

TOTNES COMMUNITY DEVELOPMENT SOCIETY

COMMUNITY RIGHT TO BUILD ORDER

FOR ATMOS TOTNES
THE FORMER TOTNES CREAMERIES,
TOTNES, TQ9 5JR

Date: September 2016



Totnes
Community
Development Society

Community Right to Build Order with
Modifications Recommended by the
Independent Examiner



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1. Introduction

1.1 Purpose of the document

1.1.1 This document serves two purposes:

- i. To illustrate proposals for the Community Right to Build Order proposed by Totnes Community Development Society.
- ii. To provide the basis for South Hams District Council to ‘make’ the Community Right to Build Order if it is voted for.

1.2 What is A Community Right to Build Order

1.2.1 The Community Right to Build came into force on 6th April 2012 and forms part of the Neighbourhood Planning (General) Regulations contained within the Localism Act 2011(www.legislation.gov.uk/uksi/2012/637/contents/made).

1.2.2 A Community Right to Build Order (CRtBO) Submission is comparable to a Planning Application, but with two key differences:

- i. A CRtBO can only be submitted by a community group or organisation.
- ii. Whether or not a proposed CRtBO is ‘made’ depends on whether the local community as a whole votes in favour of it at a referendum.

1.2.3 It is also worth noting that whereas a Planning Application may be ‘granted’, a ‘Submission’ CRtBO is ‘made’. The result is the same, with the proposals set out becoming accepted under planning law.

2. Totnes Community Development Society

2.1 The prescribed conditions for community right to build organisations

The prescribed conditions for community right to build organisations are set in Regulation 13 of the Neighbourhood Planning (General) Regulations 2012 and Schedule 4C to the Town and Country Planning Act 1990.

Regulation 13 of the Neighbourhood Planning (General) Regulations 2012 is as follows:

(1) For the purposes of paragraph 3(1)(b) of Schedule 4C to the 1990 Act, the following additional conditions are prescribed for any community organisation which is not a parish council—

- (a) individuals who live or work in the particular area for which the community organisation is established (“the particular area”) must be entitled to become voting members of the community organisation (whether or not others can also become voting members); and
- (b) the constitution of the community organisation must—
 - (i) provide that taken together the individuals who live in the particular area—
 - (aa) hold the majority of the voting rights; and
 - (bb) have the majority on the board of directors or governing body, of the community organisation;
 - (ii) include a statement—
 - (aa) that the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and
 - (bb) indicating how it is proposed the community organisation’s activities will benefit the community in the particular area (or a section of it);
 - (iii) provide that any assets of the community organisation may not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community in the particular area or a section of it; and
 - (iv) provide that any profits from its activities may only be used to benefit the community in the particular area or a section of it (the payment of profits directly to members or directors is not to be considered a benefit to the community in the particular area or a section of it);
 - (v) provide that in the event of the winding up of the community organisation or in any other circumstances where the community organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives; and
 - (vi) provide that the organisation has at least 10 members, living in different dwellings to each other, who live in the particular area.

Schedule 4C to the Town and Country Planning Act 1990 **Meaning of “community organisation”** is as follows:

3 (1) For the purposes of this Schedule a “community organisation” is a body corporate—

- (a) which is established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area, and
- (b) which meets such other conditions in relation to its establishment or constitution as may be prescribed.

(2) Regulations under sub-paragraph (1)(b) may make provision in relation to—

- (a) the distribution of profits made by the body to its members,
- (b) the distribution of the assets of the body (in the event of its winding up or in any other circumstances),
- (c) the membership of the body, and
- (d) the control of the body (whether by the exercise of voting rights or otherwise).

2.1.1 Totnes Community Development Society is the legal entity which is bringing forward the Community Right to Build Order for Atmos Totnes on The Former Totnes Creameries, Totnes, TQ9 5JR.

2.1.2 TCDS is an Industrial and Provident Society (IPS), incorporated in July 2012 with five Founder Members as an IPS for the benefit of the community using Co-operatives UK model rules.

i. In accordance with the Rules of TCDS, membership is formed of founding member and additional members invited at the discretion of the Board. At the current time TCDS has a membership of 12, making this organisation eligible to submit a proposal for a Community Right to Build Order. Additionally, there are over registered 600 supporters of the scheme. The development of the membership of TCDS will take place through a share issue, to open-up membership to the whole community of Totnes. Atmos Totnes is likely to operate as a Community Land Trust, thereby enabling the community of Totnes to continue to influence the evolution of the site into the future. It will also enable long-term management and establishment and enforcement of conditions within leases through the ownership and management of this development in perpetuity. This will enable control of such measures necessary to facilitate the use of the site as proposed here in this order into the future.

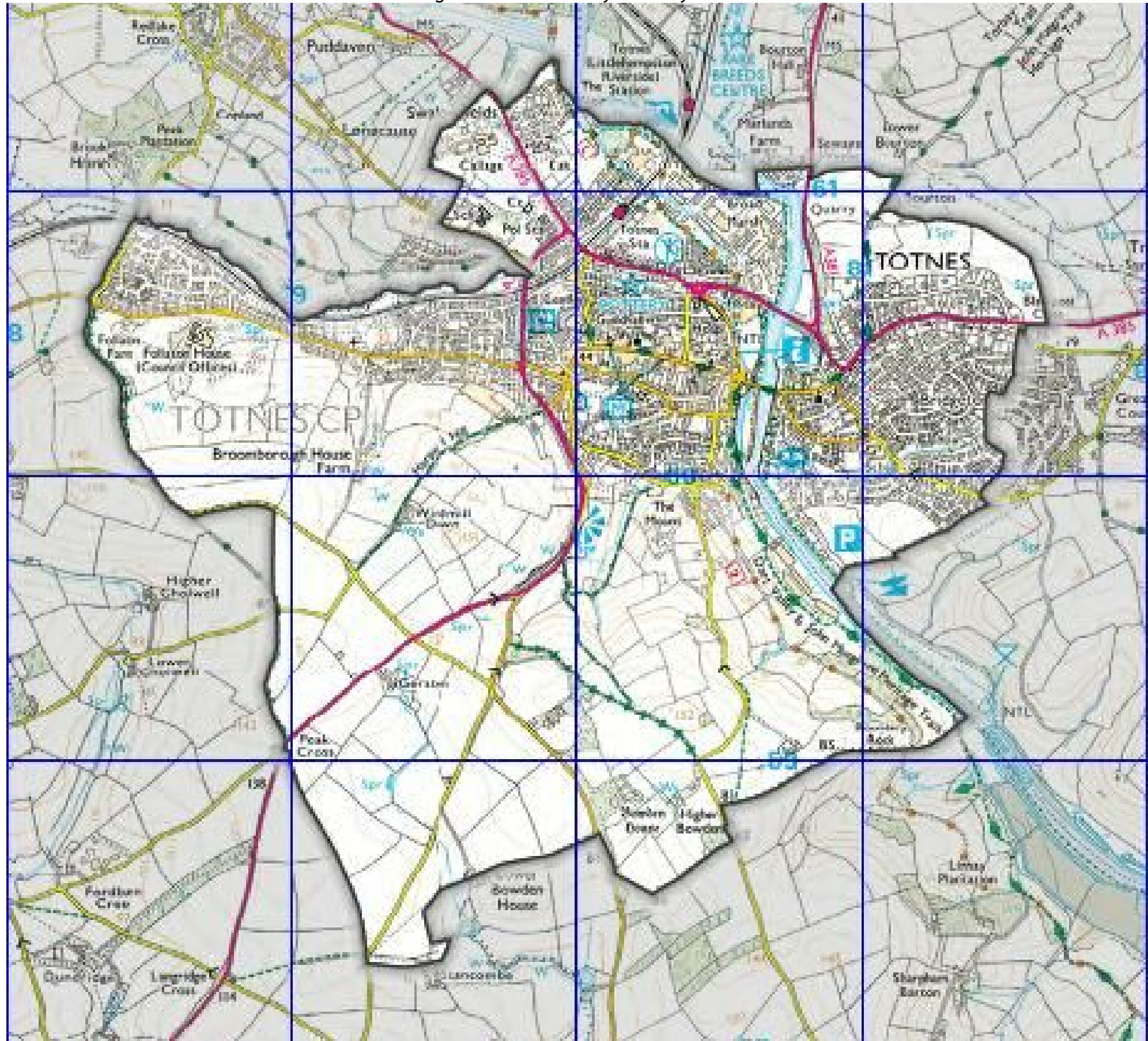
ii. The registered office is Station Yard, Station Road, Totnes, Devon, TQ9 5JR.

