



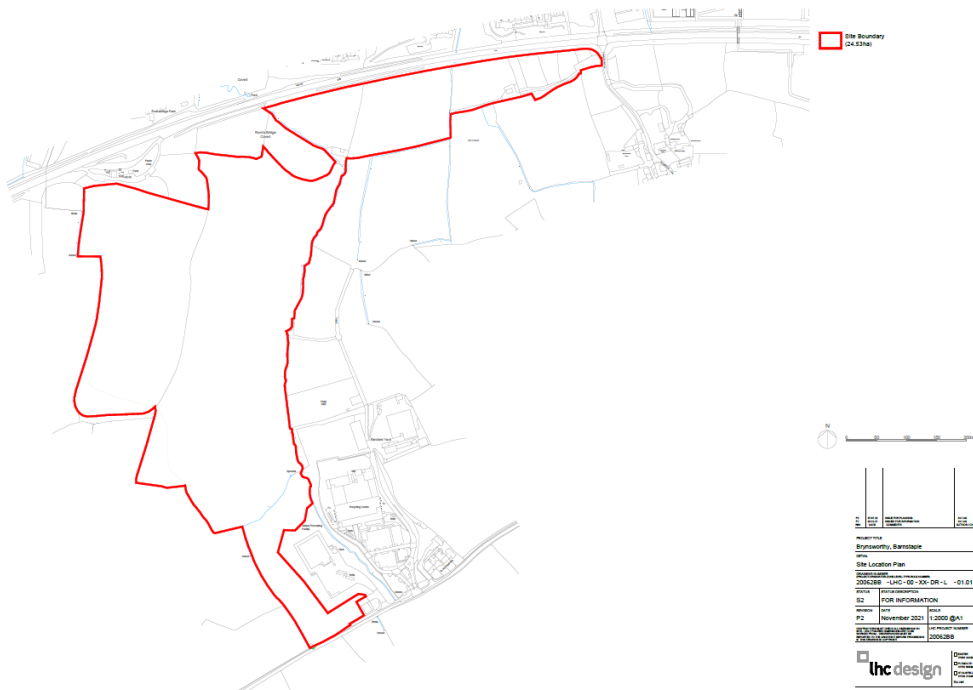
## **Application Report**

**Planning, Housing and Health**  
**North Devon Council**  
**Lynton House, Commercial Road,**  
**Barnstaple, EX31 1DG**

<b>Application No:</b>	76293
<b>Application Type:</b>	Outline Application
<b>Application Expiry:</b>	31 July 2023
<b>Extension of Time Expiry:</b>	31 July 2023
<b>Publicity Expiry:</b>	13 January 2024
<b>Parish/Ward:</b>	FREMINGTON/FREMINGTON BICKINGTON
<b>Location:</b>	Land South of A39 Brynsworthy Barnstaple Devon EX31 3QQ
<b>Proposal:</b>	Outline application for up to 450 dwellings including access (appearance, landscaping, layout & scale reserved) - EIA development (Further information as requested by Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017)
<b>Agent:</b>	Mr Graham Townsend
<b>Applicant:</b>	Wessex Strategic Ltd
<b>Planning Case Officer:</b>	Mrs J. Meakins
<b>Departure:</b>	Y
<b>EIA Development:</b>	Y
<b>EIA Conclusion:</b>	Environmental Statement Supplied
<b>Decision Level/Reason for Report to Committee (If Applicable):</b>	Committee – Called in by Councillor Walker – <i>'Development outside Local Plan area, contrary to Policy ST14'</i>

### **Site Description**

The site identified by the red line on the extract below, extends to approximately 24 hectares and comprises agricultural land to the South of the A39 on the south-western periphery of Barnstaple beyond the development boundary. The site slopes upwards from the A39 to adjoin the land at Brynsworthy Environment Centre and the Devon County Council Waste Transfer site to the south-east.



## Location Plan



## Aerial view of site

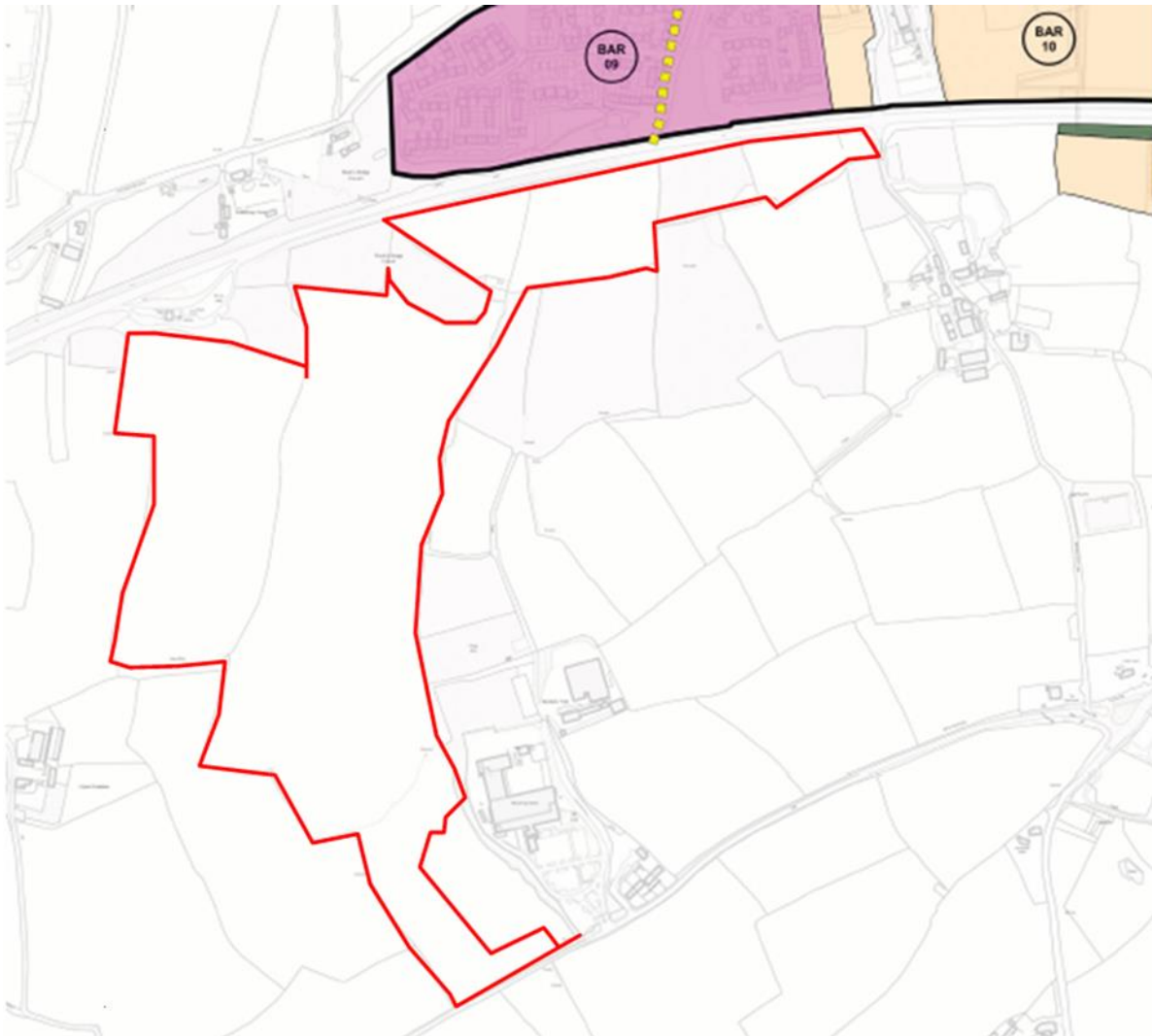
The site lies within a Critical Drainage Area and parts of the site are also within Flood Zones 2 and 3.

