

Tidcombe Fen Society
8 Blundells Road
Tiverton
Devon
EX16 4DB

Masterplanning Consultation
Forward Planning
Mid Devon District Council
Phoenix House
Phoenix Lane
Tiverton
EX16 6PP

31 January 2014



Dear Sir or Madam,

Tiverton Eastern Urban Extension - Second Consultation

I am writing on behalf of the Directors of Tidcombe Fen Society, an organisation that manages the Tidcombe Lane Fen Site of Special Scientific Interest (SSSI) in agreement with the landowners and Natural England's conservation objectives for the site.

Please find below our comments on the Tiverton East Urban Extension plans, which relate to the potential for impacts on the SSSI. Where any reference is made to possible design and layout of the development it is because we think it is pertinent to protecting the SSSI.

To set the scene for our comments it is useful for you to have some understanding of the site, its hydrology and ecological requirements. Tidcombe Lane Fen SSSI was designated in 1988 as a good representative example of a type of wetland fen habitat that is now nationally scarce and rare in Devon, with only one other undisturbed example known to remain in Devon at the time of designation. The site occupies the shallow valley of the Alsa Brook and an un-named tributary that joins from the northeast, and its eastern boundary immediately adjoins the development site near Pool Anthony Farm. The soils are naturally water logged throughout the site, supporting fen meadow vegetation. In the wettest parts of the site there are significant stands of tussock sedge (*Carex paniculata*) standing over one metre in height. The combination of this, the lesser pond-sedge dominated fields, and the wet woodland shows this is an undisturbed and good habitat with a complete reliance for its extent and quality on the continuous water supply and high water table. The species list for the SSSI includes nationally Protected Species under the Wildlife and Countryside Act 1981, including otter, bat species, and species listed in the SSSI citation. The undisturbed nature of the site means a wide range of native breeding birds, deer and other wildlife flourish here.

Our comments are split into three headings:

- 1) UK legislation and policy framework;
- 2) The development in relation to policies in Mid Devon District Council Local Development Framework Core Strategy 2026 Adopted July 2007;
- 3) Site layout as described in the document 'Tiverton's New Neighbourhood at Post Hill, summary of the consultation draft of the Masterplan Supplementary Planning Document'.

1) UK legislation and policy framework

UK legislation relevant to this development and its likelihood of impacting on the designated site are:

- i) The Wildlife and Countryside Act (1981) (WCA) as amended by the Countryside and Rights of Way Act (2000), which both give protection to key habitats, species and designated sites.

ii) Natural Environment and Rural Communities Act (NERC) 2006 which extends the biodiversity duty in the CROW Act 2000 to public bodies and statutory undertakers to take due regard to this. It specifically requires Local Planning Authorities to ensure that there is no net loss of biodiversity on a site, no net loss of biodiversity connectivity and that there is in effect a biodiversity gain through enhancements.

UK National Policy: the National Planning Policy Framework sets out the Government's policies for protecting and enhancing biodiversity through the planning system.

We are pleased to see these all described in the Ecological Appraisals written by Environmental Gain Ltd and will fully expect to see future detail of how these requirements are met in this development.

2) Mid Devon District Council Local Development Framework Core Strategy 2026 policies

We believe the following policies are directly relevant to this development in relation to Tidcombe Lane Fen SSSI, and expect to see how the LPA will require these policies to fully delivered in this development:

Sustainable Communities COR 1

Growth will be managed so that development meets sustainability objectives, brings positive benefits, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work through:

- f) supporting the social, economic and environmental regeneration of disadvantaged areas and communities,
- g) managing flood risk and reducing the potential effects of climate change on future communities,
- i) the provision and protection of accessible green infrastructure networks.

Local Distinctiveness COR 2

Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets through:

- d) the protection and enhancement of designated sites of national and local biodiversity and geodiversity importance. Development will support opportunities for protecting and enhancing species populations and the restoration, recreation, enhancement and linking of habitats to contribute toward the delivery of Biodiversity Action Plan targets, and
- e) the preservation and enhancement of Mid Devon's cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance.

Flooding COR11

The impact of flooding, taking account of the likely impact of climate change, will be managed in order to:

- a) reduce the risk of flooding to life and property where possible;
- b) guide development to sustainable locations with the lowest flood risk by applying a sequential test, and locate appropriate development in areas of higher flood risk only where the benefits outweigh the risk of flooding;
- c) ensure that development does not increase the risk of flooding of properties elsewhere.

