demand from these types of businesses to provide a basis for the project and justify the exceptional release of this site. [5.90; 5.92; 6.25; 7.35; 8.30]

12.94 Furthermore, as I have said earlier, the site suffers a major disadvantage in terms of its location and wider accessibility. The distance from regional centres, motorways and other key communications is likely to be a serious disincentive for new inward investors, especially when compared with other better placed developments in places like Exeter and Plymouth, where the prospects for investment may be better. In more local terms, its peripheral location on the far side of Torbay, with poor access by public transport, is a further drawback. As some objectors fear, these locational shortcomings could well influence the likely success of the project, especially when competing with other sites elsewhere in the region. Although the detailed plans are impressive, they are essentially based on an office-type campus and, apart from the structural landscaping and access arrangements, are purely illustrative. I have no doubt that McAlpines would do their very best to attract major inward investors and high quality tenants to this prestige business park, but like many objectors, I can foresee pressures to develop the site in line with whatever type of demand eventually materialises. [5.92; 7.19-7.20; 7.23; 8.12]

12.95 Given the present lack of demand from major investors to locate in Torbay, the absence of any evidence about prospective tenants for the business park, and the peripheral location of the site, the scheme might not attract the high quality Class B1 uses anticipated. Once planning permission is given and infrastructure is in place, I can foresee understandable pressures to develop this site with more traditional businesses and industrial uses to provide much-needed employment and a return on investment. However, these activities do not require such a high quality site and the outcome could result in the sacrifice of an attractive area of protected AGLV land close to the AONB to provide little more than a high-class industrial estate. This possibility is increased by the flexibility to allow Class B2 uses on parts of the site. Although the fact that this is a speculative project does not affect land-use factors, it is very relevant to the question of need which, in this instance, could be met on less sensitive land. Moreover, most parties accept that there is far less justification to release this sensitive and visually prominent site if the likely demand could be met on other existing sites. [5.90; 7.23-7.24; 7.58; 8.13]

12.96 I therefore conclude that although there may be a regional case for the provision of additional prestige employment land, this case has not been fully proven in terms of this particular proposal. In coming to this conclusion, I particularly note the lack of evidence about demand from major inward investors and footloose companies wishing to come to Torbay and take space on this business park, and recognise the shortcomings of the site when compared with better placed locations.

#### Availability of skills and the local labour market

12.97 Much is made of the potential benefits of this new development to the local workforce. With high levels of unemployment, there is clearly a potential pool of labour available to take up jobs at the new business park. The local workforce has a broad range of skills, with most occupational sectors being represented, including professional and skilled people as well as recently qualified students and graduates. Some skills are underutilised and there is particular concern about the lack of suitable employment for those entering the job market for the first time. There is also a strong and enthusiastic training base at local colleges along with other supportive initiatives. [5.102; 5.112; 6.28; 6.31-6.32; 11.1]

12.98 Although this new business park would significantly benefit the local economy and workforce, a similar argument could apply to almost any major employment generating project. The benefit of this proposal to the local employment market would largely depend on the types of jobs offered and the number of local people employed there. There are several reports and estimates of the skills available in the local area, and whilst there is a high proportion of unskilled workers, it is clear that some of the local workforce would have the necessary skills and many would take up jobs at the new business park. However, I cannot see that this development is specifically tailored to meet the particular needs or skills of Torbay's workforce, or would do much to directly offset the loss of jobs in the tourist and fishing industries or stimulate the rural economy which the current grant regime envisages. [6.31; 7.20; 9.12; 10.12]

12.99 Furthermore, it is apparent that major incoming firms tend to bring part of their workforce with them initially, as found with Nortel and previously with STC. Estimates vary, with McAlpines anticipating up to 20% of imported jobs on the business park and Nortel taking 40% of its labour from outside the area. In an area which has acknowledged development constraints and where current and proposed housing provision does not fully meet local needs, any significant influx of employees and population would undoubtedly put pressure on the local housing market, schools and other facilities, and increase the demand for new housing land. [5.100; 7.34; 8.31; 11.14; 11.18; 11.33]

12.100 Although this proposal would bring very significant benefits to the local employment market, workforce and economy, I can see little in the present proposal which specifically addresses the particular requirements of the local workforce. I also share some of the objectors' concern about the possible implications of this scale and type of development for the local community. In my view, the particular benefits of this project to the local workforce are not a decisive element in its justification.