The site is located outside of any area of statutorily designated landscape and is a mix of Grade 3 and 4 Agricultural Land.

The site lies within the UNESCO Biosphere buffer zone and within 6km of the Braunton Burrows Special Area of Conservation (SAC), and within 500 metres of the Fremington Claypits Site of Special Scientific Interest (SSSI), and within 1.5km of the Taw Torridge Estuary SSSI.

Part of the site is also subject of a Tree Preservation Order (TPO) No. 332 adjacent to Brynsworthy Farm which lies to the North-eastern part of the site. This is also identified as Priority Habitat by the National Forest Inventory 2020.

The site lies outside of the development boundary for Barnstaple, which can be seen in the diagram below (solid black line denoting development boundary).



Extract from NDTLP Maps

**Recommendation**

**Refusal**

Legal Agreement Required: No

**Planning History**

Reference Number	Proposal	Decision	Decision Date
56621	ERECTION OF ONE 500KW WIND TURBINE (HEIGHT 74M, HEIGHT TO HUB 50M, BLADE DIAMETER 48M) at LAND ADJACENT ROOKS BRIDGE COVERT, , LYDACOTT, , DEVON,	FULL PLANNING REFUSAL	24 January 2014

Reference Number	Proposal	Decision	Decision Date
58960	INSTALLATION AND OPERATION OF A SINGLE 500KW WIND TURBINE & ACCESS TRACK ON AGRICULTURAL LAND AT WOOLMERS FARM WITH AN OVERALL MAXIMUM TIP HEIGHT OF 74M at LAND AT WOOLMERS FARM, NORTH LANE, , BICKINGTON, BARNSTAPLE, DEVON, EX31 2JN	FULL PLANNING REFUSAL	18 August 2015

### Constraints/Planning Policy

Constraint / Local Plan Policy	Distance (Metres)
Advert Control Area Area of Special Advert Control	Within constraint
Burrington Radar Safeguard Area consultation required for: All buildings, structures, erections & works exceeding 45 metres in height.	Within constraint
Chivenor Safeguard Zone Consultation Any Development	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 10.7m	Within constraint
Chivenor Safeguard Zone Consultation Structure or works exceeding 15.2m	Within constraint
Class I Road	
Critical Drainage Area	Within constraint
Historic Landfill Buffer	Within constraint
Landscape Character is: 3A Upper Farmed & Wooded Valley Slopes	Within constraint
Minerals and Waste Consultation Zone: Waste Consultation Zone Brynsworthy	Within constraint
Tree Preservation Order: 299 - W2, Rooks Bridge, Fremington, North Devon TPO 1996	Within constraint
Tree Preservation Order: 332 - W2, The Land Adjacent to Brynsworthy Farm, Brynsworthy Order 2000	Within constraint
Tree Preservation Order: 332 - W3, The Land Adjacent to Brynsworthy Farm, Brynsworthy Order 2000	Within constraint
Unclassified Road	
USRN: 27500704 Road Class:R Ownership: Highway Authority	4.53
USRN: 27502302 Road Class:A Ownership: Highway Authority	11.12
USRN: 27503756 Road Class:R Ownership: Highway Authority/Private	12.70
USRN: 27504037 Road Class:R Ownership: Highway Authority/Private	7.62
Within 50m of Adopted New or Upgraded Road: BAR09 Glenwood Farm, Roundswell	21.16
Within Adopted Unesco Biosphere Transition (ST14)	Within constraint
Within Flood Zone 2	Within constraint
Within Flood Zone 3	Within constraint

<b>Constraint / Local Plan Policy</b>	<b>Distance (Metres)</b>
Within Surface Water 1 in 100	Within constraint
Within Surface Water 1 in 1000	Within constraint
Within Surface Water 1 in 30	Within constraint
Within:, SSSI 500M Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:, SSSI 5KM Buffer in North Devon,consider need for AQIA if proposal is for anaerobic digester without combustion plant	Within constraint
Within:Braunton Burrows, SAC 10KM Buffer if agricultural development consider need for AQIA	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
SSSI Impact Risk Consultation Area	Within constraint
DM01 - Amenity Considerations DM01 - Amenity Considerations DM02 - Environmental Protection DM03 - Construction and Environmental Management DM04 - Design Principles DM05 - Highways DM06 - Parking Provision DM07 - Historic Environment DM08 - Biodiversity and Geodiversity DM08A - Landscape and Seascape Character DM10 - Green Infrastructure Provision ST01 - Principles of Sustainable Development ST02 - Mitigating Climate Change ST03 - Adapting to Climate Change and Strengthening Resilience ST04 - Improving the Quality of Development ST07 - Spatial Development Strategy for Northern Devon's Rural Area ST08 - Scale and Distribution of New Development in Northern Devon ST10 - Transport Strategy ST14 - Enhancing Environmental Assets ST15 - Conserving Heritage Assets ST17 - A Balanced Local Housing Market ST18 - Affordable Housing on Development Sites ST21 - Managing the Delivery of Housing ST23 - Infrastructure	

**Consultees**

Name	Comment
Arboricultural Officer	No objection – Further information required as a pre-commencement condition, see below;
Reply Received	Observations:

Name	Comment
14 March 2024	<p>The submitted tree protection plan is missing key details in order to illustrate key protection measures, see below:</p> <ul style="list-style-type: none"> <li>• No key/legend</li> <li>• RPAs are not clearly illustrated in the TPP</li> <li>• No measured annotation in terms of dimensions for distances.</li> <li>• Areas for mitigation planting to be identified and details of mitigation planting required.</li> <li>• Demolition of building within W4 requires AMS</li> </ul> <p>Landscape management plan required to identify large scale tree planting to mitigate loss of high volume of trees which although are low quality, will have a short-term moderate impact within the immediate visual area. Plan to include: hard and soft landscaping, tree size, tree species, tree planting pit specification, tree aftercare.</p>
Barnstaple Town Council  Reply Received 18 July 2023	Refusal as it does not feature in the five-year land supply and it still does not satisfy concerns raised previously over the impact on local services and by other third party consultees. (NC).
Barnstaple Town Council  Reply Received 16 June 2023	It was resolved to defer this application so that the committee can gain some more information regarding this application and the 5 year local land supply which may or may not have been pertinent when the last extension was made. (NC).
Barnstaple Town Council  Reply Received 20 January 2023	That this development is outside the Parish of Barnstaple. Resolved: to request details of likely impacts, benefits and mitigations relating to the Parish of Barnstaple and the surrounding area including transport (understanding how this development relates to the recent work undertaken on the LCWIP plan), surface water management, Sewage. Also, what contributions will be made towards Health services, education, leisure and ecology (NC).
Building Control Manager  Reply Received 16 December 2022	No observations.
Building Control Manager  Reply Received 9 June 2023	No observations.
DCC - Childrens Services  Reply Received 29 June 2023	It is not clear why the applicant considers the primary pupils transport contribution would not be justified in relation to the access proposals and Larkbear. Nonetheless, the contribution has been reviewed.

Name	Comment
	<p>Devon County Council's Education Infrastructure Policy advises that: The county council will require developer contributions where development generates an additional need for home to school transport. In the main, this will be triggered by development located in areas where schools are outside of the statutory walking distances and/or do not have a safe walking route.</p> <p>When assessing safe walking distances to local schools, Devon County Council adheres to the guidelines outlined in the national policy document 'Assessment of Walked Routes to School' Distance to Schools Devon County Council uses statutory walking distances defined as 2 miles from home to school for children of primary school age and 3 miles from home to school for children of secondary school. As the distances between proposed developments and schools were measured 'as the crow flies', a 25% reduction to these distances was applied.</p> <p>This is to recognise that actual walking distances are likely to be longer in reality than distances measured as the crow flies. This is due to physical barriers to movement, such as built development, river crossings, rail lines etc, which are not taken into account at this stage.</p> <p>The distances used in calculations were therefore:  <ul style="list-style-type: none"> <li>· 1.5 miles from home to school for children of primary school age</li> <li>· 2.25 miles from home to school for children of secondary school age</li> </ul> </p> <p>Based upon the Concept Masterplan and proposed main access routes we have calculated that the majority of the Brynsworthy site is likely to fall below the 1.5 miles threshold to Roundswell Primary School..</p> <p>On the understanding that the Concept Masterplan will deliver the access routes as illustrated, it is likely that primary school transport contributions are no longer required. However, at this early stage, we must caveat that should the pedestrian routes be altered, removed, extended or considered to be unsafe to walk, we reserve the right to reconsider the request for primary transport contributions and review the position at Reserved Matters stage. Any early drafting of a S106 agreement will need to include wording to this effect.</p> <p>This position on the primary school transport costs has no bearing on the Secondary transport contribution request which remains as per our original response. In addition, all other contributions previously requested, including special education, primary education, secondary education and early years, are still required.</p>
DCC - Childrens Services	Recommendation - no objection subject to the acceptance of the education infrastructure contributions as set out below.
Reply Received	

Name	Comment
20 January 2023	<p data-bbox="443 197 1390 371">This education response is provided without prejudice in accordance with Devon County Council's Education Infrastructure Plan (EIP) 2016-2033. We note that this is additional development to that detailed in the North Devon and Torridge Local Plan 2011 - 2031.</p> <p data-bbox="443 416 1390 591">In accordance with the County Council's EIP, it is identified that a development of 450 family type dwellings will generate an additional 112.50 primary pupils and 67.50 secondary pupils which would have a direct impact on education provision within Barnstaple.</p> <p data-bbox="443 636 1390 810">When factoring in both approved but unimplemented housing development, as well as outstanding Local Plan allocations, we have forecast that local early years, primary, secondary and special school provision does not have capacity for the number of children likely to be generated by the proposed development.</p> <p data-bbox="443 855 1390 963">Therefore, in order to make the towards additional education infrastructure to serve the proposed development. This is set out below:</p> <p data-bbox="443 1008 1390 1361"><b>Special Education</b> It is set out in the DCC Education Section 106 Infrastructure Approach that approximately 2.0% of the school population require specific Special Education provision; this development is likely to generate 3.60 pupils who will require a specialist place. DCC therefore need to request additional primary and secondary SEN places as a result of the development. The request would be a total of £292,586 (based on the SEN extension rate of £81,274 per pupil) equivalent to 2.25 primary pupil and 1.35 secondary pupils. This equates to a per dwelling rate of £650.19.</p> <p data-bbox="443 1406 1390 1805"><b>Primary Education</b> We have forecast that there is enough spare primary capacity to accommodate 10% of pupils expected to be generated by development in the area and therefore would only seek contributions against the remaining 90% of pupils. Please note that DCC will not seek additional primary contributions on SEN pupils and therefore will only seek a contribution towards the remaining 110.25 pupils expected to be generated from this development. The primary contribution sought would be £2,014,763 (based on the DfE new build rate of £20,305 per pupil x 90%). This equates to a per dwelling rate of £4,477.25.</p> <p data-bbox="443 1850 1390 2094">The scale of this development will trigger the need for a new primary school to serve the area. DCC therefore also need to request a proportionate primary land contribution of 10sqm per family-type dwelling from this development. Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £447,525 (based on £1,105 per dwelling x 90%) and would be used towards the costs of procuring the new school</p>



