



Yalton / Horsepool Cove on the South Pool Creek looking towards Salcombe





PLANNING REF: 0851/22/FUL

Address: Land at Yalton East Portlemouth Salcombe TQ8 8PA

Description: Provision of Salcombe yawl landing stage into the Salcombe estuary with provision of WC

7th April 2022

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For nearly sixty years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the protection of the South Devon Area of Outstanding Natural Beauty (AONB) very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development, as we strongly believe to be the case with this application.

Introduction – the location and surrounding area.

The Society originally inspected the shoreline between the East Portlemouth to South Pool area in March 2021.

The Society noted the poor state of the estuary road where the important role that trees and their root systems have in maintaining the integrity of the banks, which in sections also support the highway, is abundantly clear.

The road is not suitable for HGV's with very few passing places.



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Removal of trees along the shoreline quickly becomes fatal to its appearance as the roots rot and the bank collapses.

Parking space not big enough? 2009, 2021 & 2022.



New development also brings damage to the shore from HGV movement and water runoff.



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So it is with trepidation that we see another planning application for shoreline development in an area that at present remains unscathed.

The location is the field at the bottom of the image below and on the following page March 2021.



In 2009, Google did not record the condition of the location after it met a vehicle.



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The site of the carpark, toilet block and pontoon landing tower stairwell



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The Image below was provided in the applicants photographic images dated 22nd February 2022. We believe this to be a carefully managed shot. It was not how we found the location.

view 12 along estuary lane, with incidental view of kiln steps likely but typical in structure (egress approximately located by bollard), temporary parking to right through field gate/stone piers: mature oak to be avoided



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We visited on the location on the 7th April 2022. It was apparent that the area had been cleared of tree growth and a lightweight wooden fence installed with four reflective bollards.



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Planning consideration

There are currently 30 commercial pontoons in the estuary.

The Salcombe Harbour Authority Moorings Policy states the following:

6.0 Mooring Policy – General Principles

6.0.12

The proliferation of walk-ashore jetties and pontoons would result in a loss of foreshore within the SSSI and be detrimental to the appearance of the estuary within the AONB.

6.1.1

A number of years ago the Harbour Board capped the numbers of mooring facilities within the Estuary. From time to time the number of berths in a particular area/of a particular type may change to compensate for an improvement in facilities elsewhere so long as there is a net gain to the environment.

(3rd Edition 1st Nov 2018 – Adopted by SHD Council 28th Jan 2019 Phil Goodhead)

The proposed parking area, WC block, access steps and pontoons would have significant detrimental impact on the protected landscape and the highly sensitive estuarine environs.

The proposed development area lies within the South Devon AONB, which is a nationally prized landscape and a major economic asset.

The South Devon AONB Planning Guidance clearly sets out the implications of the duties towards AONB's for the Planning process. (2.6)

The High Court succinctly set out the obligations towards AONB's under section 84 (the permissive power) and 85 (the duty) as:

'a planning authority must take steps to accomplish the purpose of conserving and enhancing the natural beauty of an AONB; and must have regard to that purpose in exercising any functions in relation to, or affecting land in an AONB'.

This guidance is reflected within Section 85 of the Countryside and Rights of Way Act 2000 which requires the Local Authority to adhere to the purpose of conserving and enhancing the landscape and natural beauty of AONB's.

NPPF paragraph 176 specifies that *'great weight must be given to this purpose'*.

The applicants are therefore required to demonstrate how the location, siting, layout, scale and design of the proposal *'conserve and enhance what is special and locally distinctive to the site'*.

Within the pre-application document LVIA 17/03/22, Rathbone Partnership acting on behalf of the applicant state that *'an enhancement of the physical landscape is unlikely to be achievable, with neutral effect'*.

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The Society fundamentally disagree with this assertion that the proposals will have a neutral effect on the landscape.

The environmental sensitivity, aesthetic quality and relative tranquillity of the area are all subject to degradation if these proposals are consented, and the damaging effect of this will be negative.

It is the view of the Society that the proposals conflict with policy objectives as set out in the South Devon AONB Planning Guidance, CRoW Act 2000 and NPPF para 176, and we respectfully remind the Local Planning Authority of its overriding statutory 'duty of regard' for the purpose of conserving and enhancing the natural beauty of the South Devon AONB as required by S85 of the CRoW Act 2000.

The site affected by the proposals is located within the area designated as Undeveloped Coast in the Plymouth and South West Devon JLP.

This is covered in JLP Policy DEV24 (Undeveloped Coast and Heritage Coast) which states development that would have a detrimental effect on the undeveloped and unspoilt character, appearance or tranquillity of the Undeveloped Coast, estuaries and the Heritage Coast will not be permitted except under exceptional circumstances.