#### The availability of grant aid

12.101 The fact that the site lies within an area where Objective 5(b) grants and Regional Selective Assistance are available is a material consideration in this case, as PPG7 confirms. These grants would help to finance the infrastructure costs of the business park and assist incoming firms, supporting the implementation of the project and bolstering the local economy. Under the present grant regime, there is clearly some urgency to grant planning permission for the project and a limited window of opportunity is available if current deadlines are to be met and maximum benefit made of potential finance. [5.18; 5.94; 5.96; 6.27]

12.102 TBC sees these grants as being crucial to the viability of the project, because of the high cost of infrastructure, and both DCC and MAFF believed that the scheme required grant aid in order to be implemented. However, McAlpines seem to take a slightly different view, arguing that whilst grant aid is important and would give the project the best chance of success, it is not essential for the scheme to proceed or for the viability of the project. Without grant aid, the development might be delayed, the economics would be tightened and finance would have to be sought from other sources, but McAlpines confirm that the availability of grant aid does not go to the heart of the case. [5.117; 6.27; 7.37]



12.103 In these circumstances, the urgency to approve the project on the basis of the availability of grant aid evaporates. If there were no sound planning objections to the scheme and the project depended on grant aid, then there would clearly be a need for an early approval. However, the availability of grant aid does not make an unacceptable project any more acceptable, and if it is not essential for the scheme to proceed, there is less urgency in the situation. Given the number of projects that are eligible, there is no certainty that grant aid would be forthcoming, even though the project may meet the relevant criteria. Similarly, there is no certainty that the current grant regime will definitely cease in 1999. Consequently, I consider the availability of grant aid, whilst certainly advantageous to the project, is not a sufficient reason by itself to justify an early release of this site. [6.27; 7.37-7.38; 8.35]

#### The "Nortel" factor

12.104 Much is made of the presence of Nortel close to the application site. The recent £48 million investment by this international electronics firm, including a new "high-tech" building, has undoubtedly given Torbay a major boost in economic and employment terms, helping to diversify the economy into new and dynamic sectors and providing nearly 2,000 jobs. However, whilst the presence of this company is capable of inducing growth and attracting similar firms and suppliers, there is little evidence of any demand from these types of electronics and hi-tech businesses to locate in Torbay. There is also little evidence to show that because Nortel has invested in this area, other firms will follow, or that Nortel is the forerunner of increased demand for new employment land on the scale proposed at White Rock. Whilst similar hi-tech firms could benefit from the synergy of clustering around Nortel, enhancing the economic and employment profile of the area, it is certainly not a necessity or requirement in locational terms, and I cannot see that the release of the land at White Rock is crucial in order to realise the full economic benefit or the potential attraction of Nortel. [5.97; 5.99; 6.25; 7.36]

12.105 Furthermore, unlike this proposed business park, Nortel was not a completely new business on a green-field site. The company took over the former STC activities on this site, with its existing buildings and workforce, and expanded operations on existing or allocated industrial land with the benefit of Government grants. The factors which prompted Nortel to invest here seem to be based more on the existence of an established firm and workforce and on the availability of grants rather than on any locational advantages. Whilst the location of this site may satisfy Nortel now, other footloose international investors seeking a new green-field serviced site may have more exacting requirements. The presence of Nortel does not, in my view, reflect or confirm the locational and employment advantages of the White Rock site. Although the "Nortel factor" may be a material consideration helping to support the project, it is not of major importance and is certainly not sufficient to justify this proposed development. [5.98; 7.36; 9.11]

12.106 Having considered all elements of the need case, I conclude that none of these arguments, either singly or together, provide sufficient justification for this particular project, especially given the existence of other employment land already identified and allocated and when balanced against the compelling objections to the proposal in terms of the current development plan and its visual and environmental impact on the AGLV and AONB.

#### Prematurity

12.107 Although not specifically mentioned by the Secretary of State, the question of prematurity stems from a consideration of the proposal against PPG1 and its implications for the development plan strategy for the area. In this case, the main factors are whether the approved development plans are up-to-date; the weight to be given to emerging plans; whether the proposal would pre-determine decisions about the scale and location of development which ought properly to be taken in the development plan context; and whether the proposal would have a significant impact on a substantial area with an identifiable character. [5.116; 7.56]

12.108 I have already concluded that the approved Structure Plan is relevant and not outdated, and whilst the adopted Local Plan may have passed its expiry date, its policies remain relevant. I have also expressed my doubts about the weight to be given to the emerging Structure Plan, given the fundamental changes proposed to the strategy for Torbay, the lack of justification for the proposed employment land provision in Torbay, and the objections to these aspects of the plan. Since the emerging Local Plan reflects the new strategy and is also subject to objections, it too can carry little weight. Moreover, although TBC will soon become jointly responsible for the Structure Plan, this is no reason to pre-empt this part of the process and release this site in advance of the necessary strategic debate. [5.106; 5.116; 6.62]