Name	Comment
	<p>site. This equates to a per dwelling rate of £994.50.</p> <p><b>Secondary Education</b>  The local secondary schools in Barnstaple are forecast to be at capacity, therefore DCC would also need to request secondary contributions. Please note that DCC will not seek additional secondary contributions on SEN pupils and therefore we will only request secondary education contributions against the remaining 66.15 pupils expected to be generated from this development. The secondary contribution sought would be £949,874 (based on the DfE expansion rate of £23,540 per pupil). This equates to a per dwelling rate of £2,110.83. The contributions will be used towards the expansion of existing secondary provision in Barnstaple.</p> <p><b>Early Years</b>  In addition, a contribution towards Early Years provision is needed to ensure delivery of provision for 2, 3 and 4 year olds. This is calculated as £112,500 (based on £250 per dwelling). This contribution will be used to provide new early years provision for children generated by the proposed development.</p> <p><b>School Transport</b>  There are currently no safe walking routes from the development site to primary and secondary schools within Barnstaple. Without safe walking routes and given that the distances from parts of the site exceed the statutory walking distances, DCC will also require a contribution towards primary and secondary school transport. 112.50 primary pupils  £4.38 per day x 112.50 pupils x 190 academic days x 7 years = £655,357  (based upon the current cost of transporting pupils from the development site to Roundswell Community Primary Academy)</p> <p>67.50 secondary pupils £3.93 per day x 67.50 pupils x 190 academic days x 5 years = £252,011 (based upon the current cost of transporting pupils from the development site to The Park Community School)</p> <p>All education infrastructure contributions will be subject to indexation using BCIS, it should be noted that education infrastructure contributions are based on June 2020 rates and any indexation applied to these contributions should be applied from this date. All school transport contributions will be subject to indexation using RPI. Any indexation applied to school transport contributions should be applied from the date a section 106 agreement is signed for this application.</p> <p>The amount requested is based on established educational formulae (which related to the number of primary and secondary age children that are likely to be living in this type of accommodation) and is considered that this is an appropriate methodology to ensure that the contribution is fairly and reasonably</p>

Name	Comment
	<p>related in scale to the development proposed which complies with CIL Regulation 122.</p> <p>In addition to the contribution figures quoted above, the County Council would wish to recover legal costs incurred as a result of the preparation and completion of the Agreement.</p> <p>Should safe and attractive walking routes to both Primary and Secondary provision be provided as part of the development, the contributions relating to transport costs may not be required.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 8 February 2023</p>	<p>Further consideration has been given to the submission, including Transport Assessment and Framework Travel Plan. In addition, a further review of the pre-application planning advice has been carried out.</p> <p>The preferred option of the site access continues to be the provision of a Roundabout Junction similar in scale and arrangement to the existing 'Roundswell Roundabout' (A39/A3125/B3232, located approximately 965 metres to the east. This will create a greater degree of permeability to Roundswell West (Residential and Commercial) and the new primary school. The Transport Assessment can demonstrate how such an arrangement may alleviate capacity issues on both the Roundswell and Cedars Roundabouts (A3125/B3233).</p> <p>It is noted the application is in Outline only with all matters, except Access, being 'Reserved' for later approval. On this basis, once the access principle is agreed, this application will need to ensure the Roundabout design is the subject of a full engineering package including design, construction, longitudinal and cross sections, drainage, lighting and signage.</p> <p>With further relevance to the roundabout provision, is planning approval 55479, and the supporting Section 106 Agreement, dated 20th June 2014:</p> <p><a href="https://planning.northdevon.gov.uk/Document/Download?module=PLA&amp;recordNumber=48251&amp;planId=199107&amp;imageId=132&amp;isPlan=False&amp;fileName=55479_DN_S106.pdf">https://planning.northdevon.gov.uk/Document/Download?module=PLA&amp;recordNumber=48251&amp;planId=199107&amp;imageId=132&amp;isPlan=False&amp;fileName=55479_DN_S106.pdf</a></p> <p>This requires an Option Agreement to be entered into and completed by that developer. A precedent agreement is attached to the Section 106 Agreement which makes provision for the land safeguarded to facilitates a Roundabout on the A39. Such land being transferred to DCC for no fee, with the Authority receiving the benefit of 15 no. years from the date on which the Option Agreement is entered into to exercise its option to acquire the land. The Option can only be exercised following the grant of planning permission for the land to be to be developed as highway and, therefore, it is necessary to ensure the 4th arm, and deflection is</p>

Name	Comment
	<p>included within the roundabout design, with associated pedestrian and cycle links, at this stage of planning.</p> <p>Regarding Public Transport. I am advised it is unclear how the existing Roundswell service can be extended to this development, as described within the Transport Assessment, as follows:</p> <p>"2.4 Future Public Transport Services</p> <p>2.4.1 Negotiations have been ongoing between Stagecoach and the developer to provide a bespoke bus service running from the proposed development, through Roundswell, to the centre of Barnstaple with a journey time of approximately 12 minutes in each direction. This will provide a half hourly service to/from the development site and in addition will offer an improved service to users within the route corridor. The developer is prepared to subsidise this service for a period of three years on implementation."</p> <p>Based on the present road layout, this will involve the bus undertaking the existing circular route around Roundswell, the A3125 to Roundswell Roundabout and A39 to the new development, which suggests a journey time of approximately 25 minutes.</p> <p>Regarding Pedestrian and Cycle accessibility. There is a need for a contribution to the Pedestrian/Cycle Bridge, approved as part of Devon County Council's Planning function, reference planning application DCC/4254/2021, on 29th September 2022. The location is identified:</p> <p><a href="https://planning.devon.gov.uk/DisplayImage.aspx?doc=cmVjb3JkX251bWJlcj0xNTY3MTIqZmlsZW5hbWU9SzpcQXBwRGF0YVxNYXN0ZXJHb3ZMaXZlXDEwMDk0NjY4XzFcQk01MTA4LURSLUMtMDAyLVAzIExvY2F0aW9uIFBsYW4ucGRmKmltYWdlX251bWJlcj0xMDAwMS4wMDAwKmltYWdlX3R5cGU9cGxhbm5pbmcqbGFzdF9tb2RpZmlIZF9mcm9tX2Rpc2s9MDEvMDEvMDAwMSAwMDowMDowMA==">https://planning.devon.gov.uk/DisplayImage.aspx?doc=cmVjb3JkX251bWJlcj0xNTY3MTIqZmlsZW5hbWU9SzpcQXBwRGF0YVxNYXN0ZXJHb3ZMaXZlXDEwMDk0NjY4XzFcQk01MTA4LURSLUMtMDAyLVAzIExvY2F0aW9uIFBsYW4ucGRmKmltYWdlX251bWJlcj0xMDAwMS4wMDAwKmltYWdlX3R5cGU9cGxhbm5pbmcqbGFzdF9tb2RpZmlIZF9mcm9tX2Rpc2s9MDEvMDEvMDAwMSAwMDowMDowMA==</a></p> <p>with the scheme seeking to achieve an acceptable West to East route for Barnstaple.</p>
<p>DCC - Development Management Highways</p> <p>Reply Received 20 April 2023</p>	<p>Whilst I remain of the view other proposals may serve this development and Roundswell West better (i.e.. improved permeability and good planning rather than 'rat-running'), I am of the opinion the highway matters you have addressed, are acceptable, in principle. To this end, I believe the detailed proposals can be secured by way of detailed planning conditions which are now recommended to the Local Planning Authority (standard highways conditions supplied).</p>