The Society's view is that whilst we do not seek to deliberately hinder the recreational pastime of Yawl owners, we do nevertheless consider the significant material constraints of developing this sensitive waterfront location carries far greater weight when assessing the merits and demerits of this application.

We believe the proposals conflict with policy objectives as set out in DEV24, and that the requirement of exceptional circumstances has not been demonstrated.

The proposals also fail the principle landscape policy tests required by JLP Policies DEV23 and DEV25.

DEV25 (Nationally protected landscapes) gives the highest degree of protection to protected landscapes in order to prevent damaging and inappropriate development, and policy criteria further sets out :

- i) Conserve and enhance the natural beauty of the protected landscape with particular reference to their special qualities and distinctive characteristics or valued attributes.
- ii) Be designed to prevent the addition of incongruous features, and where appropriate take the opportunity to remove or ameliorate existing incongruous features.
- iii) Be located and designed to respect scenic quality and maintain an areas distinctive sense of place, or reinforce local distinctiveness.
- iv) Be designed to prevent impacts of light pollution from artificial light on intrinsically dark landscapes and nature conservation interests.
- v) Be located and designed to prevent the erosion of relative tranquillity and where possible use opportunities to enhance areas in which tranquillity has been eroded.

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- vi) Be located and designed to conserve and enhance flora, fauna, geological and physiographical features, in particular those which contribute to distinctive sense of place, relative wildness or tranquillity, or to other aspects of landscape and scenic quality.
- viii) Further the delivery of the relevant protected landscape management plan, having regard to its supporting guidance documents.
- ix) Avoid, mitigate, and as a last resort compensate, for any residual adverse effects.

The Society implicitly agree with the comments of the Council's Landscape Specialist regarding the permanent change in the appearance of the landscape that would result from the introduction of a toilet block, parking area, access steps and pontoons.

We fully endorse his assessment that:

'It is considered that the proposed development as currently suggested would adversely affect the character of the landscape of the site and the wider area'.

and additionally

'There would be a permanent adverse change to the estuarine landscape with the introduction of the proposals'.

The Society believes that the Landscape Specialist's overall assessment of the proposals clearly illustrate that they conflict with policy criteria i) to ix) (possibly excluding vii) as set out in JLP DEV25.

The Society also has deep concerns regarding the probable impact on the SSSI that would result from the proposed pontoons.

We note the comments made by Nigel Mortimer with regard to the Ecology/Biodiversity of the area, and we welcome his statement that **the application will need to include an environmental assessment.**

Comment is made within the Ecology / Marine report compiled by Ecospan that two specimens of the Tentacled Lagoon Worm were found in the foreshore vicinity that would be affected by the construction of pontoons.

The Tentacled Lagoon Worm's classification as a species of principal importance, included on Schedule 5 of the Wildlife and Countryside Act 1981, therefore presents a significant constraint to development proposals that will result in degradation and loss of these worms' habitat.

Ecospan have stated that 'the low number of worms found suggests that either this is not a particularly good habitat, or that the habitat has only recently been colonised.

The fact that it was not in any of the other 7 cores suggests that it is not widely distributed on the foreshore'.



The Society's view is that if there has been recent habitat colonisation, there is a realistic possibility of the worms flourishing, increasing in number and establishing an important ecological benefit that conserves the species and enhances the objectives of the SSSI Designation.

These small worms are immensely vulnerable to changes to their habitat and the construction of pontoons will greatly exacerbate their vulnerability, probably resulting in their disappearance to the detriment of the local ecosystem and protection aims of the SSSI.

Any loss of habit resulting from erosion and loss of intertidal mud and rock, and subtidal mud is unacceptable, and compromises the conservation objectives of the designated SSSI.

The landscape and estuarine environs of East Portlemouth are unquestionably deserving of the protection that is afforded by AONB, Undeveloped Coast and SSSI Designations.

Devon Undeveloped Coast guidance specifically states that *'the Designation should be regarded as a finite resource for the enjoyment of everyone, now and in the future'*.

The proposed development area currently provides both a highly appreciated public visual amenity along with environmental qualities that define the sense of place.

The Society believes that if these proposals were approved, it would result in irreparable degradation of the local landscape and waterfront tranquillity, and that consequently the protection objectives of the AONB, Undeveloped Coast and SSSI Designations will be severely compromised.

The Councils Specialist / Development Management has indicated that there are strict policy tests which must be met before support for the proposals can be forthcoming.

For all of the reasons stated within this submission, it is the opinion of the Society that the principle policy tests appertaining to these proposals have not been met, and therefore the Local Authority statutory obligation to protect, conserve and enhance the South Devon AONB both justifies and necessitates a decision of refusal for this application.

The South Hams Society respectfully request that this application is refused.

For and on behalf of the South Hams Society

Richard Howell

Chairman