- 2.1.3 The objects of the Society shall be to carry on any business for the benefit of the community by:
- Identifying opportunities to obtain land and buildings, within Totnes and the surrounding area, which have the potential for viable community use.
 - Working with other organisations to develop such opportunities to ensure that they are brought into community use.
 - Undertaking these development opportunities in a manner that will ensure their environmental and financial sustainability over the long term.
 - Ensuring that the maximum value from these development opportunities, during construction and thereafter, is retained within the local economy.
 - Ensuring the democratic control of these development opportunities by the community through the establishment of an appropriate level membership of this Society.
 - Providing an opportunity for public-spirited people and organisations to contribute financially to the community, with the expectation of a social dividend.
- 2.1.4 The Society's rules ensure that the assets of the Society can only be used for prescribed purposes... "directly or indirectly for the benefit of the community". The rules also ensure that in the event of the Society being wound up the Society's assets can only be transferred to an organisation with similar aims. This effectively ensures long-term community use and appropriate management of assets into the future.
- 2.1.5 The table below sets out how Totnes Community Development Society meets the prescribed conditions:

Prescribed Condition of an Organisation Bringing Forward a Community Right to Build Order	Totnes Community Development Society
Established for the express purpose of furthering the social, economic and environmental well-being of individuals living, or wanting to live, in a particular area	The objects of the Society shall be to carry on any business for the benefit of the community by: <ol style="list-style-type: none"> Identifying opportunities to obtain land and buildings, within Totnes and the surrounding area, which have the potential for viable community use. Working with other organisations to develop such opportunities to ensure that they are brought into community use. Undertaking these development opportunities in a manner that will ensure their environmental and financial sustainability over the long term. Ensuring that the maximum value from these development opportunities, during construction and thereafter, is retained within the local economy. Ensuring the democratic control of these development opportunities by the community through the establishment of an appropriate level membership of this Society. Providing an opportunity for public-spirited people and organisations to contribute financially to the community, with the expectation of a social dividend.
Membership	<ul style="list-style-type: none"> The current membership is 12. All members live or work in TQ9 post code areas and 9 live within Totnes and the neighbourhood area for the Community Right to Build Order. Additionally there are over 600 registered supporters of the scheme.
The control of the Society	The Rules state that each member shall have one vote, regardless of the value of his or her shareholding. All Directors live within Totnes and surrounding area, the 'particular area' for Totnes Community Development Society.
Distribution of profits made by the body	Members of the Society will be rewarded primarily through a social dividend rather than a monetary dividend. Any profits of the Society shall be used to: <ul style="list-style-type: none"> Build a general reserve for the continuation and development of the Society; Pay interest on issued share capital of up to 5% p.a. or 2% above the Co-operative Bank's base rate, whichever is the greater; Make payments for social or community purposes within the community served by the Society.
Use of assets	<p>The Rules of the Society state the following:</p> <p>Pursuant to regulations made under section 1 of the Co-operatives and Community Benefit Societies Act 2003 all of the Society's assets are subject to a restriction on their use.</p> <p>If on the winding up or dissolution of the Society any of its assets remain to be disposed of after its liabilities are satisfied, these assets shall not be distributed among the members, but shall be transferred instead to some other non-profit body or bodies subject to at least the same degree of restriction on the distribution of profits and assets as is imposed on this Society by virtue of these Rules, as may be decided by the members at the time of or prior to the dissolution.</p>

- 2.2 Why is Totnes Community Development Society preparing a CRtBO**
The Neighbourhood Planning (General) Regulations 2012 provide for the right for community based organisations to produce and submit Community Right to Build Orders to their local planning authority.
- 2.2.1 The Context**
- 2.2.1.1 In May 2007 Dairy Crest Group Plc. announced the closure of their milk processing plant and the loss of over 160 local jobs. The impact of this closure on an already fragile local economy raised concerns across the local community. With a growing understanding of the need to re-localise the economy the Dairy Crest Group Plc. announcement was the catalyst for a group of community members to initiate Atmos Totnes.
- 2.2.1.2 Totnes Community Development Society was set up through a partnership between Totnes Development Trust and Transition Town Totnes. In developing the early stages of Atmos Totnes these two organisations worked with a wider steering group of key local agencies comprising Totnes Town Council and Totnes Chamber of Commerce to develop the project. The Society came about as a consequence of Totnes Development Trust, Transition Town Totnes and other partner organisations to Atmos Totnes, recognising that there needed to be single legal entity if the discussions with Dairy Crest Group Plc. were to lead to the outcomes desired by the community. Totnes Community Development Society continues to work with these groups and other stakeholders.
- 2.2.1.3 Totnes Community Development Society Ltd (TCDS) was therefore established to progress the project and other development opportunities in the local area. TCDS is an Industrial and Provident Society for the benefit of the community. As a not-for-profit company its mission is to ensure that Totnes develops in a sustainable manner today, tomorrow and in the future.
- 2.2.1.4 Since 2007 the partners have worked to establish a new vision for the site. This vision responds to the economic downturn by not just regenerating lost employment, but emerging with new and even more jobs in sustainable employment, an enhanced environment, and a contribution to a range of wider needs for local people. In this way enterprise is linked with housing, community leadership and employment.
- 2.2.2 Legal Interest in the Site**
- 2.2.2.1 Since 2007 all partner agencies in Totnes have been seeking to secure a legal interest in the site with the site owners Dairy Crest Group Plc. Over the course of 2013, following lengthy negotiations, Totnes Community Development Society agreed a Heads of Terms with Dairy Crest Group Plc. to move forward to develop and acquire the site and undertake the masterplanning.
- 2.2.2.2 Through the negotiations Dairy Crest Group Plc. introduced a developer to the project that they wished TCDS to work with. Having met the developer (McCarthy and Stone Retirement Lifestyles Ltd.) TCDS felt that they could work with them and so proceed to convert the Heads of Terms into legal agreements.
- 2.2.2.3 Converting the Heads of Terms took longer than anticipated but by August 2014 they were in place. The legal agreements give all parties the comfort they need to move the project forward.
- 2.2.2.4 The legal agreements set out the interest Totnes Community Development Society (TCDS) now have in the land and how the deal works. TCDS are happy to be working with McCarthy and Stone Retirement Lifestyles Ltd. who recognise, and are fully supportive, that this is the community's project and therefore they need to work as part of the team, noting that Totnes Community Development Society is project managing and leading the work.
- 2.2.3 Why Totnes Community Development Society is preparing a Community Right to Build Order?**
- 2.2.3.1 Totnes Community Development Society is preparing a Community Right to Build Order so as to bring forward development on the former Totnes Creameries Site so as to ensure that all local people are offered the opportunity to be involved in bringing the plans for the site forward in a collaborative way with all of the relevant statutory agencies. The site is of such significance to the town as a whole, in so many ways, that a mechanism that allowed for this to occur is not only productive but an ethical and highly appropriate use of the one of the new rights under the Localism Act 2011.
- 2.2.3.2 This consultative, collaborative and participatory way of developing Atmos Totnes, through the Community Right to Build Order process, has enabled the development of Atmos Totnes and enabled both community and design consultants to overcome and/or mitigate the constraints on site. In short, the proposed scheme is the vision that has come out of a Community Right to Build Order process and probably would not have been possible without.
- 2.2 This application relates to Totnes Community Development Society and the boundary is indicated on the plan below. This boundary is the designated area for the Totnes Neighbourhood Plan (as designated on 21 March 2013). The community have been made aware through local engagement that only those on the electoral register living with the designated area for the Totnes Neighbourhood Development Plan (the town boundary) will be eligible to vote in a referendum connected with this Community Right to Build Order. They have also been

made aware that any extension of this eligibility to vote, i.e., an extension of the boundary, would be at the discretion of the Independent Examiner, who may consider it pertinent to consider the addition of enumeration districts within the Dartington Parish and Berry Pomeroy Parish or others in the local area.



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3. How the Order is set out

3.1 This Order is set out in five sections as below:

Section 1: Introduction

Providing an overview of the nature and purpose of the Order and the benefits of the proposals to the community.

Section 2: The order

Providing an overview of the site and the challenges to be met, as well as the proposed development to be implemented through this Order with both illustrations of the design proposals and information to help provide an understanding as to why the designs have been developed as they have, as well as an overview of how the proposals within the Order will be delivered.

Providing the Order definition, and setting out a number of Conditions that will need to be met so that the proposals can be implemented. These include safeguards that the community will commit itself to that will provide a number of reasonable protections to, inter-alia, neighbours close by.

Section 3: Heritage statement

Setting out how the proposals do take into consideration heritage matters.

Section 4: Archaeology statement

Providing an overview of the archaeological findings and how the proposals take into the account the archaeology

Section 5: Enfranchisement Rights

Providing confirmation of the rights that will remain exercisable.

3.2 In addition to the Order document (as its Appendices), Totnes Community Development Society have also prepared a Consultation Statement and a Basic Conditions Statement which accompany the Order and provide the suite of documents which comprise the full Order.

4. The Order Conditions

4.1 Description of the development

Atmos Totnes proposes that the site is developed to support mixed use establishing over 3.5 hectares of employment land capable of supporting over 99 homes, 160 jobs and a range of community facilities.

Whilst full details of the proposed development are set out in the Design and Access Statement and accompanying appendices, set out below is a comprehensive overview of the proposed development.

4.1.1 The Site

Location and Area

The former Totnes Creamery, Station Yard, Totnes, Devon TQ9 5JR covers 3.5 hectares and is located immediately to the north of Totnes railway station, (between the main rail line and the River Dart), in South Devon. The site is crossed by a leat that served the mills located within the town of Totnes. The aerial photograph below shows the total extent of the Atmos Totnes site with the Brunel Building highlighted.



4.1.2 Challenges and Constraints

The site has now lain vacant for 8 years. Given its physical location within the town this is surprising but is understandable when the challenges and constraints associated with the site are understood. These include flood risk (proximity to the river and water ways), a listed building on site, several ecological considerations, existing utilities, proximity to the railway, existing traffic and travel challenges and social and economic community needs.

The full constraints plan (above) shows all of the constraints and challenges associated with the site. The key issues are considered below:

4.1.2.1 Planning Designation

Current planning policy designates the site as employment land. However, the emerging Development Plan Document for Totnes and Dartington designates the site in the following way:

South Hams District Council 2011 document 'Totnes/Dartington Development Plan Document identifies this site as "within the Totnes development boundary and consists largely of previously developed land. Although the entrance into the site for large vehicles is poor, its general accessibility is good - it adjoins the main road through Totnes that serves as a bus route and is adjacent to the main line rail station. As a "brownfield" site within the town, it is in principle a prime site for regeneration. The Council considers that re-development of the site should demonstrably contribute to the regeneration of the local economy". The 'Totnes/Dartington Development Plan Document provides the following planning requirement:

Proposal T4: Dairy Crest Group Plc

Mixed use regeneration is proposed by 2016 to include:

- To the south of the leat, about 30 dwellings and employment development to support a number of jobs at least equivalent to the site's previous use;
- Retention of the listed building;
- Contribution to the A385 corridor management scheme; and
- Provision of cycle and footpath links including to the town centre and the riverside.