12.109 Of more importance are the implications of the scale and location of this development for the emerging plans. The proposal not only raises strategic issues about the amount and distribution of employment land, but also has a significant impact on a substantial area of the AONB & AGLV around Torbay which has an identifiable character. Although no alternative strategy has been advanced, the forthcoming EIP will have to consider strategic issues, including the balance between employment and housing provision and the future development strategy for Torbay and elsewhere. To permit this proposal now would effectively pre-empt decisions about the scale and location of future employment provision in Torbay at a strategic level. It would also pre-determine decisions about the location of new employment land in the emerging Local Plan, leaving few other options for consideration. [6.62; 7.56]

12.110 Most parties, including McAlpines, TBC, DCC and MAFF, agree that ideally a proposal for a business park such as this should be considered as part of the local planning process, where all alternatives can be thoroughly examined. I realise that this project has been subject to considerable public debate as part of the planning application, Development Brief and emerging Local Plan process. Although this inquiry has fully assessed this proposal in much greater detail than at an EIP or Local Plan inquiry and has briefly looked at other possibilities, I cannot be confident that other options might not come forward as part of the emerging Local Plan. Since Objective 5(b) funding is not essential to the project, the urgency of the situation is perhaps somewhat less than was previously thought. I realise that there is no early prospect of adopting the emerging Local Plan, but decisions on the overall scale and distribution of new employment development will soon be known following the Structure Plan EIP debate to be held later this year, after which time the matter can be reviewed. In the meantime, other sites already allocated and identified can come forward to meet employment needs. [5.116; 6.63; 6.65; 7.57]

12.111 I therefore conclude that there is a soundly based argument on the grounds of prematurity which is not outweighed by the urgency or need for this development. My concern about the implications of releasing this site in advance of major improvements to the Ring Road supports the view that this project is premature not only in terms of planning policy, but also from a highways and traffic point of view.

### Summary of main conclusions

12.112 In terms of national policy, I conclude that much depends on the environmental and visual impact of the proposal, balanced against the need for the development, its locational characteristics and the impact of additional traffic on the local road network, the likely impact on the AONB and AGLV, and the loss of high quality agricultural land. As for regional policy, I conclude that the positive aspects of the project in bolstering and diversifying the local economy, generating jobs and stimulating economic growth have to be balanced against the impact on the environment, particularly on the landscape and setting of Torbay.

12.113 As for the statutory development plan, I conclude that the proposal would meet many of the economic objectives of the approved Structure Plan and adopted Local Plan, but would conflict with the underlying strategy of longer term constraint and with the environmental, landscape and agricultural protection policies. I conclude that the emerging Structure Plan Review and new Local Plan should be given little weight since they propose a major change to the established development strategy for Torbay. The overall employment land provision for the area has not been fully justified, and both the strategy, employment provision and specific allocation for this site have been the subject of objections.



12.114 As regards the suitability of this site for the proposed development, I conclude that it would have a significant adverse and unacceptable visual impact on the Dart Valley AONB, AGLV and surrounding countryside, detracting from the special landscape qualities and setting of Torbay, not only because of the business park, but also because of the extent of planting proposed in the adjoining Countryside Fringe. As for highways and traffic, I conclude that the proposed road improvements would ensure that the local road network could accommodate the additional traffic generated by the business park, but the other mitigation measures would not go far enough to improve the accessibility of the site by public transport or overcome the locational drawbacks of the site. I also consider the proposal would be premature pending the uncertainty about the completion dates of the remaining stages of the Torbay Ring Road. I am satisfied that the development would not pose any serious risk to the shellfish beds in the River Dart in terms of drainage and that the proposal would have minimal impact on wildlife. However, the development would utilise a significant area of the best and most versatile farmland, contrary to national and strategic policies, and seriously affect one of the main farmholdings.

12.115 As for the need for this development, I am not convinced that this is the right proposal to solve Torbay's economic problems or that this is the only site with the potential to achieve the economic development objectives. The perceived need for additional employment land on a quantitative and qualitative basis does not justify the release of this major green-field site given the existence of other areas of identified employment land. Neither the market demand, nor the presence of Nortel provide sufficient reason to outweigh the environmental, landscape, development plan and other policy objections to this development. Furthermore, to permit this development at this time would pre-empt decisions about the scale and location of new employment development in Torbay, and would be premature in terms of the strategic and local planning process. In my view, these are all soundly based reasons to refuse planning permission for this development.