Name	Comment
<p data-bbox="180 197 411 338">DCC Highways (comments on Local Transport Provision)</p> <p data-bbox="180 376 411 483">Reply Received 20 January 2023</p>	<p data-bbox="443 197 1382 264">Recommendation – no objection subject to the acceptance of the transport infrastructure contributions as set out below</p> <p data-bbox="443 271 1401 376">The proposed development is some distance from existing bus services. The nearest service is Stagecoach 19 in Roundswell, although the Access and Design statement describes</p> <p data-bbox="443 414 1378 633">Roundswell as a 15-20 minute walk from the development (P.12). There are a limited number of infrequent services (15A/C, 75, 85, 319), along the A39, although there are no bus stops on the A39. There is also service 71 to Torrington which operates along the B3232, although again with no existing stops in the vicinity of the Enterprise Park.</p> <p data-bbox="443 672 1378 815">There appear to be no existing bus services within a reasonable walking distance of the development. An in and out diversion on the existing service would be unattractive for existing through passengers, most of whom have already travelled some distance.</p> <p data-bbox="443 853 1358 996">DCC accept the provision of funding a new service for the development, although this funding should cover a period of five years and . the service should operate between approximately 0800 and 1800 Monday – Saturday.</p>
<p data-bbox="180 1005 352 1111">DCC - Lead Local Flood Authority</p> <p data-bbox="180 1149 411 1216">Reply Received 29 June 2023</p>	<p data-bbox="443 1005 1398 1256">At this stage, the Flood and Coastal Risk Management Team object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome the objection, the applicant will be required to submit some additional information, as outlined below.</p> <p data-bbox="443 1294 1385 1438">Since the previous correspondence, the Team have assessed the details submitted for surface water drainage. In addition to the previous comments, listed below, there are also further queries which the applicant should address at this stage.</p> <p data-bbox="443 1476 1345 1547">The applicant should confirm where the western part of the site currently drains towards:</p>

Name	Comment
	<div data-bbox="443 192 903 875" data-label="Figure"> </div> <p data-bbox="443 875 1361 981">The proposed basins should have at least 300mm of freeboard. The Micro Drainage model outputs do not currently demonstrate this for all basins.</p> <p data-bbox="443 1021 1382 1126">The discharge rates from each catchment are very slightly above the calculated greenfield rates. The applicant should ensure that greenfield runoff rates are mimicked.</p> <p data-bbox="443 1133 1382 1238">One of the culverts appears to be partially filled with sediment/debris. It would be greatly appreciated if the applicant is able to clear this culvert.</p> <p data-bbox="443 1279 1394 1458">If possible, a swale should be included leading into Basin 3b+c / 4. The applicant could include rain gardens and tree pits throughout the development to provide opportunities for interception losses. The applicant should confirm how the proposed A39 junction (for the eastern site) will drain:</p> <div data-bbox="443 1458 1230 2045" data-label="Figure"> </div> <p data-bbox="443 2045 730 2076">Previous comments</p>

Name	Comment
	<ul style="list-style-type: none"> <li>• Carries out infiltration tests at the site</li> <li>• Ensures all Ordinary Watercourses (including field ditches) remain open</li> <li>• Assesses the suitability of formalising some of the ordinary watercourses (such as forming a channel) to reduce the likelihood of water flowing 'out of bank' and towards properties</li> <li>• Provides a suitable maintenance channel along the length of all watercourses</li> <li>• Ensures they are mimicking the existing catchments</li> <li>• Assesses the impact that NFM features could have downstream of the site, if possible</li> </ul>
<p>DCC - Lead Local Flood Authority</p> <p>Reply Received 20 January 2023</p>	<p>Recommendation – no objection subject to planning conditions securing information set out below. It should be noted that the County Council as Lead Local Flood Authority have no in principle objections to the development. Further information will be required at the reserved matters stage as set out below.</p> <p>DCC welcomes the submission of a surface water drainage strategy to demonstrate how surface water will be managed during the operation of the proposed development. It should be noted that surface water drainage features should not be located within flood zones 2 and 3. Although we have not reviewed the surface water drainage system in detail at this stage, in order to reduce the impact of flooding downstream, DCC requests that the applicant:</p> <ul style="list-style-type: none"> <li>• Carries out infiltration tests at the site</li> <li>• Ensures all Ordinary Watercourses (including field ditches) remain open.</li> <li>• Assesses the suitability of formalising some of the ordinary watercourses (such as forming a channel) to reduce the likelihood of water flowing 'out of bank' and towards properties.</li> <li>• Provides a suitable maintenance channel along the length of all watercourses</li> <li>• Ensures they are mimicking the existing catchments</li> <li>• Assesses the impact that NFM features could have downstream of the site, if possible.</li> </ul> <p>It is noted that the north-western corner of the site does not appear to drain eastwards, however, further information might demonstrate that it does.</p> <p>It is recommended that an assessment of surface water management during the construction stage is also sought.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 14 December 2023</p>	<p>Thank you for this application, I have no additional comments from a designing out crime and ASB perspective to those previously submitted which remain valid.</p>
<p>Designing Out Crime Officer</p>	<p>Thank you for this application. Having reviewed both, the Concept Layout Plan (20062BB - rev p4) and the brief reference to the</p>