Development of this area should accord with a Masterplan previously approved by the Council.

4.1.2.2 Technical Issues

There are four main technical issues that any development taking place on the site will need to overcome which have been addressed through masterplanning work for the site:

1. Flood Risk

Approximately two thirds of the site is designated as at risk of flooding, the majority of which (to the North East of the leat) is in a functional flood plain. This consists of the following zones:

- To the south of the leat, Flood Zone 1, no flood risk.
- To the north of the leat currently occupied by existing buildings, Flood Zone 2, extreme event risk 1 in 1000 year annual probability.
- To the north of the leat and buildings up to the river dart, Flood Zone 3b, functional flood plain, less than 1 in 100 year annual probability.

Any other development proposals would therefore need to be subjected to rigorous scrutiny by the Environment Agency.

2. Traffic and transport consideration

This site is accessed by the Redworth Junction, one of the busiest roads in the region. Any plans for the site need to consider this and must recognise that any scheme cannot be taken out of context from the rest of the town.

In addition to the traffic access issues the proximity of the railway to the site also gives rise to a number of challenges:

- Co-ordination of the development of this site needs to take place with reference to the potential future plans by Network Rail.
- Network Rail plans for future parking may impact traffic restraints and potential highways issues and consultation.

3. Atmospheric Railway Pumping House (the Brunel Building)

The Atmospheric Railway pumping house (known as the Brunel Building) is listed (Grade II) and therefore needs to be incorporated into any development scheme for the site. The building comprises two blocks, the pumping engine house and the boiler house, which are set at right angles to the railway line at the east end of the Totnes station up platform.

4. South Hams Special Area of Conservation

The site is located within a strategic flyway and within close proximity to a sustenance zone. Strategic flyways connect the component parts of the South Hams Special Area of Conservation which is of international importance for its population of Greater Horseshoe bats.

4.2 Developing the Designs

4.2.1 The Process

The design process has combined the professional input from a team of consultants, managed by Totnes Community Development Society and developed through extensive consultation with the community. The professional design team has provided advice on possible design solutions to overcome the sites constraints, as well as costings and other elements connected with the physical development of the site.

The design process began by gathering ideas for the Atmos Totnes site from members of the community. Over 2,000 people contributed to the first phase of ideas gathering which has provided the reference and bedrock of the process thereafter. The project plan then combined a phased process of community consultation to effectively enable the community to check and amend the work of the design team and ensure consultation on specific parts of the design process that required refining. A rolling schedule of design team meetings and sub-group meetings and workshops, involving the community were held.

4.2.2 The Context

Pattern Language of Totnes

Atmos Totnes has been designed to complement the existing town of Totnes. Part of this is within the design of the site, to be a reflection of some of the characteristics of the old market Town centre. Part of the design process involved the use of pattern language theory and a study of the patterns of Totnes. A workshop was held with members of the design team and the community to specifically address this early on in the design process, helping to establish some of the principles of design and wider development criteria for the site.

The Site

Atmos Totnes is situated on the edge of the centre of Totnes, adjacent to the town's mainline station and the river Dart. There are existing residential properties, which sit immediately to the north and west of the site. It is 8 acres of post-industrial land. In its most recent history this was a dairy plant. It is this use that has given rise to the developments of hardstanding material and buildings on the North of the site and some of the buildings and adaptations to buildings on the South Side. Previously the land had been common land, as well as smaller scale manual works including through the establishment of a now listed historic building on the South side of the site. In about 1845, the older buildings on the site were built as part of Isambard Kingdom Brunel's atmospheric railway, an experimental way of powering trains which ran between Exeter and Newton Abbot.

Totnes is a market town servicing several local villages and has a strong local economy in recent decades increasingly connected to local enterprises. However, historically the town has been supported by a number of larger employers including Dartington College of Arts and the Dairy Crest Totnes Creameries factory. The Totnes Creameries closed in 2007 with the loss of over 160 jobs. The site of this factory is the site on which Atmos Totnes is planned.

A local economic study, undertaken in 2012, under the auspices of a strategy group with a membership of Totnes Town Council, Totnes Chamber of Commerce, South Devon College, KEVICC, Dartington Hall Trust, Totnes Development Trust, Transition Town Totnes and South Hams District Council, evidenced the potential for small business to develop to strengthen the economy and build resilience within the town; not just in order to provide jobs but also to ensure food security, more sustainable houses energy supply and care and support. Atmos Totnes is therefore physically and economically situated within a developing local economy in Totnes.

The Community Engagement

Community engagement and involvement has been central to development of plans for the site. Since September 2014 the community has been invited into a range of engagement spaces both at the Atmos Totnes site, and within the community to understand the plans, contribute to these, feedback on new and evolving parts of the plan. Over 4000 meaningful inputs into the process have taken place during this time. Sessions have been facilitated by the Totnes Community Development Society Board of Directors, the Design Team and volunteers. A group of Atmos Ambassadors were recruited in phase 2 of the consultation process. They acted as conduits from within the community to help raise the profile of the project in each area of the town and provide updates as the plans developed.

The full report on the community engagement is an appendix to the Consultation Statement.

4.3 The Design Brief

Through the community engagement the following vision, design brief and objectives have emerged. In essence the brief is to establish a community owned, low-carbon and low-emission development that meets the challenges and constraints head on and to develop new solutions to previously insurmountable problems.

4.3.1

The Vision

Through the engagement and consultation, the vision for Atmos Totnes has been consolidated on five key elements:

Owned and managed as a community enterprise

In order for the community of Totnes to have some control over the Town's future economic, environmental, social and cultural needs, it is necessary to acquire and manage the site for and on behalf of residents of Totnes and District.

Only by being landowners will the community of Totnes be able to exert influence over the management of the site and the types of businesses that are attracted to the town.

The aim is to select commercially viable businesses that wish to lease properties and areas at Atmos Totnes in order to best facilitate the smooth transition of the Town's economy to a low carbon and self-reliant form that will best meet the full range of needs of the town.

By owning the site the community will be able to re-invest trading profits in order to further its vision.

Low Carbon development

Atmos Totnes is aligned to the emerging response to climate change. As a working example of transition in action Atmos Totnes will put Totnes at the forefront of the low-carbon revolution (targeting a minimum of 40% CO² reductions).

The project will be an architecturally significant, low-carbon, exemplary, development, at the transport 'gateway' for many of those who come to Totnes and the wider area. The built environment will respond, by design, to the impact of climate change.

Complement and improve the prosperity of other organisations

Atmos Totnes will attract new investment, new talent and new customers to Totnes, South Hams and the South West by demonstrating how a sustainable community enterprise and a low-carbon economy can be established and managed.

An inspiring place to work, learn, live and relax

Atmos Totnes will attract new intellectual capital creating synergies and opportunities for employers and leaders in the low-carbon industry.

It will generate a 'cradle to grave' approach to training and education and create excellent community and civic space for all those using the site.

The housing developed by McCarthy and Stone Retirement Lifestyles Ltd. will be sold on the open market whilst the housing developed by Totnes Community Development Society will be low cost (community affordable) and held in perpetuity in the land trust. A co-operation agreement does and will continue to exist between the two organisations.

Establishing a meaningful connection with this historic town

It is critical that the development taking place on the site stimulates and supports the wider economic, social and community growth across Totnes. No longer is it acceptable for developments to not be rooted within the wider needs of the whole community.

Atmos Totnes will seek to establish linkage to the town centre of Totnes so as to support the economic development of the retail heart.

The development and management of Atmos Totnes will therefore ensure that no existing businesses are displaced and moreover will actively encourage synergies between the towns existing business and those locating at Atmos Totnes.

Financial viability

In developing the business case there is a need to ensure that the proposals are viable. During the initial consultation with statutory agencies, community and masterplanning it has been confirmed to us that it would be impossible to deliver development on this site through conventional development modelling. Moreover, the longer the site remains unoccupied, the more likely it is that the Brunel Building will not be safeguarded appropriately and put to meaningful use and the risks and constraints on the site as a whole will increase.

As a consequence of the above analysis the viability of the proposals are being developed through:

- A tightly managed costed pre-development and development process
- A strong programme and project management framework linked financing and fundraising strategy
- A phased build process linked to fundraising and investment

- A Community Land Trust approach that ensures management of the site stays within community ownership with associated financial and social return
- Development of community leadership and capacity alongside physical site development to ensure continued financial management of the project through its lifetime
- Partnership working with temporary and permanent local stakeholders, including local businesses and Network Rail for example.

4.3.2 The Objectives

To meet the vision a number of objectives have been established which guide the development brief.

Community ownership

To meet the vision set for the project the key requirements for the organisation that holds the freehold of Atmos Totnes site are as follows:

- It should be able to allow the freehold of the site to be held by the community of Totnes.
- It should be able to raise finance from a wide variety of sources including grants, loans, shares and bonds.
- It is able to hold substantial assets (both solely and in partnership with other bodies).
- It can operate enterprises and own trading subsidiaries (both solely and in partnership with other bodies).
- It should reinvest surpluses in Totnes.
- It should provide protection for directors and members.

Business development

In addition to the above requirements of community ownership and management it must be possible for the freehold company to lease land and property to commercially viable businesses.

These businesses must:

- Deliver at least 160 quality jobs between them and more if possible.
- Be as sustainable as possible, both in the way they function and in their products/services.
- Contribute to the development of a low-carbon, re-localised economy and visibly demonstrate how they do so.
- Contribute to economic relocalisation: using local resources for local use and helping to cut dependency upon long-distance transportation.
- Contribute to the economic diversity and economic security of the district.
- Help to reduce dependency upon a few large external employers and vulnerability to fluctuations in global markets.
- Be selected for their potential for 'symbiosis', for their ability to add value to the overall economic activity on the site by providing services for other businesses, by sharing facilities or resources to enable their optimal use or by using by products or waste from other businesses.

