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Azk  
30.5.13



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



**CONFIDENTIAL**

20<sup>th</sup> May 2013

51/2575

Dear Sirs

**Re: Tiverton Masterplanning Consultation May 2013**

Thank you for the opportunity to comment on this first stage of masterplanning. It is clear that there is still a considerable amount of important information outstanding as indicated in paragraph 2.2. of your own Options Report and a complete response can only be made with all the relevant information to hand.

The following comments are made with the limited information to hand and we hope you will be able to provide the additional information well before any further consultation is due. Indeed, we question the legality of the present consultation given that a considerable amount of relevant information has not been provided. *We request that you refer this question to your legal department and ask for a written response to be sent to us within 28 days please.*

In addition, you have not allowed us a great deal of time to consider, investigate and discuss the implications of what is in the report. The timing of the release and the time allowed for responses to the report barely covers four weeks and includes two bank holiday periods.

**Requirement for the development?**

Since 2006/7 when MDDC started developing its plans for the Tiverton EUE under the Labour Government's schemes, the deterioration of the global and local economy and change of Government with its many initiatives including those on benefits and immigration have completely undermined the original basis upon which the plans were conceived. The population is unlikely to increase as anticipated and the associated demographics likely to have changed.

Before pursuing the plan to increase the area covered by Tiverton by some 30% or more, it is strongly advisable to pause and completely review the need to do so.

The Government's National Planning Policy Framework (NPPF) (published March 2012) refers to the United Nations General Assembly Resolution 42/187 which defines sustainable

development as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Mr Neil Parish MP informed us that 'in the UK, the amount of agricultural land available has decreased from 39% to 25% between 1989 and 2009' and more is disappearing under concrete year on year. It should be noted that the MDDC's Planning Committee rejected the Hartnoll2 application for reasons that included 'the loss of 7.9 hectares of Grade 1 agricultural land contrary to policy S9 of the Mid Devon Local Plan'. Far more high-grade agricultural land would be lost to the proposed EUE development.

Covering an area of approximately 153 hectares of productive agricultural and amenity land with new builds will incur significant costs with demands on infrastructure and services, energy, food and water supplies which are already under considerable pressure in this country.

This combination of pressures is making us increasingly vulnerable to experiencing under-supply of foodstuffs, energy and water in which we should be striving for more self-sufficiency. Destroying such a large area of productive Devon agricultural land which is an increasingly valuable asset will most certainly contribute to compromising the ability of future generations to meet their own needs. The NPPF also asks councils to take account of the economic and other benefits of the best and most versatile agricultural land.

The Department for Communities and Local Government are clear that 'housing to meet the needs of an area must be based on sound evidence' and that Government 'wants to see sustainable development, not development at any cost'. Re-generated empty homes, and 'brownfield' sites as well as underused offices should all be used for housing stock long before good agricultural land is built over. The attached copy letter recently received from the office of the Rt. Hon. E. Pickles MP, Secretary of State for Communities and Local Government confirms many of the points we raise.

It is plain common-sense to regularly review and revise, as necessary, your evidence for such a large new housing and commercial property development. It must be the County and local Councils' responsibility, in their constituents' interests, to very carefully re-consider the necessity for, and justify, such a massive development on greenfield land given the very real economic, population and National policy changes that have occurred in recent years and will clearly continue for some years to come.

We strongly believe that new developments should be governed by proven local need and involve timely discussion and agreement with local people provided with full information, not by a Council being 'encouraged' by land owners and developers.

### **The Consultation – Options Report (Northern eastern sector)**

Committing any local council to a specific level of building year on year over a 20 year period has to be misguided. The Mid Devon DC Adopted Core Strategy (Local Plan Part 1) which is stated as doing so should be subject to a review and revision process that can take account of changing National and Local conditions. Please refer to the comments made above under 'requirement for the development?'

### ***Access and movement***

Blundells Road / Post Hill is the main road into Tiverton for all Mid Devon residents East of the town and is also used by traffic from the M5 via Sampford Peverell and Halberton into Tiverton. Thus, it already carries a significant amount of works and domestic traffic (survey reports yet to be seen).

Uplowman Road and Putson Lane are the only roads directly linking the North eastern sector to Post Hill / Blundells Road. . These are small rural roads that are quite narrow in places, and are not suitable for carrying a sustained large increase in traffic arising from any significant sized development (as well as the associated construction traffic). These roads are frequently used by walkers, runners and cyclists to whom there would be significant safety implications should motorised traffic increase substantially. 200 dwellings is 200 too many in any part of the area before dedicated road access is properly dealt with.