Name	Comment
<p>Reply Received 4 January 2023</p>	<p>Crime &amp; Disorder and the "requirements of Secured By Design" within the Planning Statement, I have no objections in principle.</p> <p>However, with a proposal of this size, areas of concern tend to be in relation to defensible space, clear ownership of property, including parking spaces, (location, type &amp; amount), defensible planting, (preventing conflict with youths and ball games etc), unwarranted/unnecessary permeability (including facilitation of desire lines) allowing potential offenders to wonder unseen and unchallenged through a development.</p> <p>Public and private space should be clearly defined and areas of ambiguity avoided with appropriate boundary treatments provided, the inclusion of back to back rear gardens would be supported.</p> <p>Whilst the need for Public Open Space (POS) is fully appreciated, how dwellings address these spaces is important. They should provide frontage to such space and not have rear gardens backing onto these areas. Similarly, they should also address new streets and other public realm areas positively to ensure good natural surveillance. POS, including play areas, would preferably be positioned centrally to a development or be sited so it will be well overlooked so as to not undermine the safety and security of those living nearby or users of the space. Mere residual space or land that cannot or is awkward to develop should not be considered as being suitable or appropriate as public open space.</p> <p>Communal areas, such as playgrounds, toddler play areas, seating facilities have the potential to generate crime, the fear of crime and anti-social behaviour. It should be noted that positioning amenity/play space to the rear of dwellings can increase the potential for crime and complaints arising from increased noise and nuisance.</p> <p>Care should be taken to ensure that a lone dwelling will not be adversely affected by the location of the amenity space.</p> <p>Pedestrian links require careful consideration, as from an offenders perspective, these will provide a legitimate excuse for being in the area without fear of being challenged or noticed. Research confirms that inappropriate access can create hiding places and give anonymity to offenders enabling them to familiarise themselves with an area, search for vulnerable targets, offend and escape.</p> <p>Crime is always easier to commit where there is little or no chance of an offender being challenged or recognised. Levels of anti-social behaviour will also be correspondingly high in designs that reduce residential influence. With this in mind, I note and have concerns with the proposed pedestrian path which provides access from the south via land to the rear of the adjacent site. It is preferable that routes for pedestrians, cyclists and vehicles should be integrated and assist easy, intuitive wayfinding through the application of</p>

Name	Comment
	<p data-bbox="443 197 1398 371">inclusive design by increasing activity and therefore natural surveillance, a proven deterrent to crime and anti-social behaviour. It is also recommended that public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime.</p> <p data-bbox="443 416 1406 555">Where a segregated footpath is considered unavoidable, for example a public right of way, an ancient field path or heritage route, designers should consider making the footpath a focus of the development and ensure that they are:</p> <ul data-bbox="443 600 1406 887" style="list-style-type: none"> <li>as straight as possible; If a footpath is to be used 24 hours a day it should have all the required attributes</li> <li>wide;</li> <li>well lit;</li> <li>devoid of potential hiding places;</li> <li>overlooked by surrounding buildings and activities;</li> <li>well maintained so as to enable natural surveillance along the path and its borders.</li> </ul> <p data-bbox="443 931 1398 1070">If a footpath is to be used 24 hours a day it should have all the attributes above and be lit in accordance with BS 5489-1:2020. If the footpath does/will not have these attributes, then its use should be deterred during the hours of darkness by not installing lighting.</p> <p data-bbox="443 1115 1398 1473">Whilst residential vehicle parking may be considered as a matter for later discussion, how it will be implemented must be fully considered as early as possible as disconnected parking will likely lead to residents ignoring their allotted space to park closer to their dwelling for convenience and where they have sight of their vehicle. Tandem 'in line' parking should be avoided, as from a practical and convenience point of view it is likely that only one of the spaces will be used thus encouraging unplanned parking elsewhere, for example, on the road to the front of the property, verges, pavements or any available space.</p> <p data-bbox="443 1518 1390 1733">This has the potential to create vehicle dominated street scenes and parking and vehicle related problems and issues, not only for the proposed new development but for any surrounding residential and business areas. Where tandem parking is unavoidable it should be kept to an absolute minimum and some alternative on street parking factored in for the associated dwelling.</p> <p data-bbox="443 1778 1385 1984">The ramifications, in terms of crime and ASB issues, that insufficient and poorly designed parking can introduce for new residential development are not always appreciated until full occupancy and subsequently during the busiest times of day such as evenings and weekends when the majority of residents are at home.</p> <p data-bbox="443 2029 1331 2087">Whilst the above can really only be fully addressed once more detail is known, even at this early stage, the principles of and</p>



Name	Comment
	<p>attributes of Crime Prevention Through Environmental Design (CPTED) should be considered as they play a are key role to ensuring a safe and sustainable community.</p> <p>Access and movement: Places with well-defined and well used routes, with spaces and entrances that provide for convenient movement without compromising security.</p> <p>Structure: Places that are structured so that different uses do not cause conflict</p> <p>Surveillance: Places where all publicly accessible spaces are overlooked, have a purpose and are managed to prevent the creation of problem areas which can attract the antisocial to gather, dumping and dog fouling etc.</p> <p>Ownership: Places that promote a sense of ownership, respect, territorial responsibility and community</p> <p>Physical protection: Places that include necessary, well-designed security features as laid out in SBD Homes 2019</p> <p>Activity: Places where the level of human activity is appropriate to the location and creates a reduced risk of crime and a sense of safety at all times.</p> <p>Management and maintenance: Places that are designed with management and maintenance</p> <p>I look forward to reviewing a more detailed application should the proposal progress, but in the meantime please do not hesitate to contact me if I can assist further.</p>
<p>Designing Out Crime Officer</p> <p>Reply Received 8 June 2023</p>	<p>Thank you for this application, I have no additional comments from a designing out crime and ASB perspective.</p>
<p>Devon County Council Planning Team</p> <p>Reply Received 20<sup>th</sup> January 2023 29 June 2023</p>	<p>Detailed replies were received which has been broken down into in Highways development management</p> <ul style="list-style-type: none"> <li>• Local transport provision</li> <li>• Local education provision (including early years)</li> <li>• Waste planning and waste disposal</li> <li>• Potential historic environment impacts</li> <li>• Surface water flooding</li> <li>• Health and wellbeing</li> <li>• Gypsy and traveller provision</li> </ul> <p>dividual service area replies as follows:</p>
<p>Devon County Council Planning - Health and Wellbeing</p>	<p>The information submitted provides a useful summary, though the Local Planning Authority may wish to secure more detail at the reserved matters stage.</p>