Housing

Housing should include live/work units, and where developed by Totnes Community Development Society should be 100% affordable for the local community and held in perpetuity in community ownership.

Education and Training

Atmos Totnes should offer a unique range of educational and training opportunities. The project should offer cradle to grave educational opportunities. The development of local and intermediate labour initiatives should be implemented and the opportunity for a young people's enterprise centre should be explored and, if appropriate and possible, implemented.

Construction Materials and Methods

The site should be developed to be radically low-carbon and low-emission. Construction materials will be selected according to their environmental impact considering their production, implementation and lifecycle where practical. Sustainable construction methods and use of local labour will be required in developing the site.

Energy Production

The site and its buildings must seek to generate and meet as much as is possible its energy requirements.

Transportation

The site will support low-emission transport options for all users. The bulk of the site should be a car-free zone with space for access/deliveries only. A pool of all-electric vehicles will be available for all site users as part of a zero carbon car-share scheme. This will significantly reduce car-parking space requirements on the site.

Ecology, Biodiversity and Landscaping

The site must protect, promote and enhance wildlife and biodiversity.

Site Context Strategy

In developing the masterplan for the site the town's existing buildings including key historic buildings, civic spaces and key access routes have been drawn upon to provide context and reference.

Historic Reference

The site lies to the North of the town centre of Totnes and therefore draws upon the town's key historic landmarks (the castle and Guildhall). Both can be seen from the site looking South up into the town and therefore provide points of reference to the town centre. The Brunel Building has been incorporated into the site plan as a landmark building.

Civic Spaces and Social Activity Areas

Totnes has a number of key civic and activity spaces located through the town centres and alongside the Rive Dart. It is proposed to add to these spaces at Atmos Totnes by developing new civic spaces within the heart of the site and new activity space alongside the River Dart. The intention is to create public spaces that enhance those that already exist with the town.

Key Access Routes

The site is accessible on foot, by bicycle, by train and by car. The intention is to enhance and develop the sustainable access routes and also to create additional opportunities for visitors coming to Totnes by rail to access the town more easily.

The footpath and cycle path that exist outside of the site boundary will be enhanced. These will provide easy walking and cycling links into Totnes town and also the surrounding countryside.

It is proposed that a landing stage is developed on the River Dart to enable people to access the site via the river. In the area of the landing stage a new activity/civic space will be created. This will complement those already in existence at Steamer Quay and the Plains.

4.4 The Proposed Development

Atmos Totnes proposes a mixed use for the site with commercial (live/work cottage industry), cultural, community and a residential space. The intention is to mirror the way in which sustainable communities have evolved and not to focus on zoned development which tend to result in places that have limited use during specific periods of the day.

Atmos Totnes will create spaces where people live, work and play. Moreover the predominant users of the site will vary according to the time of day. During daytime the predominant users will be those working or visiting the site whereas during the evening the users will be mainly those living on or visiting the site.

Community Housing

Developed on the Southern and Northern site we will provide a mix of community affordable housing for local people, and respond to the overwhelming desire of local people to have somewhere to live in their town that they can afford. Accommodation will be held within a land trust and those living within the accommodation will be members of the land trust.

The exact mix of the accommodation provided is 14 one bedroom units, 26 two bedroom units, 3 two/three bedroom units, 17 three/four bedroom units and 2 four bedroom units.

In completing this development we propose to reduce the development costs by establishing a community self-build project.

- There are a number of self-build groups in and around Totnes who have expressed an interest in self-building on the site.
- Having secured the Order and any other necessary consents we will phase the delivery of development plots so that we can manage their development through a range of training opportunities.

This residential accommodation will provide affordable, high quality, energy-efficient homes, which will be available to local people to rent. Tied accommodation could be available on site to help attract new economic talent to the area and is being explored in relation to key workers (teachers, nurses etc.) and apprenticeships with onsite business. Those choosing to live at Atmos Totnes will clearly be making lifestyle choices. However, they will also be required to adhere to a management plan. Three key elements of the plan include:

- Buy in to the on-site travel planning (including electric car share scheme, eschewing personal car ownership)
- Forming and running tenant management groups

Once the development is complete disposal will be via leaseholds of varying lengths. To support the disposal we are developing clear criteria for the membership of the land trust and a clear and inclusive allocations policy.

Energy Centre

Responding to the aim for the site to be self-sufficient in energy from renewable sources, the Energy Centre will bring together the electricity generated from the hydro power on the weir to the North-west corner of the site and power generated from PV panels on the roofs of buildings. Biomass boilers located within the Energy centre will provide a renewable supply of heat to the site through a District Heating Network.

Totnes Weir (located at the Northwest corner of the Former Totnes Creameries site) is the site for a hydro scheme being developed by Dart Renewables (<http://www.dartrenewables.co.uk>). TCDS have a memorandum of understanding with them for a Power Purchase Agreement which will provide Atmos Totnes with electricity from the weir.

Totnes Community Development Society anticipate that in order to deal with the energy generated and used on site a community ESCO will be developed. This will be held within community ownership as part of Totnes Community Development Society.

School for Food Entrepreneurs and Micro-Brewery

In direct response to the need for space where local producers can add value to their produce and work collaboratively together and support others to learn the School for Food Entrepreneurs and Micro-Brewery provide both commercial, training and elements of community space.

Alongside all other commercial and community space, space will be offered to tenants on a range of leasehold agreements (from licences to 999 years) with the freehold remaining in the ownership of Totnes Community Development Society.

The School for Food Entrepreneurs

This building is designed as a modular building and will be fabricated off site thus making its development quick and meaning that site occupation can take place in a relatively short period of time.

The School for Food Entrepreneurs will comprise general food processing space, cheese making space, bakery, smokery and meat processing and general teaching/training space and flexible office accommodation.

The Micro Brewery

A micro-brewery established as a separate legal entity will anchor this space.

Whilst the micro brewery will generate a rental income it will also provide a facility and serve the other food and drink outlets on the site during normal licenced opening hours.

Brunel Site

The Brunel Building will be the primary outward facing space of the local food hub and will provide local people with high quality local food and drink, become home to a range of complementary creative industry businesses currently struggling to secure adequate space in town and provide a flexible venue space for live music, market, functions, training, and conferences. This space will accommodate a restaurant/café/bar (with associated kitchen, bar area, entrance lobby and toilet facilities), studio space for creative businesses, flexible venue space, and some office accommodation.

The accommodation within the Brunel Building will comprise of a restaurant (café/bar space), venue space (to provide performance space for live performances and conferencing) community space (available for hire) and associated office and workshop/studio accommodation (2/3 small offices - up to 20 square metres each, for those working in cultural industries).

The Atmos restaurant/café bar will be established within the Brunel Building. Through the restaurant we will showcase what is best about this region's food and link into the local food producers using the facilities at the School for Food Entrepreneurs and taking beer from the micro brewery on site.

Recognising that the restaurant and food/bistro space will provide an anchor tenancy for the work of the hub at this stage we have had preliminary discussions with a number of providers who would rent the restaurant space, manage and run it. The intention is to secure a heads of agreement with a preferred provider as soon as possible.

It is proposed that the capital costs for the restaurant are met by the project. The space can then be let on a full internal repairing basis to a provider in return for a rental income.

The venue space is to be left as flexible as possible. It should be able to accommodate day conferences, evening functions space (Totnes has no flexible large music and dance venue), community functions, exhibition space, private parties (including wedding receptions). This work is being done with the support of other public venues in the town that see the need for complementary facilities.

Commercial Cottage Industry space

This is space designated for business use. The intention is to provide a mix of small/medium sized workshop, live/work and office accommodation and on a range of terms to enable local businesses to develop and grow. The space is provided to respond to the need for employment space within the town and to support the emergent re-localisation of employment within Totnes.

The inclusion of live work space recognises the need to provide opportunities for a shift towards a more localised economy and the need for more balanced communities. People running lifestyle businesses, those with young children and those seeking to establish a better work/life balance will be able to take space on the site.

Within the commercial space there will be state-of-the-art technology and a shared conference and seminar facilities suite for use of business locating at Atmos Totnes and visitors.

We will also provide sources of support for our tenant companies, such as shared office services, equipment, security and possibly some business support and advice as well as operating a selective entrance and exit policy. The aim will be to help small businesses (community and social enterprises and SMEs) to overcome the stresses of start-up and growth by offering varying levels of business development support, often involving hands-on and targeted business support and advice, particularly in the areas of finance, marketing and management skills. The ultimate aim in developing this space is to minimise the failure rate and maximise the formation and development of businesses, especially those with the potential for growth and value to the economy.

Space for small scale manufacturing activities will be provided. Only those activities that produce items of relatively high value per unit weight will be allowed to operate from Atmos Totnes.

All businesses locating at Atmos Totnes will be required to collaborate with each other and ideally contribute to the development of a low carbon economy; offering a practical demonstration of how businesses can operate sustainably.

Hotel

Given its location (next to the railway, within 5 minutes' walk of the town centre of Totnes and on the national cycle path) the site is ideally suited to provide much needed hotel accommodation.

Health and Well-Being Centre

Health and well-being has been a recurrent theme throughout the engagement and consultation. There are a number of groups and individuals seeking space from which to develop and offer a range of therapeutic activities. The proposed health and well-being centre located on the Northern site will provide a mix of flexible space to support those providing health and well-being services for Totnes and surrounding area.

Cultural space

The provision of new civic space and enhanced open space alongside space for cultural activity, arts and heritage are important in establishing Atmos Totnes within Totnes.

We will improve public amenities, open-up the site to the river Dart, provide space for a river-side cafe, support the development of boat links, family play-zones, recreational and wildlife corridors and offer improved cycle and pedestrian routes to the town and Dartington. The new space that is created will be carefully designed to complement and not compete with the existing cultural and amenity space within the town.

Materials Usage

Building materials will need to be selected for their low environmental impact, and the building structure and fabric designed for low energy consumption. Where possible local materials used in the vernacular building methods of the area will be used. Use of such materials will help to establish a relationship/connection to the buildings of the locality.