It is essential, before even any ground works are started, that a properly constructed access road is provided on to the A361. The MDDC Planning Committee rejected the Hartnoll2 application for reasons including its impact on traffic in this area. This should be warning enough of the need to properly resolve issues of road access first and foremost.

The so-called purple junction suggested would create a highly significant nuisance including health hazard to numerous current residents and should be dismissed. A roundabout form of junction in the vicinity of the Craze Lowman overpass (at the discarded green junction area) would be well away from current properties in Craze Lowman, at Putson Cross and further westwards along Uplowman Road. The access road to the development would need to avoid a link with Uplowman Road or Putson Lane so that residents could cycle or walk safely via these to Post Hill and the bus stops.

Such a junction located well away from current properties together with associated speed reductions would considerably benefit the health and well-being of existing and any new residents in this area.

The north-western sector could be accessed via the Heathcoat Way area and the southern sector by an extension from this.

During the recent roadworks on the A361, the much reduced speed of the traffic considerably reduced the noise levels to bearable levels even during heavy traffic. A permanent speed reduction requirement between the Bolham roundabout to just east of Craze Lowman would benefit the health of all in this area.

### ***Energy from Waste plant***

We have already made comment in an earlier consultation on the subject of an energy from waste plant in the proposed EUE area. We understand from speaking to Mr Marshall at the first consultation 'exhibition' that the North-western sector is a likely location for such a plant.

We are, in principle, in favour of energy from waste plants. New plants should be designed for the maximum conversion rate and constructed to the highest of technological, health and safety standards.

Any new industrial units, including energy from waste plants should be located in situations

already designed and operating as industrial areas. In the Tiverton area, the M5 Junction 27, South View Trading Estate and the South Devon Business Park areas that are already served by necessary infrastructure and services including roads for access, power and water facilities. These locations are well situated to receive waste from an area large enough to keep an energy from waste plant in sufficient feedstock supply for routine operation in the consistent production of energy for, at least, the industrial location in which they are built. They would also, importantly, keep the heavy 'feeder' traffic well away from residential areas.

The negative effects on the health and well-being of inhabitants of the area including both humans and wildlife in so many of the categories considered in the earlier sustainability appraisal consultation as well as the categories considered concerning land loss, landscape, heritage, climate change, surface water, air quality and noise pollution issues must make Tiverton East a non-starter for the location of any kind of waste plant.

The negatives recorded in this sustainability appraisal are generally in line with many of the comments we have made before on Devon Waste Plan consultations. Any new development should support and reflect the development types that are already in existence at each particular site, so should be individual to that site.

Sites in current use for industrial purposes should be the first sites to be considered for placing new waste plants and not, new land.

### *Type of development*

All new developments should preserve the local heritage, archaeology, ecology, natural features and hedgerows and maximise open green spaces.

All new developments should be sympathetic to the type of dwellings already in existence in each location with respect to

- house type,
- quality of build,
- garden size
- and outlook, so, in the Northern sector, development density should be kept low.

Properties are bought and sold with premiums paid for prime locations and new developments should be supportive of this long accepted practice.

The 2011 census indicated that, for Mid Devon, the greatest percentage change in population age group since 2001 was in the 65+ years group i.e 1.8% increase with decreases in the 0-14 years and 15-64 years age groups and only a small increase of 0.4% in the 0-4 years group. In addition to ensuring appropriate support to help residents continue to live in their own homes, good quality alternative accommodation should be provided for the rising population of older residents who may prefer this, for example, a high specification retirement village may be appropriate for some part of the area. This approach would then make more existing family sized houses available.

Commercial heavy works premises should be located close to good transport links e.g. M5 junctions and office premises closer to main town centre links e.g. Lowman Way Business Park.

## **The Consultation – Surveys**

We note that reports on Air quality, Ground levels, Ground conditions, Landscape and Visual Impact Assessment are yet to come. Also, there is no mention yet of any traffic survey reports for any of the roads in the affected areas. We would appreciate the opportunity to see all of these for comment as soon as possible.

## **Noise – Innovate acoustics**

The results recorded in this report do not seem to support the final conclusion of the report on page 15 that noise will not be a significant constraint on residential development of the site.