Name	Comment
Reply Received 29 June 2023	
Devon County Council Planning - Health and Wellbeing  Reply Received 20 January 2023	<p>Recommendation – additional information be requested to address Public Health concerns</p> <p>Public Health is concerned this proposal is out of the local plan areas for development and questions the impact this development will have on the existing infrastructure of the area.</p> <p>We would like to see the inclusion of a Health Impact Assessment<sup>1</sup> to ensure the project does not have a detrimental impact on public health and health inequalities.</p> <p>On completion the developments population could be in excess of 1500, and include 900 car parking spaces, which will have a significant impact on local infrastructure, for example school places, health centres, GP provision. Lack of sufficient infrastructure can be a key determinant in the causation of health inequalities, impacting on both new and existing residents.</p> <p>Reference to spatial planning for health provides information on evidence informed principles for designing healthy places.  <a href="https://www.gov.uk/government/publications/spatial-planning-for-health-evidence-review">https://www.gov.uk/government/publications/spatial-planning-for-health-evidence-review</a></p> <p>The close proximity of Brynsworthy Environment Centre and the Brynsworthy Waste Transfer Station may impact the odours on the development site, and we endorse the concerns raised by Environmental Health around this point.</p> <p><b>Housing</b></p> <p>The development could meet some of the housing need of Barnstaple, including the proposed 30% (135 units) which will be affordable homes. Public Health would expect the 30% provision to be maintained and not be reduced later in the planning process. Devon has a housing crisis; affordable homes should be protected for key workers and local residents<sup>9</sup> Including the First Homes programme<sup>2</sup> where possible with a mix of home sizes from one to five bedrooms. As outlined in the draft North Devon Affordable housing strategy.</p> <p>Homes should meet the future homes standards and the energy efficiency standards, the size of rooms is important for family life and having a room large enough to for a dining table for family meals would support family infrastructure, social interaction, and opportunities to eat together.</p> <p><b>Green Infrastructure and Environment</b></p> <p>There are strong “Green Infrastructure” (GI) plans for this development, with advanced tree planting and landscaping in place up to 6 years prior to the commencement of the development. This may mitigate some air quality concerns and screen the properties from the very busy A39, whilst providing natural shading and cooling effects from the trees.</p> <p>Ongoing Air Quality Management assessments should be carried out throughout the project to monitor, air particular matter and</p>

Name	Comment
	<p>chemicals such as Sulphur Dioxide and Nitrous oxides. We would also expect the EIA to consider future impacts from these pollutants arising from the development. The land is currently farmland but has large areas of wetland/marshy ground, sustainable Urban Drainage systems, SUDS will be used to drain the land. Due to the high percentage of marshy ground we would like to see comment from DCC flood prevention teams.</p> <p>The SUDS can be developed to be a key GI feature for the development to enhance the public health amenity to support physical and mental health, but management plans for the ongoing maintenance of the SUDs will be required, to ensure future safety. The inclusion of allotments, orchards and community gardens is positive, these should be completed within the earlier phases of the development, where possible to support families to access healthy food options. Community Gardens can be an excellent base for social interactions preventing isolation, whilst also providing healthy food to prevent food poverty.</p> <p><b>Active Travel</b>  Section 2.4 proposes a cycle/footbridge to connect the site to local facilities over the A39.  Bridges are a potential hazard and suicide risk, therefore mitigations should be planned from the outset to reduce these risks, making the development safely accessible.  There are proposals for vehicular charging points, near to all homes, the inclusion of future technology such as car to grid charging should be considered. The Devon Carbon Plan encourages reduction of fossil fuel vehicles; therefore e-bikes and disability vehicles storage facilities would need to include charging points and security. Cycle storage facilities should be at front of properties and given equal, if not more weight than off streetcar parking.</p> <p>Pavements should be a suitable surface for all users, have dropped curbs and be wide enough for disability scooters/vehicles and pushchairs. We will provide further comments regarding this proposal at the reserved matters stage.</p>
<p>Devon County Council Planning Team – Gypsy and Traveller Comments</p> <p>Reply Received 29 June 2023</p>	<p>Recommendation – consideration should be given by council to provide for gypsy and traveller pitches on the application site.</p> <p>We understand that North Devon Council is currently preparing a Gypsy and Travellers site allocation DPD which will provide suitable sites for Gypsy and Travellers, as stated in Policy DM30 of the Local Plan. However, we are aware that few suitable sites have come forward through the call for sites process and a number of those submitted do not meet the necessary assessment criteria.</p> <p>The level of growth proposed at this site is significant and there is a good opportunity for this development to make on-site provision of gypsy and traveller pitches. Such provision could make a positive contribution towards the mix of affordable housing available on the</p>

Name	Comment
	<p>site. An assessment of the suitability of the site to provide Gypsy and Traveller pitches should be undertaken as part of the reserved matters submission.</p>
<p>DCC – Waste Planning</p> <p>Reply Received 29 June 2023</p>	<p>As previously stated, the site lies within close proximity to North Devon Council’s waste transfer station for dry recyclables and Devon County Council’s waste transfer station for residual (black bin) waste. These existing facilities provide important waste management capacity for northern Devon, and as such, their operations should not be prevented or restricted as a result of the siting of incompatible development in close proximity. This approach is reflected in Policy W10: Protection of Waste Management Capacity of the adopted Devon Waste Plan.</p> <p>The additional information states that the indicative masterplan is not expected to be conditioned. A condition securing an adequate distance (100m) between the curtilage of dwellings and the boundary of the waste management facilities would be supported by the Waste Planning Authority and remove concerns regarding the restriction of operations.</p> <p>Concerns were previously raised regarding the land allocated in Policy W6 for energy recovery development. This allocation was intended for a facility to manage Local Authority Collected Waste from the North Devon and Torridge area with the potential to use heat and power for new development in Barnstaple. However, there is a long-term contract in place for this waste to be transported to, and managed in, Cornwall. Given this, it is considered unlikely a facility in this location will be brought forward and, therefore, the Waste Planning Authority has no objection in this respect.</p> <p>We maintain our request that the applicant makes Developer Contributions in line with the attached Waste Management and Recycling Policy:-  <a href="https://www.devon.gov.uk/planning/document/waste-management-and-recycling/">https://www.devon.gov.uk/planning/document/waste-management-and-recycling/</a></p>
<p>DCC – Waste Planning</p> <p>Reply Received 20 January 2023</p>	<p>Waste planning and waste disposal</p> <p>Recommendation – additional information required prior to determination of the application</p> <p>The comments below are provided by the County Council in its role as the Waste Planning Authority (WPA) and the Waste Disposal Authority (WDA).</p> <p>It is disappointing that the planning application gives no consideration to the Devon Waste Plan or the Waste Management and Infrastructure Supplementary Planning Document, particularly as planning decisions must be taken in line with the development plan for the area.</p> <p>The site lies within close proximity to North Devon Council’s waste transfer station for dry recyclables and Devon County Council’s waste transfer station for residual (black bin) waste. These existing</p>