Indicative materials will include:

- Elements of cob with lime render finish if/where appropriate
- Super-insulated timber frame construction
- Hardwood timber cladding including the possible use of shingles or shakes as roof and/or external cladding
- Recycled newspaper, hemp or sheep wool insulation
- Flat metal flashings such as tinned steel, copper, or zinc where appropriate
- Natural slate roofs and hanging tiles
- Green “sedum” roofs
- Local Stone
- Elements of straw bale with lime render finish if/where appropriate

Energy Efficiency

As an inherent and critical part of the design approach all the development will be of an energy efficient and ecological design, from the general planning of the site to the layout of the individual buildings, and the building fabric design at the later stages.

The following considerations are to be included in helping to achieve this:

- High performance timber frame glazing
- Passive solar design/orientation
- Thermal mass (thermal storage in building fabric to reduce temperature fluctuations)
- High levels of natural insulation to walls, floors and roofs
- Airtight detailing and construction
- Strategic daylight design
- Water efficient sanitary ware, brassware and appliances
- Green roofs to increase biodiversity

Location and role of open space

Open space is a critical component of Atmos Totnes. The aim is to increase and enhance the natural environment whilst at the same time providing high quality public open spaces.

Areas of existing trees and shrubs located on the northern extremity of the site alongside the River Dart are to be retained and positively integrated into the finished scheme as part of the natural landscaping and to establish wildlife corridors.

The proposed public realm will include a range of landscape treatments including;

- Shared space streets with a mix of planting including tree planting (some orchard trees), fruit/vegetable and herb growing and integrated Sustainable Urban Drainage Systems;
- The creation of squares and gardens for meeting, playing and quiet contemplation;
- Semi private courtyards including the potential for commercial vegetable growing/play and meeting spaces

Significant improvements to the access and recreational space by the river will be made. These will include improvements to the cycle path and the footpath links to Totnes and the

surrounding countryside, the creation of public open space including new and improved outdoor family ‘play areas’ suitable for many recreational pursuits and the development of a landing stage.

Public art and exhibition space will be integrated into the public realm and public spaces will be available for use for touring exhibitions. These will link to the visitor and exhibition space that is developed.

4.5 Development Policies

In addition to the physical plan for the site a number of site wide strategies have been developed that will be used to guide the development that takes place:

- i. Design and Access Statement
- ii. Flood and Surface Water Drainage Assessment
- iii. Ecological Impact Assessment
- iv. Transport Assessment and Framework Travel Plan
- v. Mechanical, Electrical and Public Health Engineering Systems Stage 3 Report
- vi. Structural and Foul Drainage Strategy for South and North Site Development
- vii. Assessment of Potential Heritage Impact

The technical feasibility work completed to date has allowed us to develop the plans for the proposed development to RIBA Stage 3 in most cases. And the above strategies have been supported by a range of technical work including:

- i. Preliminary Geotechnical Ground Investigations
- ii. Ground Investigation
- iii. Geo-environmental Assessment
- i. Asbestos Survey Report and Demolition Survey

4.5.1 Planning Designation

South Hams District Council have provided pre-application advice.

As part of the pre-application advice South Hams District Council have confirmed that the plans proposed for the site, for a mixed use development, meet the current planning policy context as set out in the adopted Totnes and Dartington Site Allocations Development Plan Document.

4.5.2 Flood Risk Strategy

The Environment Agency through the pre-application advice sought, have stated that the redevelopment (of the site) can assist in the delivery of upgrading the flood defence scheme and so they are supportive of the development.

The key principle to any possible development on zone 3 of the site is to remove it from the functional flood plain without adding flood risk to other areas.

Extensive modelling has been required as part of the investigation into achieving a solution which could effectively deal with the flood risk to that part of the site, without compromising other areas of Totnes. This modelling, using the model developed by the Environment Agency, demonstrates that the development will not increase flood risk elsewhere.

Our Design and Access Statement therefore demonstrates that the development will be safe, without increasing the flood risk elsewhere and should reduce the overall flood risk, provided that we raise the levels on the proposed development footprint Northern part of the site (so as to take these areas out of the flood plain), lower other areas on the Northern edge of the Northern site (so as to create space for conveyance of flood water), and provide a throttle structure to the leat (so as to prevent flood water surging into the centre of Totnes). This is linked to the need to establish a sustainable urban drainage design to avoid the site contributing to any further flood risk downstream.

4.5.3 The Listed Building

Whilst the plans are to refurbish the Brunel building, (stripping back to and making good the original building where possible), interpret the heritage and tell the narrative of cultural history onsite we are mindful that the building is listed.

The plans show that the building, with a café showcasing modern local food production and serving visitors and residents and including space for creative industry businesses struggling to secure adequate space in town, will reflect part of the unique character of contemporary Totnes whilst adding significant value. The adjoining Energy Centre will also continue the historical tradition of innovation, with all of the energy generated by four different renewables onsite and supplying the site, channelled through this building and visitor centre. Given this we believe our plans are sympathetic to the listed building. However, we have asked Historic England for their opinion on this.

Historic England have confirmed that they are aware of the brownfield site and are pleased that a community based mixed-use scheme is coming forward for the regeneration of the site, which incorporates reuse and repair of the Brunel Atmospheric Pumping Station building.

4.5.4 Traffic and Transport Issues

The site is an ideal base for a low impact transport structure. It is positioned by the mainline station, local bus and national coach routes, taxi ranks, cycle and foot-paths. Even the river can be used with the local water taxi and nearby 'River Link' boat to and from Dartmouth.

A proactive radical transport policy combined with onsite an onsite Travel Plan Co-ordinator will further help to cut carbon based transport to the minimum. We propose a range of measures to overcome the access issues. They include:

- Vehicular access to the site will be restricted.
- Resident and businesses operating from the site will be required to opt into travel planning to utilise onsite provision such as community transport provision and an electric vehicle pool.
- Timed and co-ordinated deliveries to the site: these will specify when vehicles will be allowed on site to minimise the impact of traffic congestion on roads leading to and from the site.
- To support sustainable transport options secure lockers for bicycles and shower facilities are part of the design.

In addition to considering the issues of traffic management to and from Atmos Totnes we are also working with others to consider traffic and transport management across the whole of Totnes. We envisage provoking and supporting a range of public realm enhancements that reduce the impact of traffic on the Town whilst enhance the experience of the pedestrian.

Running concurrently with our own transport policy we will also support the development of a car club drop off and pick up point at the railway station. We are working with a local car club to explore all options.

4.5.5 Enhancing Ecology and Biodiversity

Through the ecological survey work completed it is clear that we need to protect, enhance and further support the ecology and biodiversity of the site.

The site is located within a strategic flyway and within close proximity to a sustenance zone for greater horseshoe bats. Strategic flyways connect the component parts of the South Hams Special Area of Conservation which is of international importance for its population of Greater Horseshoe bats. Survey work has confirmed that the species is using the site and we are developing a range of enhancements to ensure the proposed development not only avoids/minimises impacts, but also enhances the site for the species in the long term.

Whilst overall existing habitats on the site are considered to be of low intrinsic value there are a number of additional protected species considerations including reptiles, breeding birds, otters and other species of bat. Mitigation measures to avoid/minimise impacts and to comply with wildlife legislation have been included within the Ecological Impact Assessment and in order to ensure that these, and other species, are able to continue to use the site, we are planning a range of ecological and biodiversity enhancements including the development of a designated wildlife area, strengthened wildlife corridors and a landscape design which supports and encourages biodiversity.

4.5.6 Preparing the site for development

The intention, in preparing the site for development, is to reuse or recycle, where possible. If reuse is not possible the materials generated as a result of demolition and remediation will be recycled and used on site if possible or if not possible recycled off site. For example it is anticipated that on site concrete crushing will take place with the material recycled for raising the levels on the Northern site.

4.5.7 Meeting education and training needs

Through training plans for the site Atmos Totnes will exemplify how crucial futuristic "knowledge capital" can be for the community. It will be developed, evaluated and refined through working in partnership with local schools, FE and HE providers. Through the design, development and management of the site we will stimulate intergenerational problem solving and provide opportunities for a wide range of shared learning and new generation skills and competencies.

We will stimulate the passion for making a positive difference and inspire the confidence to participate in community development through the:

- Partnerships for Masters degrees and Doctorates researching 'clean technology'. We have formed links with a number of high profile academic institutions including Schumacher College, Exeter University and University of Plymouth.
- Sharing fully through the Internet our accumulating knowledge with other community projects and learning establishments nationally and internationally.
- Training for nationally recognised qualifications delivered through the development of The Atmos Project Local Labour Initiative.

Atmos Totnes Local Labour Construction Initiative

Local Labour in Construction (LLiC) schemes have emerged as a way of linking urban regeneration schemes and unemployed local residents. However, it is now recognised that LLiC schemes can also play an important part in tackling skill shortages. While the construction industry remains committed to youth apprenticeships, recent data from the Construction Industry Training Board shows a heavy reliance on trainees from other sources. In many trades, these provide over 50 per cent of the new entrants. So LLiC schemes can ensure that the future labour needs of the construction industry are met by:

- attracting more recruits
- organising training to industry standards
- arranging appropriate 'first jobs' to ensure that trainees become productive workers.

The Atmos Project LLiC, with its focus on construction skills, will address the need to develop skills for building low carbon buildings. We will work with the local job centres, King Edward VI Community College and South Devon College and construction companies involved in developing the site to place unemployed young people into skills and training development through real work opportunities.

4.5.8 Land ownership and land management

TCDS obtained a lease for the site in February 2015 to enable us to take forward pre-development investigative work on the site ready for this submission.

