



North Devon Council

Report Date: Strategy and Resources Committee: 2 August 2021

Topic: Implications of Decision not to sell Land at Westacott Park

Report by: Chief Executive

1. INTRODUCTION

- 1.1. Under the Local Plan Policy BAR01, land at Westacott was allocated for residential development comprising 950 dwellings and other facilities. One option for a secondary access was through the Council's park at Westacott.
- 1.2. The Council received a request to sell the park which was put before Strategy and resources Committee on the 5th July and Committee voted to refuse to sell the land
- 1.3. This report outlines the implications of that decision and the options for delivering BAR01 in the future

2. RECOMMENDATIONS

- 2.1. Members note the content of this report and the action being taken

3. REASONS FOR RECOMMENDATIONS

- 3.1. To allow members to understand the implications of the decision and to consider ways forward

4. REPORT

INTRODUCTION

- 4.1. The North Devon and Torridge Local Plan was adopted by Full Council in October 2018. The Local Plan is the strategic place based plan for the area setting out where development will take place and setting other policies that, by law, have to be taken into account as part of the planning process.
- 4.2. Policy BAR01 sets out the policy context for the urban extension of Barnstaple at Westacott. It will deliver 950 dwellings, a significant contribution towards the overall housing targets set out in the Plan.
- 4.3. BAR01 set out various requirements in order for the proposed development to be deemed sustainable. These were highlighted to Strategy and resources Committee in more detail but the relevant one to be repeated here is that a secondary vehicle access was required in order to deliver pedestrian/cycle and bus links and help alleviate traffic congestion at existing junctions.
- 4.4. The policy gave three options for the route of that access, one of which is through the Westacott Park, owned by the Council.

- 4.5. Progress Land, the owners of part of the allocation, approached the council to request a sale and this was presented to Committee.
- 4.6. The land owned by Progress Land has the benefit of an outline consent for residential development. The application proposed a vehicular access through the park and this was approved by the Council's Planning Committee in 2018. A reserved matters application is currently being considered in respect of the land.
- 4.7. In relation to the remaining land in the allocation, an outline planning application is currently with the Council but has not yet been determined.
- 4.8. The Strategy and Resources Committee considered a large number of objections from members of the public and after considering other matters, decided not to sell the land. Whilst the implications of that decision were outlined at Committee, because of the nature of those implications, further consideration needs to be given to them in an environment when the more emotive arguments are not presented.
- 4.9. There are a number of possible implications and these are considered below.
Progress Land
- 4.10. Although Progress are arguing differently, it is not likely that the outline consent for the Progress land can be implemented as the secondary access is no longer capable of being constructed.
- 4.11. This means that the Progress land is effectively landlocked unless or until a second access can be found or the wider allocation is built out.
- 4.12. At present, discussions are taking place with Progress and DCC as to where the alternative access could be constructed. The options are via Castle Park Road or via Westacott Lane. Both options have very real difficulties. Utilising Castle Park Road would involve relocating existing businesses and demolishing employment units. Even then, it would mean that the route would be through an area of ecological sensitivity as well as a flood risk area. This means that it would be subject to the sequential test and may not be approved as there are sequentially more preferable points of access available. Castle Park Road does not provide an attractive or inviting access to a new housing development. This would not result in good place making. Westacott Lane is very narrow and would generally be thought of as unsuitable for access for Progress Land's 149 proposed dwellings let alone the wider total allocation of 950 dwellings. This access is effectively a 'green lane' and the environmental consequences of improvement would be immense. It would also route the traffic past listed buildings which are on the Lane and thereafter potentially to Goodleigh Road, with impacts also possibly on Goodleigh, as there is nothing to restrict access once a connection is made to the highway and would not therefore provide the links with the town nor the bus routes. This option provides no alternative to Whidden Valley businesses for access and egress and would put existing major employers at risk if they are blocked in due to failures at the Tesco roundabout. In

summary, there is no obvious solution but an update on those discussions will be provided to the Committee.