For the A361 in particular, if we have understood this, 30 results were recorded from separate 5 minute periods over approx 26 hours in March 2012 on a dry Wednesday / Thursday. Twenty-one of the 30 results were categorised in the category D band where 'planning permission should normally be refused'. Even the summary averaged daytime figure (Table 4) is a category D level of noise

Notwithstanding our reservations about the time of year, weather conditions and length of time given to the survey work, what they have produced seems to indicate that current noise levels under 'good' conditions are unacceptable let alone what they may be under 'bad' conditions and without a new junction and another road built alongside the A361.

It appears that no road traffic noise surveys have ever been carried out during or since the construction of the A361 around Tiverton by Devon CC or Mid Devon DC. Nearby residents already endure the considerable noise and emissions pollution from the traffic volumes that have increased steadily year by year on the A361 and any new junction with this road bringing additional traffic must be considerate of the health of current residents.

The increase in research and knowledge relating to road traffic noise associated health problems including cardio-vascular disease is discussed in the World Health Organization's publication in 2011 on the 'Burden of disease from environmental noise – quantification of healthy life years lost in Europe'.

The health and well-being of residents is stated to be of primary concern in MDDC's Local Plan 3 (September 2012) DM/7 which implies that development will not be permitted where direct, indirect and cumulative effects of pollution will have an unacceptable negative impact on health, the natural environment and general amenity; an additional junction and associated increase in traffic so close to existing properties should certainly stop the purple junction plan, at least.

Given that the even the very limited survey commissioned by Waddeton Park Ltd. produced a significant proportion of noise level results at unsatisfactory levels and likely 'health hazard' categories (>65dB), it is essential that a more extensive and realistic noise survey is undertaken in the Tiverton area of the A361, at least between the Bolham roundabout and the Craze Lowman over pass road. This is needed now to protect current residents and well before any kind of works are undertaken.

The suggestion made by MDDC during the recent 'exhibitions' that the building of artificial Devon banks with top planting will mitigate the adverse effects of this proposed major development is **not** a solution to the health, environmental and associated issues that would arise from it. Far greater consideration of the issues by independent specialists is necessary before truly satisfactory measures of their mitigation can be determined.

## **Flood Risk Assessment – soakaway testing**

Very few test pits were dug resulting in few results to consider. The results presented appear to confirm residents' observations that the ground in these fields is not readily infiltrated and quickly becomes waterlogged.

We know, from seeing the evidence, that the field to the North of Uplowman Road and the ditch along its southern and western boundaries (the latter within private residential property grounds) act to slow large volumes of water run-off towards the A361 and Craze Lowman during periods of prolonged rainfall.

The ground in this area is clayey and remains sodden for a long time after rainfall, presumably also taking run-off from the higher fields on the south side and the ditch has filled to overflowing onto Uplowman Road several times in the past three years with water reaching a depth of around 2ft even in the western boundary ditch.

The natural water management properties of this finely balanced environment would be very severely compromised by any development and flood risks would be greatly increased for properties in the vicinity.

Soakaways are only necessary periodically, although increasingly so, but it is of utmost importance to ensure that no new development in this area makes the drainage situation worse than it is and consequently increase flood risk.

More constructive practical assessment of the water / ground interactions is necessary to provide a realistic and sound basis for determining a strategy and solution for flood risk management in this area.

## **Tree survey**

We can only really comment in relation to the trees referred to in tree reference numbers G10 and G11. The ditch referred to is within the grounds of the adjacent private residential property and the trees on both sides of the ditch belong to the same. The barbed wire live-stock fence forms the boundary between the field and the residential property.

These trees will continue to be cared for by the residents and it is expected that the growing area of the trees will be respected by others as required by law.

## **Utilities**

A large part of the Northern side of this proposed development is still very much rural in nature so some property service systems are, perhaps, not so streamlined as found in urbanised development. These properties were selected by residents for their location so such facilities were accepted. We draw attention to this so that any developer or utility company can take proper account of what currently exists 'on the ground'.

## **Ecological Appraisal (Area 1)**

Quite rightly, this report recognises the importance of maintaining and protecting the current natural habitats of the wildlife that's abundant in the area.

In the Northern eastern sector on the north side of Uplowman Road, we have recorded 24 species of birds in addition to buzzards, owls, pheasant, mallard and falcon in and around the vicinity of the trees and hedges of the western boundary of the field. We have also seen, or seen the fresh evidence of hare, rabbits, voles, moles, dormice, bats, fox, hedgehog, shrews, squirrels and deer; frogs, toads, newts and slow worms. Also, several species of bee, many different moths, butterflies and beetles including stag beetles. The mixed hedgerow habitats in our immediate area clearly suit a very wide variety of creatures and the detailed species surveys recommended by Engain are certainly warranted.