Currently the land is owned by Dairy Crest Group Plc (under the name Unigate Diaries Limited). Through the legal agreements established in August 2014 Totnes Community Development Society and McCarthy and Stone Retirement Lifestyles Ltd. have an interest in the land. In essence the agreements are as follows:

TDCS contract with Unigate Diaries Limited for the south of site:

The sale price is for £1.00. The key points are that TCDS obtain the CRtBO and undertake works on the Brunel Building to complete on the contract. These works need to be completed within 30 months of obtaining the Order.

McCarthy and Stone Retirement Lifestyles Ltd. contract with Unigate Diaries Limited

This contract enables McCarthy and Stone Retirement Lifestyles Ltd. to purchase a specified piece of land within the Atmos Totnes. This contract can be assigned to TCDS if McCarthy and Stone Retirement Lifestyles Ltd. decide not to develop.

Co-operating agreement between TCDS and McCarthy and Stone Retirement Lifestyles Ltd.:

This set out how TCDS will share information with McCarthy and Stone Retirement Lifestyles Ltd..

Option Agreement for the north of the site between TCDS and Unigate Diaries Limited:

The option is priced at £1.00. The residual land value is calculated by taking 84% of gross development value (open market) less the development costs as defined.

Land Ownership and Management once a Community Right to Build Order is in place

To develop Atmos Totnes it is proposed that ownership and management of the site are performed by two separate yet related legal bodies.

- The first, and the largest by size of footprint, is a Community Land Trust and freehold managers of the site.
- The second, is McCarthy and Stone Retirement Lifestyles Ltd. who would be discreet owners of a section of the site with co-operation agreement in perpetuity with the Community Land Trust.

Totnes Community Development Society and McCarthy and Stone Retirement Lifestyles Ltd. work together at the moment, with an existing pre-development cooperation agreement and in partnership around the development of the masterplan and other design materials. A further co-operation agreement will be put in place to enable continued collaboration once the Order has been made for the site and it is a live building site, and then operational development.

The following sets out our current plans around the organisational structures and relationships on the site.

Atmos Totnes Freehold Company

Totnes Community Development Society has been established to manage the freehold of the site. The role of this company is to:

- Regularly review the development policies to make sure that The Atmos Project continues to meet its aims
- Reach agreement on the suitability, type and nature of development partners
- Develop the strategy to raise additional development finance from share and bond issues
- Issue leases to all tenants seeking space once the development is completed.

Membership

Totnes Community Development Society will be further developed as a democratic membership organisation where the membership is open to all those living and/or working in the Totnes area. The company will be owned by its members although the membership will not personally have any access to the income or assets of the company.

Governance

Control will be exercised by one member one vote and the governing body will be elected from the membership. Although the final details of the composition of the governing body are yet to be detailed it is likely that there will be a set number of places for organisational membership and a set number for other members drawn from the individual membership. With regards to organisational membership, each of the partners of the steering group set up for the project will be required to hold a place.

Promoting and Maintaining Community Ownership

In order to ensure that the ownership of the site rests within the community of Totnes the following are planned:

1. Only those living or working within Totnes Community Development Society area of benefit will be eligible to become members of Totnes Community Development Society
2. Members of the company will be issued with shares; the minimum shareholding will be £1.00, the maximum £20,000.

Atmos Totnes Management Company

The role of the Atmos Totnes Management Company will be to manage the day to day activity of the project on the site. This company will ensure that site is managed in accordance with the development policies established by Totnes Community Development Society and that tenants and users of the site are adhering to the management policies and plans put in place.

There will be a contractual agreement between Totnes Community Development Society and the Atmos Totnes Management Company in relation to the duties set out above.

Membership

The Management Company will draw its membership from Totnes Community Development Society and the tenants/site user groups that will be established. All those that are occupying space on the site (both commercial and residential) will be required to take part and run tenants groups. These groups will elect representatives from their groups on to the Management Company.

Governance

The Management Company will be governed through two tier structuring.

Legal Form

The Management Company will be a not for personal profit company, likely to be established as an Industrial and Provident Society (for the Benefit of the Community).

Servicing and Officer Support

The Management Company will be able to employ its own in addition to commissioning work from others.

4.6 Development Partnerships

The Community Right to Build Order process has enabled the community of Totnes to work collaboratively to provide a brief and constraints for the development proposed at the Former Totnes Creameries site, and to review the design process in a creative and practical way. It has also enabled the technical and professional design team to work together to enable the development of a plan that will meet these needs, managing the constraints inherent in the site location and within the community brief.

This partnership working is also translating into how the development will be built. The partnership working within the design process will continue to enable a successful delivery of phased development for this site. Additionally the establishment of a Local Labour Initiative will support this and provide further connection with the community and local economy, a number of local organisations are already partnering with TCDS to enable the implementation of a sustainable travel plan, and existing and new businesses are coming forward to work to enable uses to be incorporated at the earliest stage of enabling, demolition and construction.

The pre-application processes with statutory agencies and utilities providers detailed within this document are enabling a working partnership with agencies and companies that will continue to work with TCDS to ensure the full potential of this proposal is met. This includes, notably for Totnes the establishment of a strategically important element of the national flood defence at Atmos Totnes and strategic partner in maintaining and facilitating use of the national rail network.

Dairy Crest Group Plc. is a partner within the development and construction of this site. Further details of the legal and financial agreements that cover this period are included within this order. Beyond the development and financial relationships they will continue to benefit from the social legacy of the dairy industry on this site which is integrated into

the design of the site through Phase 1 of community engagement during process which focused on the history of the site and was incorporated in to the early briefing documents therefore provided by the community.

McCarthy and Stone Retirement Lifestyles Ltd. is a partner within the development and construction of this site as detailed in this proposals. They are critical and ongoing design partners, with the building proposed for development by McCarthy and Stone Retirement Lifestyles Ltd. being contained within the order conditions presented here. This building will be within the footprint of Atmos Totnes but will be owned (freehold) and managed by McCarthy and Stone Retirement Lifestyles Ltd. A binding Co-operation Agreement is currently in place and a further co-operation agreement will be put in place to ensure effective management of the site between McCarthy and Stone Retirement Lifestyles Ltd. and the Community Land Trust (which will manage the rest of the site). McCarthy and Stone Retirement Lifestyles Ltd. and TCDS are designing the development with all residents, tenants and staff on site as the Atmos Totnes community and therefore in practice the proposal and management by both organisations will work to enable all members of the community to benefit from the site as a whole.

4.7 Business model, business plans and viability assessment

4.7.1 Overview

Critical to the delivery of Atmos Totnes is community-led development and the management of processes for the benefit of the community. The plans within this Order evidence the ability of collaborative working and the community to produce a viable design for this development.

The build process will deliver the proposals set out in this Order through a phasing plan which will be managed by Totnes Community Development Society to ensure the design brief is maintained for the benefit of the community and delivered to be financially viable.

The ownership and management of the site will similarly enable community benefit from this site, and allow control and enforcement of elements that ensure the long-term viability of the strategies within this Order, including those relating to cost.

4.7.2 Cost Planning and Business Viability

To support the business planning and viability work, Totnes Community Development Society have commissioned:

- MACE (<http://www.macegroup.com>) to provide advice and support on cost planning, management and control. The Formal Cost Plan developed by MACE is an estimate for the mixed used development contingency for the project on a brown field site of approximately 25,000 square meters with a designed gross internal floor area of approximately 15,000 square meters.
- Jones Lang LaSalle Ltd (<http://www.jll.co.uk/united-kingdom/en-gb>) to provide viability and development appraisal advice in relation to the emerging Masterplan and the various options across the whole site.

The purpose of this work is to ensure that the business case for proposals set out in this Order are robust and show viability.

4.7.3 Phasing of Development

The build of Atmos Totnes is being planned in phases which relates to the physical constraints of the site, meeting urgent needs first, and unlocking investment and grant finance for the site and project areas.

The phasing plan shows five main phases. Based on the latest masterplan and the phasing plan our cost consultants (MACE) have developed the following order of cost broken down into phases of development.

4.7.4 Investment and Finance Strategy

Through our Finance and Fundraising Strategy we will also kickstart a new series of programmes which will ensure social and financial return for the site for the foreseeable future.

Combining grant fundraising with social investment in a phased approach across the Atmos Totnes development allows for a multiplier effect of the monies given or invested, one or other to fund capital or revenue costs on various elements of the project that cross priorities as well as focus on specific interests. For example we are in conversation with a social investor who may be interested in housing and invest a substantial amount in housing stock, whilst a grant funder we are approaching is likely to support the physical build process of these houses through a pioneering labour and training initiative.

This way, through a strategic approach to fundraising and the unique community-led approach to Atmos Totnes TCDS seeks to enable collaborative approaches to fundraising by combining:

- Grant finance and social investment
- 'Fundraising' and community membership to drive social benefit
- A phased approach to investment of money and time to realise multiple benefits

- Core (cross benefit) opportunities for investors and funders as well as interest specific projects
- Democratic, community-led delivery of evidenced social change and investment
- Financial and social return within the community

4.7.5 Land Ownership

The site will be owned in large part by a Community Land Trust for the benefit of Totnes as a whole (as members of the land trust), and in smaller part by McCarthy and Stone Retirement Lifestyles Ltd. with co-operation agreements in place. The ownership of the site in this way makes the build of Atmos Totnes viable.

The build process will be phased to enable the land trust to deliver on investments in the scheme and incorporate a local labour initiative. Therefore, because the land will be held by the Community Land Trust in perpetuity, for the benefit of the community, a phased build programme is not only possible but critical to delivering out the scheme on the plan.

4.7.6 Land Management

The site will be managed by a Community Land Trust with a co-operation agreement in place with McCarthy and Stone Retirement Lifestyles Ltd. who will own a smaller percentage of the land. Management of the land in the way proposed in the strategies that form part of this Order will be possible because the site will be controlled through a community-led organisation for the benefit of the whole of Totnes in perpetuity.