Allocations - Tiverton:

- e) Enhance walking and cycling opportunities and bus services around the town and particularly to access the town centre and enhance public transport access to Tiverton Parkway Station, Exeter and Taunton.
- f) Retain the green setting provided by the steep open hillsides, particularly to the west and south of the town and the historic parkland north of the A361.
- g) Protect the importance of Tidcombe Fen, other areas of biodiversity value and green infrastructure, supporting opportunities for enhancement of river corridors.
- h) Reduce the risk of flooding.

3) Site layout as described in 'Tiverton's New Neighbourhood at Post Hill, summary of the consultation draft of the Masterplan Supplementary Planning Document' and other supporting documents.

i) Proximity of SSSI to the development site

We are extremely concerned that the development boundary adjoins the eastern edge of the SSSI, and are not convinced by the statement in the Executive Summary of the Ecological Appraisal (Doc eg12464JW) that a buffer of sufficient area is being provided around the fen, nor that restricting and discouraging public access will be an effective deterrent. At present we object to this specific element of the Masterplan design. To help overcome this we suggest alterations to the Masterplan mapping that could help alleviate permanent impacts on the SSSI and help in the test for likely significant effect on the SSSI by the LPA.

The Masterplan outlines a residential housing development in the adjoining field to the SSSI, near Poole Anthony Farm. For the LPA to successfully deliver your policies COR 1 i), COR 2 d) and Allocations Tiverton g) (above) we suggest that the area (7) south of the lane to Chapel Anthony should be retained as SSSI buffer/Public Open Space/Green infrastructure, retaining the undeveloped corridor along the Alsa Brook and providing continuity and connectivity of habitat that could then be truly linked to the Landscape Spine (22). It would be possible to relocate some of the proposals such as 'Landscape community hubs' and community orchards into this space, particularly as Poole Anthony Farm has an orchard the other side of the lane from here. By making this change some of this area could be allowed to develop as fen wetland along the same lines as the SSSI and help create a real buffer that makes both ecological and hydrological sense. The view from the Sustrans route would also be enhanced and provide continuity along the route out from town which has a very rural feel on the western side of Tidcombe Lane as well.

ii) Water, drainage and flooding

The desk study Flood Risk Assessment briefly outlines the key watercourses, in drawings, maps and text. The Alsa Brook and the un-named stream that drains around the northern edge of the development site both feed into and flow through the SSSI. The developments have the potential to cause significant damage to the SSSI unless both the supply (from both surface and ground water) and quality of water are both protected and maintained during and post construction.

SUDS: We expect the surface water drainage of the site to be managed through sustainable design of housing and all surfaces, and a Sustainable Urban Drainage scheme. To ensure that the drainage of, and runoff from, the development site has no significant negative impact on the SSSI or the watercourses we would expect to see that the SUDS scheme both enhances the environmental quality of the immediate development and also ensures continuity of quality and supply to the streams, ground and surface waters. Design should also ensure no scouring from surface water runoff of the streams and wetland habitats both upstream of and within the SSSI. The SUDS should be designed to implement the principles given in the RSPB/WWT report 'Sustainable Urban Drainage Systems Maximising the Potential for People and Wildlife, Guidance for Local Authorities and Developers. http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf. This should be submitted to Natural England as part of the evidence supporting all applications for development as part of the test for likely significant effect on the SSSI by the LPA.

iii) Phasing and Temporary Works

It is essential that sufficient Public Open Space, Green Infrastructure and buffering of the SSSI and watercourses be provided early in the development's phasing to ensure they are established, functioning and useable by residents as soon as they move in. This will help people establish recreational habits that make best use of the spaces and reduce potential pressure on the designated site.

All working methods should be agreed in advance with both statutory agencies (NE and EA) to ensure no significant effect on the SSSI, and the Tidcombe Fen Society would also like to be consulted as the managers of the site.

v) Biosecurity and invasive species

We know Japanese Knotweed (Schedule 9 WCA, 1981) exists in at least one extensive location upstream of the SSSI within the development boundary. The LPA must ensure that this is addressed fully and that plans for removal follow guidance and the Knotweed Code of Practice 2013 at:

<http://www.environment-agency.gov.uk/homeandleisure/wildlife/130079.aspx>

<http://publications.environment-agency.gov.uk/pdf/GEHO0906BLIV-e-e.pdf>.

We very much hope you find these comments helpful and look forward to a response in due course. We are also happy to be further involved as is useful. We have also copied these comments to Natural England at the Exeter office for information.

Yours faithfully,

Mary-Rose Lane

Director

Tidcombe Lane Society

Email:

cc. Natural England, Renslade House, Exeter.