12.116 In reaching these conclusions, I recognise the strong support for the project from TBC and several regional economic development agencies. Against this has to be balanced the serious visual and environmental impact that the development would have on the AONB & AGLV. I note the deeply held views of local people and organisations, and whilst the quantity and force of local objection does not affect the merits of the proposal, the visual, environmental and other planning considerations raised are certainly material to my consideration of the proposal. In this case, the economic need for the development has to be carefully balanced against environmental, visual and other planning objections. I firmly believe that in that balance, those promoting and supporting the development have given too great a weight to economic factors and insufficient weight to the environmental, visual, development plan and other planning considerations. In my view, the project should be resisted.

**Planning conditions and agreements**

12.117 If, however, planning permission were to be granted for this development, planning conditions along the lines of those suggested, along with a completed Section 106 Agreement, would be necessary.

12.118 Dealing firstly with the draft Section 106 Agreement, it is unusual that SHDC has been omitted from the document, since they are the local planning authority for much of the land outside the application site within the Countryside Fringe area and would normally deal with day-to-day development control and the monitoring of associated landscape work. This omission has largely come about because of SHDC's objection to the principle of the proposed development and I am sure that if planning permission were to be granted for the scheme, they would wish to be involved in any agreement covering land in South Hams District. The inclusion of the County Council is a reasonable and sensible compromise at this interim stage which, in my view, would probably meet the requirements of Sections 1(3) & 106 of the 1990 Act. However, it would be appropriate to seek the views of SHDC on their possible involvement before any planning permission is granted. [5.120; 6.70; 7.63; 8.37; 9.15; 9.16]

12.119 As for the detailed wording of the Agreement, the draft covers all the main elements, in line with the advice in Circular 1/97, and any minor drafting points would no doubt be reconsidered before the agreement is finally completed. Various detailed aspects, such as arrangements for landscaping, management, bus services and Company Transport Plans, could be submitted at a later stage or be covered by planning conditions. [5.121; 7.64; 11.6]

12.120 As for the suggested planning conditions, most are agreed and would meet the terms of Circular 11/95. As for those in dispute, in view of the visual prominence and the likely impact of any buildings in the southern development area, a full visual impact assessment would be needed for any buildings, along with lighting, landscaping, roads and parking areas [Condition 4]. The need for tight control over the colour and nature of building materials would be important, but the suggested criteria are rather subjective and could lead to much debate [Condition 5]. Condition 8c should also include reference to motorcycles and HGVs. As for restrictions of use, I am satisfied that some flexibility to allow Class B2 uses in the northern development area would be appropriate given the nature of the surroundings, and restrictions on the southern development area would effectively limit the overall proportion of these uses on the site [Condition 12]. As for times of operation, flexibility to allow working on all days would be reasonable on this type of business park [Condition 13]. On landscape management, I am satisfied that Conditions 22 & 23, along with the Section 106 agreement, provide the necessary safeguards. [5.122; 6.71; 7.65; 8.38; 10.13; 11.6]

12.121 On floodlighting, Condition 25 provides adequate control and would ensure that the more exposed and visually prominent elevations of buildings in the southern development area were not lit. Definitions of "liquid storage areas" could be dealt with at the detailed stage [Condition 27]. Height restrictions should cover the overall building height, with buildings limited to a maximum of 8m, even on the northern development area, in view of the likely visual impact [Condition 29]. References to open storage should include skips, pallets and other waste [Condition 30], and floorspace figures should relate to gross external area [Condition 32]. As for car parking, this should be limited to 1,500 spaces, as suggested by TBC & DCC, in order to limit traffic generation and discourage use of private cars for commuting [Condition 33]. This would reflect the aims of PPG13 and the complementary transportation measures included in the Section 106 Agreement. The amount of parking for goods and service vehicles could be determined when details of the individual uses are known. [5.61; 5.123; 6.55; 6.71; 7.67; 8.38]

12.122 I note that several conditions leave details to be approved by TBC. This is normal practice on an outline permission and I am confident that TBC would consult other local authorities and bodies as appropriate. Any major deviation from the terms of the approved permission or conditions would need to be the subject of a separate planning application, thus protecting the interests of interested parties.

12.123 However, I do not consider that the suggested conditions and Agreement would make this fundamentally unacceptable proposal any less objectionable, especially in terms of its overall visual and environmental impact on this attractive area of Torbay. In my view, the proposal should be firmly resisted on the grounds that the need and justification for the development does not outweigh the objections to the scheme in terms of planning policy and the adverse visual and environmental impact.

## RECOMMENDATION

12.124 I RECOMMEND that planning permission for this development is **refused**.

I have the honour to be  
Sir  
Your obedient Servant

S J PRATT