The users of the site have been consulted within the development of these strategies and plans. The control and enforcement by the land trust of agreements within these plans will ensure uses and viable return within the development into the future. They will also ensure appropriate limitations within the determined uses for the site including opening times of businesses and service level agreements.

5. Order Conditions

5.1 Time Limit

5.1.1 The development hereby permitted shall begin before the expiration of three years from the date of approval of the Order.

5.1.2 Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) for each phase or phases of the development shall be submitted to, and approved in writing by, the local planning authority before any development of the relevant phase begins, and the development shall be carried out as approved.

5.1.3 Application for approval of the reserved matters for the first phase of the development shall be made to the local planning authority not later than three years from the date of this permission.

5.1.4 The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for the first phase of the development.

5.1.5 No development shall take place until a phasing programme for the whole development hereby permitted has been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved phasing programme or any variation to this phasing programme that has previously been submitted to, and approved in writing by, the local planning authority.

Reason: in order to achieve a balance between allowing a reasonable time period for the details and any delivery mechanism to be agreed and set up and the community to participate with the need to achieve sustainable development.

5.2 Layout and scale

5.2.1 The layout and scale of the development shall be implemented to be in full accordance both with the master plan and the associated strategies for energy and environmental design, flood management and mitigation, foul and surface water drainage, travel, landscape and ecological management contained within the Design and Access Statement

5.2.2 The development hereby permitted shall be carried out in accordance with all the plans submitted for Independent Examination (including materials if appropriate).

Reason: in order to have regard to the local plan and specifically proposal T4: Dairy Crest Group Plc (South Hams Council DPD, February 2011) and in order to comply with the Basic Conditions.

5.3 Building Design and External Appearance

Building designs will be developed in accordance with the approved master plan and the associated design and access statement. All details shall be submitted to and approved in writing by the local planning authority before any development commences on the site. Development shall be carried out as approved.

Reason: in order to ensure sustainable design solutions, to ensure that the detailed designs complement and respect the local street scene and the historic importance of the wider town centre.

5.4 Energy and Environmental Design of Buildings

Technical details of building orientation, passive design principles, building fabric efficiency and renewable/recyclable materials, building services and energy provision shall be submitted to and approved in writing by the local planning authority before any development commences on the site. Development shall be carried out as approved.

Reason: in order to ensure sustainable development and to make the best use of natural resources in implementing Policy T4 of the Local Plan.

5.5 Sewage and Drainage works

None of the dwellings shall be occupied until the sewage disposal and drainage works have been completed in accordance with the submitted plans. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: to ensure appropriate public health and safety, environmental protection and flood risk management.

5.6 Flood Risk Management and Surface Water Drainage

The development hereby permitted shall be carried out in accordance with the Flood Risk and Surface Water Drainage Assessment. Prior to commencement of development a scheme relating to flood management and a detailed design and long term maintenance of the flood defence measures outlined within the Flood Risk and Surface Water Drainage Assessment shall be submitted to, and approved in writing, by the local planning authority. As a minimum the details shall include:

- A drawing showing the finished ground levels and floor levels of the proposed development;
- Detailed design and maintenance arrangements of the flood compensation area;
- Detailed design and maintenance arrangements of the proposed throttle structure on the Mill Leat; and
- A flood warning and evacuation plan.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: to reduce flood risk to occupants, ensure that the proposed flood defence measures continue to function as intended and to ensure that flood flows are not impeded.

5.7 Site Investigation and Remediation of Contamination

No development approved by this Order shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - ☐ all previous uses
 - ☐ potential contaminants associated with those uses
 - ☐ a conceptual model of the site indicating sources, pathways and receptors
 - ☐ potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 5) Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: to guard against risk of contamination to controlled waters and to ensure environmental protection and public health and safety.

5.8 Site Remediation of Contamination

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: to guard against risk of contamination and to ensure environmental protection and public health and safety.

5.9 Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an [amended] investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: to guard against risk of contamination and to ensure environmental protection and public health and safety.

5.10 Odour Control

A scheme of odour control for any proposed kitchen extraction equipment shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The approved odour control scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be so retained.

Reason: for the protection of the environment and amenities.

- 5.11 Lighting**
A Lighting plan will be submitted to, and approved in writing by, the local planning authority prior to commencement of development.
Reason: for the protection of the environment and amenities.
- 5.12 Foul Drainage**
Technical details of the proposed foul drainage arrangements for the site shall be submitted to and approved in writing by the local planning authority before any development commences on the site. Development shall be carried out as approved.
Reason: to ensure the satisfactory and sustainable disposal of foul drainage from the site.
- 5.13 Ecology and Landscape**
No development hereby permitted shall take place until the Construction Environmental Management Plan (CEMP, covering the construction phase) and a Landscape and Ecology Management Plan (LEMP) have been submitted to and approved in writing by the Local Planning Authority before the development begins and the development shall be carried out as approved.
Reason: to protect and enhance the ecological value of the site having regard to national policy and the local plan.
- 5.14 Tree Protection**
No development shall take place within an approved phase of the development hereby permitted until details of tree protection measures for that phase during construction have been submitted to, and approved in writing by, the local planning authority. The measures shall accord with BS 5837:2012 Trees in relation to design, demolition and construction and shall indicate exactly how and when the trees will be protected throughout the construction period. The measures shall include provision for the supervision of tree protection works by a suitably qualified arboricultural consultant. Development shall be carried out in accordance with the approved details and protection measures.
Reason: to protect and enhance the ecological value of the site having regard to national policy and the local plan.
- 5.15 Noise**
Construction work shall not begin until a scheme for protecting the proposed development from noise from the nearby railway track and industrial uses has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any part of the noise sensitive development(s) is occupied. The assessment to be carried out in accordance with BS8233:2014 and BS4142:2014.
Reason: in the interests of amenity and conformity with associated regulations.
- 5.16 Construction Management**
Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:
a) the timetable of the works;
b) daily hours of construction;
c) any road closure;
d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance; (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
e) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
f) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
g) hours during which no construction traffic will be present at the site;
h) the means of enclosure of the site during construction works; and
i) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
j) details of wheel washing facilities and obligations
k) The proposed route of all construction traffic exceeding 7.5 tonnes.
l) Details of the amount and location of construction worker parking.
m) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;

Reason: in the interests of highway safety.

5.17 Highways and Travel

The public rights of way shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority prior to commencement of the site.

Reason: to ensure that adequate information is available for the proper consideration of the detailed proposals.

5.18 Highways and Travel

For internal roads on the site within an approved phase of the development hereby permitted; the proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, surface water outfalls, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking arrangements and street furniture within that phase shall be constructed and laid out in accordance with details to be submitted to, and approved in writing by, the local planning authority before their construction commences. The submitted details shall indicate, as appropriate, the design, layout, levels, gradients, materials and method of construction.

Reason: to ensure that adequate information is available for the proper consideration of the detailed proposals.

5.19 Highways and Travel

No, mud, stones, water or debris shall be deposited on the public highway at any time.

Reason: in the interests of highway safety.

5.20 Highways and Travel

All off site highway works shall be completed prior to occupation of any part of the site.

Reason: in the interests of highway safety.

5.21 Highways and Travel

Prior to commencement of the site a Travel Plan shall be submitted and approved by the Planning Authority.

Reason: in the interests of road capacity and the sustainability of the site.

5.22 Plant Machinery

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995, no further plant or machinery shall be erected on the site under or in accordance with Part 8 of Schedule 2 to that Order without planning permission from the local planning authority or a like form of restriction for changes of use.

Reason: in the interests of public amenity.

5.23 Occupancy Restrictions

The occupancy of the retirement dwellings indicated on the master plan as shall be limited to a person or persons aged 60 years or older, or to the partner of a person living in the premises who is 55 years or older.

Reason: to safeguard suitable and purpose-built accommodation in perpetuity for older persons in the town and the wider locality who need small or specialist accommodation.

5.24 Archaeology

No development shall take place until the applicant has secured the implementation of a programme of archaeological work and historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all time in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the Planning Authority.

Reason: to ensure, in accordance with South Hams Development Policy DP6 and Paragraph 161 of the National Planning Policy Framework that an appropriate record is made of archaeological evidence and historic building fabric that may be affected by the development.

Informative Notes

1. Totnes Community Development Society will oversee the construction phases of the development approved by this Order. A community-led (not for profit) organisation will manage the resulting development. The necessary legal agreements will be put in place before development commences.
2. Detailed work has already been carried out on many aspects of the technical arrangements for the various elements of the development proposed by the Order. South Hams District Council and Totnes Community Development Society will expect development partners to take full account of the following studies in the submission of details to discharge the various conditions associated with this Order:

Flood Risk and Surface Water Management Strategy (within the Design and Access Statement)
Conditions 5.5 and 5.6

Environmental Strategy (within the Design and Access Statement)
Condition 5.4

Foul Drainage Management Strategy (within the Design and Access Statement)
Condition 5.5

Transport Assessment and Framework Travel Plan (within Design and Access Statement)
Condition 5.21

3. There is an expectation that strategies for ecological mitigation and landscape management will be developed through ongoing community consultation. This work should be reflected in the details to be submitted to discharge condition 10 associated with this Order. In addition South Hams District Council will take specialist advice from both the Environment Agency and Natural England in its discharge of this condition. As such partner developers are strongly encouraged to liaise with the two organisations as part of their preparation of detailed proposals.
4. A Flood Defence Consent will be required from the Environment Agency for any engineering operations associated with the 'Main' rivers adjoining the site (i.e. River Dart and Mill Leat). In particular, the construction of the throttle structure on the leat will be subject to Consent.
5. Detailed work is being carried out on the preparation of a planning obligation or an equivalent measure to regulate the contractual matters associated with the development of the site in general. Discussions are also taking place to assess the relationship between the development of the Order site and the wider Environment Agency flood defence scheme for Totnes. Totnes Community Development Society and the South Hams District Council will ensure that the planning obligation if required will be secured and agreed once the Order is Made.