Barwood Land

- 4.13. The remainder of the allocation is within the control of Barwood. An outline application for the development is currently being dealt with by the planning team. However consideration of that application and the design work to date in terms of Masterplanning has been based on there being a secondary access. If no secondary access is provided, then the development will not be in compliance with the Council's Local Plan and would naturally be deemed to be unsustainable. In those circumstances, the application could be refused, albeit that is of course a decision for the Planning Committee.
- 4.14. That could be the decision notwithstanding the fact that DCC have said that the secondary access is not required to make the development acceptable in highway terms. The Highway Authority acknowledge that their role is not to consider issues of sustainability; that is the role of the District Council as local planning authority. For a development to be considered sustainable there should be good access to public transport, cycle and walking routes. Without a road link, the Whiddon Valley bus service could not be extended into the new development. Whilst some footpath or cycle connections could be made to Westacott Lane this would be late in the development of the Barwood Land and by this time occupier's travel methods will have embedded themselves making it that much harder to transfer from a car to a bus/cycle/walking option. Without access to the cycle and footpath network we are not building healthy communities. The other major concern is that the new school site will not be readily accessible from Whiddon Valley, nor will residents at Whiddon Valley be able to enjoy the facilities being proposed on the Barwood land. Parents who are either allocated places at this new school or elect to use it and who live at Whidden Valley will need to access the site from the Landkey roundabout if using a car.
- 4.15. If permission for the wider allocation is refused, this may have implications as set out below.

HIF Funding

- 4.16. As members are aware, funding has been obtained from the Housing Infrastructure Fund to deliver the roundabout on the A361. This is to act as the primary junction and access to the allocation. The purpose of the funding is to unlock land for the development of housing by providing the infrastructure necessary to enable it to go ahead. To secure the funding, the council is required to enter into an agreement with Homes England whereby the council agree that in exchange for the funding, it will use reasonable endeavours to ensure that the housing comes forward. It is questionable whether the council will be able to shown reasonable endeavours if it is refused planning permission. The remedy available to Homes England

should the Council not use its reasonable endeavours is to require repayment from the Council. That would need to come from the council's own funds as the funding will have already been passed to DCC to deliver the roundabout.

Local Plan Housing Land supply

- 4.17. The loss of an allocation of this size from the Local Plan will have significant impacts on the delivery of housing and on the council's ability to regain a 5 year housing land supply during the lifetime of the Local Plan. As members will be aware, the lack of a 5 year HLS means that key Local Plan policies are considered to be out of date and applications are then judged against national tests of sustainability. In the past, this has resulted in significant applications being submitted for housing on land outside of the Local Plan. That will have significant consequences on communities who will feel that housing has been forced on them without their involvement.
- 4.18. It should also be noted that the Local Plan is a joint one with Torridge District Council. As such, the 5 year housing land supply is a joint calculation. The councils are just embarking on a review of the Local Plan and it is not inconceivable that our partner authority may decide that having their own housing supply tied to housing delivery in North Devon when allocated sites are being refused or not allowed to come forward presents too much of a risk to their own position.

Credibility

- 4.19. Finally, the council is at risk of losing credibility with developers who may not be inclined to invest time, effort and funds into bringing allocated sites forward if there is a tendency on the council to either refuse permission or resist those sites. If that happens, it will make it much less attractive to develop and invest in North Devon.

Sustainability

- 4.20. The above implications flow from a refusal to grant permission for the outline on the wider allocation. If the council were to approve the application with just the single access off the A361, the effect would be a very large cul de sac with limited vehicle and public transport links to the town. Pedestrian and cycleway links would be possible through the park, subject to member approval, but they cannot be delivered by Barwood as it is Progress that own the land adjoining the Park. The indications are that a bus route, joining up with the town, would not be possible and the lack of a secondary access may also have an impact on major employers in the area who have been requiring a second access/exit from Whiddon Valley to enable their businesses to function properly.
- 4.21. Loss of Opportunity to invest in public open space
- 4.22. The Progress Land scheme resulted in the upgrade of the existing park (new equipment, a drained and lined 5 aside pitch) along with the provision of a MUGA and access to the hilltop park. The additional recreational facilities exceeded that being lost and would have been available to all residents.

Summary

4.23 Officers will look to see how the BAR01 allocation can still be delivered but as you will see from the above the challenges are considerable.

5. RESOURCE IMPLICATIONS

5.1. There are no resource implications that are directly related to this report.

6. EQUALITIES ASSESSMENT

6.1. (Please detail if there are/are not any equalities implications anticipated as a result of this report. If so, please complete the Equality Impact Assessment Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk). There are none

7. CONSTITUTIONAL CONTEXT

7.1. Article of Part 3 Annexe 1 paragraph:

7.2. Delegated power

8. STATEMENT OF CONFIDENTIALITY

8.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9. BACKGROUND PAPERS

9.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the author of the report).

10. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officers: Head of Resources, Planning and Economic Development teams, Lead Member and Group Leaders.