MDDC's Local Plan 3 (September 2012) states that new development should improve the environmental conditions in the area. Building on pristine open countryside in a rural landscape in no way accords with this statement.

The MDDC's Planning Committee rejected the Hartnoll2 application partly on the grounds that 'the proposal by virtue of its location in an open agricultural area would have an adverse visual impact on the character and appearance of this rural area'. The proposal for the EUE

would, equally, have an adverse effect on the character and appearance of this rural area. Once developed over it can never be recovered and its alternative significant values in Mid Devon will be lost to current and future generations.

#### **Archaeology (North eastern sector)**

Although little seemed to be found during the archaeological survey carried out in 2012 it is possible that the A361 construction spoil deposit that lies in an area between the Long Barrow and the Craze Lowman Round Barrow does cover some relevant archaeology. We support the suggested green preservation of the setting of Long Barrow together with its visual connection to the Round Barrow.

We will appreciate your acknowledgement of receipt of our response and confirmation that you have forwarded our question on legality to your legal department.

Yours faithfully,



Department for  
Communities and  
Local Government

Our Ref: ER/05/013040/13  
Your Ref:

7 May 2013

Dear Dr and Mrs Bell,

Thank you for your letter of 5 April to the Rt Hon Eric Pickles MP about proposals for development on agricultural land the edge of Tiverton. The Secretary of State was grateful for your correspondence, to which I have been asked to reply.

The Government recognises the importance of farming and the food production industry and the National Planning Policy Framework, therefore, asks local councils to take into account the economic and other benefits of the best and most versatile agricultural land. The Framework defines this as land in grades 1, 2 and 3a of the Agricultural Land Classification. Where significant development of agricultural land is shown to be necessary, the Framework makes clear that local authorities should seek to use areas of poorer quality land, rather than that of a higher quality.

The Government also working hard to get every inch of previously developed "brownfield" land back into use. The Framework promotes the re-use of brownfield sites, provided they are not of high environmental value, and enables councils to set local targets for re-using this land. Over three quarters of all new homes completed in 2010 were built on brownfield land. At the same time, councils need to have a clear understanding about the costs associated with these sites, to ensure that they are viable and can be delivered.

The Government regards empty homes are a waste of housing, and blight neighbourhoods. That is why it has put in place a package to tackle empty homes - in addition to £160 million already committed to bringing empty homes back into use, on 26 November it launched a bidding round to bring a further 5000 empty homes back into use using a share of £300m announced in the Housing and Growth Package.

The Government is also encouraging developers to bring underused offices back into effective use as houses for local residents. New permitted development rights will allow change of use from offices to residential. They will provide badly needed homes for local people and will make a valuable contribution to easing our national housing shortage. By bringing underused offices back into effective use they will also help create jobs in the construction and services industries, and help regenerate our town centres and former commercial areas. These new homes will bring a greater resident population to our high streets, increasing footfall and supporting local shops. The new permitted development rights will be introduced following a full assessment of all local authority requests for



exemption. The Government hopes to introduce the permitted development rights following Royal Assent of the Growth and Infrastructure Bill, which is expected in May 2013.

The Government is clear that it wants to see sustainable development, not development at any cost. The cumulative impact of development, and the need for infrastructure to support development, can be relevant in deciding whether development is appropriate. The Framework asks councils to identify priority areas for infrastructure, and to work with neighbouring authorities and transport providers to develop plans for its provision, including roads and transport links, water resources and schools.

The National Planning Policy Framework represents guidance for local authorities and decision-takers in drawing up plans, and as a material consideration in deciding applications, but it is designed to be interpreted locally, by local councils.

I appreciate your concerns over whether there is a need for the development proposed. Whilst it is for the council – working with its communities – to decide how best to provide housing to meet the needs of its area, this must be based on sound evidence. A council's Local Plans are subject to public consultation and public examination by an independent inspector before they can be adopted. You may, therefore, wish to raise this matter through the Local Plans process, or use your statutory right to comment on, or object to, planning applications as they come forward for decision.

Thank you, once again, for writing.

Yours sincerely,

*Paul Williams*

**Paul Williams**