6. Heritage statement

The Order to which the site pertains is close to the conservation area in Totnes and visible from a number of locations around Totnes. The site contains two recently listed buildings; the Grade II listed Atmospheric Pumping Station (list entry number 1392516 and known locally as the Brunel Building) and the Grade II listed Railway signal box (list entry number 1413738). While the latter is relatively unaltered, the Atmospheric Pumping Station, while older and much rarer, has been thoroughly altered through the 20th century with the loss of its campanile and other features. While it is structurally sound, considerable conservation work would be needed to restore its character. The building has evidential, historical and associative value due to its connection with Brunel and the atmospheric railway enterprise. It also possesses some aesthetic and communal value. The building forms a group with the Railway signal box, the remaining historic railway buildings and other historic structures such as the railway and the road bridge. The neighbouring creamery chimney, built in the 1930s is not considered to make a positive contribution to this group. The whole site is visible from Totnes Castle and from isolated points in the Conservation Area, it therefore forms part of their setting.

To appraise the significance and settings of the various historic buildings and structures affected by the proposed redevelopment of the former Totnes Creameries site by Atmos Totnes as set out in the Order, and to assess the potential impact on them (including special consideration to Brunel's Atmospheric Pumping Station) a Heritage Impact Assessment has been carried out by Nils White IHBC MRTPI of Amaranta Conservation, in accordance with the National Planning Policy Framework (NPPF) paragraph 128. The NPPF paragraph 128 states: *In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.*

The Atmospheric Railway pumping house -the Brunel Building

The Atmospheric Railway pumping house - known as the Brunel Building was built in 1848 for the South Devon Railway by IK Brunel. It comprises two blocks, the pumping engine house and the boiler house, set at right angles to the railway line at the east end of the Totnes station up platform. They are in an Italianate style and of coursed squared limestone with red sandstone dressings and pitched slate roof. The south east gable end of the engine house has an altered opening to the ground floor and a large arched opening with rusticated voussoirs and a metal-framed window above. A sandstone band at sill level continues through the south gable wall of the attached former boiler house. There are four arched openings to the ground floor of the boiler house which are not blocked; the two left hand openings are obscured by a modern addition. There is a central keyed circular opening in the gable above. The projecting eaves to the south east gable ends are supported on brackets which are in turn supported on stone corbels. The south west elevation of the engine house is of five bays. Historical photos indicate that it comprised five round-headed openings which are now blocked and the wall rendered. The rear (north west) gable end of the engine house has a similar opening to that of its opposing gable end but is far plainer. A tall round-headed opening is largely obscured by later additions and plant, and there is a circular opening in the gable; both openings have limestone surrounds. A historical photograph of the pumping house shows several contemporary attached structures running at right angles to the boiler house but these have been demolished as has its campanile chimney. The interior of the engine house originally comprised a single large space to accommodate a beam engine. This has been subdivided by a mezzanine floor.

Whilst the building was never commissioned, due to the failure of the Atmospheric Railway, it has been used throughout its history for local food production and storage. In its most recent past it has lain vacant for the last seven years, however, prior to this it was used by Dairy Crest Group Plc. for storage of lemonade and other drinks that were distributed and sold via milk rounds.

The Brunel Building is at risk because it has lain un-occupied and is now in a dilapidated state. The whole of the site has a number of challenging constraints which need to be overcome in order for development to proceed. A listed building on the site is one of these challenges. For main stream developers seeking to make a profit from development the site is unattractive as the constraints and challenges means that there is overall a negative land value. If the Brunel Building is to be saved and to come back into use in a way that supports the long term sustainability of the building then the Atmos Totnes project is the best option.

Proposals for the Brunel Building

Whilst our plans are to refurbish the Brunel building, (stripping back to and making good the original building where possible), interpret the heritage and tell the narrative of cultural history onsite we are mindful that the building is listed.

The Brunel Building will be the primary outward facing space of the local food hub and will provide local people with high quality local food and drink, become home to a range of complementary creative industry businesses currently struggling to secure adequate space in town and provide a flexible venue space for live music, market, functions, training, and conferences. This space will accommodate a restaurant/café/bar (with associated kitchen, bar area, entrance lobby and toilet facilities), studio space for creative businesses, flexible venue space, and some office accommodation.

The accommodation within the Brunel Building will comprise of a restaurant (café/bar space), venue space (to provide performance space for live performances and conferencing) community space (available for hire) and associated office and workshop/studio accommodation (2/3 small offices - up to 20 square metres each, for those working in cultural industries).

The Atmos restaurant/café bar will be established within the Brunel Building. Through the restaurant we will showcase what is best about this region's food and link into the local food producers using the facilities at the School for Food Entrepreneurs and taking beer from the micro brewery on site.

Recognising that the restaurant and food/bistro space will provide an anchor tenancy for the work of the hub at this stage we have had preliminary discussions with a number of providers who would rent the restaurant space, manage and run it. The intention is to secure a heads of agreement with a preferred provider as soon as possible.

It is proposed that the capital costs for the restaurant are met by the project. The space can then be let on a full internal repairing basis to a provider in return for a rental income.

The venue space is to be left as flexible as possible. It should be able to accommodate day conferences, evening functions space (Totnes has no flexible large music and dance venue), community functions, exhibition space, private parties (including wedding receptions). This work is being done with the support of other public venues in the town that see the need for complementary facilities.

Historic England have confirmed that they are aware of the brownfield site and are pleased that a community based mixed-use scheme is coming forward for the regeneration of the site, which incorporates reuse and repair of the Brunel Atmospheric Pumping Station building.

The proposed development is therefore likely to have a significant positive impact on the listed building.

Overall potential heritage impact of the Order

The summary of overall potential heritage impact of the Order are set out as follows:

- i. The clearing of the site of the creamery buildings, including the 1930s chimney, would be beneficial to the setting of the historic buildings.
- ii. The Masterplan proposals for the northern part of the site would represent a significant improvement over the current buildings when experienced from, or in conjunction with important heritage sites such as Totnes Castle and Totnes Conservation Area.
- iii. The Masterplan proposals for the southern part of the site have been amended to take account of the settings of the surrounding historic buildings, enabling their significance to be revealed fully.
- iv. The proposed alterations to the Brunel building are considered to be acceptable in principle, subject to full details.
- v. Detailed drawings, schedules of works and specifications of proposed works to the Brunel Building and Signal Box would be provided in separate Listed Building Consents.

No changes to the Railway Signal Box are proposed. Taking this and all of the above into account, the overall impact of the proposed development is considered to be positive on both the Listed Buildings and the surrounding landscape of the site.

7. Archaeology Statement

As required under The Neighbourhood Planning (general) Regulations 2012, Regulation 22(1)(d), the following is an Archaeology Statement per Regulation 22(2)(a)(b)(c)

Historic Environment Record review

The Historic Environment Record (HER) for the neighbourhood area has been reviewed, per regulation 22(2)(a). This review included the following documents

- Devon Historic Environment Record (HER)
- Devon Record Office
- National Archives, Kew
- National Monuments Record, Swindon (NMR)

Review findings

There are no designated archaeological heritage assets within the study site or the immediate surrounding area. Two scheduled monuments are present within the wider search area but all are located within the urban core of Totnes situated between 200m and 500m from the study site (Totnes Castle, MDV9063 and Totnes Priory MDV9060). The study site is situated beyond the immediate setting of these monuments.

The Grade II listed Pumping Station (MDV74301) is located within the site, and a Grade II listed Signal Box (MDV10364) is shown at Totnes Railway Station, adjacent to the east boundary of the study site.

Existing national policy guidance for archaeology (the NPPF section 12) enshrines the concept of the ‘significance’ of heritage assets. Significance as defined in the NPPF centres on the value of an archaeological or historic asset for its ‘heritage interest’ to this or future generations.

There are no designated or undesignated archaeological assets currently recorded on the study site.

A low potential for the presence of any significant unknown buried archaeological heritage assets dating to all periods on the study site is identified. The majority of the study site is likely to have remained an area of agricultural land from the Saxon period, if not earlier, and cartographic evidence illustrates it to have remained as such to the 19th century. The presence of any former remains relating to such agricultural practices are considered to be of local significance. Modern structural debris and made ground relating to the industrial development of the railway and dairy on the study site is of little archaeological significance.

Impacts on the order proposal

This assessment has established that there are no designated archaeological heritage assets within or immediately adjacent to the study site. A number of designated heritage assets are present within the wider study area, although, this assessment has determined that development would not result in harm to these assets.

The study site is assessed to have a low archaeological potential for all past periods of human activity up to 1848, when the South Devon Railway and associated pumping station were constructed. From this date, the site has been gradually developed for use as a dairy. The proposed development is unlikely to have a significant or widespread archaeological impact. No further archaeological measures are recommended in this instance.

8. Enfranchisement rights

The Neighbourhood Planning (General) Regulations 2012 Regulation 22(1)(f) requires that Totnes Community Development Society, as qualifying body, provides detail of the enfranchisement rights, as defined in paragraph 11 of Schedule 4C to the 1990 Act, which, if any, are not exercisable in relation to the proposals

In respect of the development proposed in this Order:

1. Enfranchisement rights including: a) the right under Part 1 of the Leasehold Reform Act 1967 to acquire the freehold of a house (enfranchisement), and; b) the right under Chapter 1 of Part 1 of the Leasehold Reform, Housing and Urban Development Act 1993 (collective enfranchisement in case of tenants of flats), and; c) the right under section 180 of the Housing and Regeneration Act 2008 (right to acquire social housing) are not exercisable in respect of the affordable dwellings to be developed.
2. The purpose of the restriction is to ensure the maintenance of a stock of affordable homes for the benefit of the local community in perpetuity.

The community linked housing will be developed by Totnes Community Development Society to provide affordable, high quality, energy-efficient homes, which will be available to local people to rent. This housing will be held within the land trust in perpetuity.