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	<p data-bbox="443 197 1406 555">facilities provide important waste management capacity for northern Devon, and as such, their operations should not be prevented or restricted as a result of the siting of incompatible development in close proximity. This approach is reflected in Policy W10: Protection of Waste Management Capacity of the adopted Devon Waste Plan. It will be necessary for the applicant to demonstrate through their application that sufficient mitigation measures are put in place to satisfy the requirements of Policy W10. It is suggested that it will be necessary to ensure there are no residential properties within at</p> <p data-bbox="443 600 1406 698">least 100m of Devon County Council waste transfer site, due to the type of the waste managed and the nature of operations undertaken on site.</p> <p data-bbox="443 743 1406 1102">In addition to the operational waste management facilities, the site is also adjacent to an area of land identified within Policy W6 of the Devon Waste Plan for potential future energy recovery development. Residential development in this location would impact upon the ability for a future energy recovery facility to come forward on this site. As above, the applicant will need to demonstrate through the application process that the proposal meets the criteria set out in Policy W10. Failure to address this issue through the application process would likely result in a county council objection in principle to this development.</p> <p data-bbox="443 1146 1406 1281">We request that the applicant makes Developer Contributions in line with the attached Waste Management and Recycling Policy:- <a href="https://www.devon.gov.uk/planning/document/waste-management-and-recycling/">https://www.devon.gov.uk/planning/document/waste-management-and-recycling/</a></p> <p data-bbox="443 1326 1406 1460">Finally, as this will be a major application for 10+ dwellings, it will be necessary for the application to be accompanied by a Waste Audit Statement in accordance with Policy W4 of the Devon Waste Plan.</p> <p data-bbox="443 1505 1406 1818">This will ensure that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.</p> <p data-bbox="443 1863 1406 2087">Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the</p>

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	<p>applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at:  <a href="https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document/">https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document/</a> .</p>
<p>DCC Historic Environment Team</p> <p>Reply Received 20 January 2023</p>	<p>Potential historic environment impacts</p> <p>Recommendation – submission of a written scheme of investigate prior to determination of the application</p> <p>The results of the historic environment assessment report (AC Archaeology report ref: ACD2671/1/0 and the geophysical survey report (Substrata report ref: 2111BRY-R-1) do not indicate that the proposed development site contains any heritage assets with archaeological interest of such significance to preclude development of all or part of the application area. However, the geophysical survey has identified several anomalies that may indicate the presence of earlier agricultural activity on the site in the form of now infilled ditches on different alignments to the extant and historic field system here. Investigation of similar anomalies elsewhere in the county have shown such features may be relic survivals of prehistoric or Romano-British field systems. As such, groundworks for the construction of the proposed new housing development have the potential to expose and destroy archaeological and artefactual deposits associated with these heritage assets. The impact of development upon the archaeological resource should be mitigated</p> <p>by a programme of archaeological work that should investigate, record and analyse the archaeological evidence that will otherwise be destroyed by the proposed development.</p> <p>The County Historic Environment Team therefore recommends that this application should be supported by the submission of a Written Scheme of Investigation (WSI) setting out a programme of archaeological work to be undertaken in mitigation for the loss of heritage assets with archaeological interest. The WSI should be based on national standards and guidance and be approved by the Historic Environment Team.</p> <p>If a Written Scheme of Investigation is not submitted prior to determination the County Historic Environment Team would advise, for the above reasons and in accordance with paragraph 205 of the National Planning Policy Framework (2021) and Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan, that any consent your Authority may be minded to issue should carry the condition as worded below, based on model Condition 55 as set out in Appendix A of Circular 11/95, whereby:</p>

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	<p data-bbox="443 197 1401 450">'No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme as agreed in writing by the Local Planning Authority.'</p> <p data-bbox="443 488 560 521">Reason</p> <p data-bbox="443 526 1394 705">'To ensure, in accordance with Policy EN6 (Nationally and Locally Important Archaeological Sites) of the East Devon Local Plan and paragraph 205 of the National Planning Policy Framework (2021), that an appropriate record is made of archaeological evidence that may be affected by the development'</p> <p data-bbox="443 743 1369 889">This pre-commencement condition is required to ensure that the archaeological works are agreed and implemented prior to any disturbance of archaeological deposits by the commencement of preparatory and/or construction works.</p> <p data-bbox="443 927 1369 1072">In addition, the Historic Environment Team would advise that the following condition is applied to ensure that the required post-excavation works are undertaken and completed to an agreed timeframe:</p> <p data-bbox="443 1111 1394 1328">'The development shall not be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, shall be confirmed in writing to, and approved by, the Local Planning Authority.'</p> <p data-bbox="443 1366 560 1400">Reason</p> <p data-bbox="443 1404 1399 1550">'To comply with Paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure that the information gathered becomes publicly accessible.'</p> <p data-bbox="443 1588 1390 1951">The Historic Environment Team would envisage a suitable programme of work as taking the form of a staged programme of archaeological works, commencing with the excavation of a series of evaluative trenches to test the significance of the anomalies identified by the geophysical survey. Based on the results of this initial stage of works the requirement and scope of any further archaeological mitigation can be determined and implemented either in advance of or during construction works. This archaeological mitigation work may take the form of full area excavation in advance of groundworks or</p> <p data-bbox="443 1989 1369 2094">the monitoring and recording of groundworks associated with the construction of the proposed development to allow for the identification, investigation and recording of any exposed</p>

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	<p>archaeological or artefactual deposits. The results of the fieldwork and any post- excavation analysis undertaken would need to be presented in an appropriately detailed and illustrated report, and the finds and archive deposited in accordance with relevant national and local guidelines.</p> <p>The County Historic Environment Team would be happy to discuss this further with you, the applicant or their agent and can provide the applicant with more detailed advice of the scope of the works required if necessary, as well as contact details for archaeological contractors who would be able to undertake this work. Provision of detailed advice to non- householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <a href="https://new.devon.gov.uk/historicenvironment/development-management/">https://new.devon.gov.uk/historicenvironment/development-management/</a>.</p>
<p>Environment Agency</p> <p>Reply Received 29 January 2024</p>	<p>Environment Agency Position</p> <p>We can withdraw our flood risk objection subject to the following Conditions being applied to any permission granted.</p> <p>The revised FRA (Issue No. P02 dated 20/12/023) containing the flood modelling/hydrology report is acceptable, although there are some concerns (channel roughens, blockage percentage, and Spine Road impacts) with parts of the report, however they can be overcome at the detailed design stage (reserved matters).</p> <p>Conditions</p> <p>Before any works start on site, detail design for the enhancement of the watercourse and a 5m corridor (from the top of the banks – position to be agreed as part of these condition) will be approved by the LPA. The enhancement will provide space for flooding, access for watercourse maintenance and increase biodiversity. The corridor space must not be any part of a private residential dwelling or road but can be public open space, such as footpaths/cycleways. These complete works will have to be built in the initial phase, and at the same time as the Spine Road.</p> <p>Before any works start on site, detail design of the Spine Road's watercourse crossing will be approved by the LPA. This crossing and land around it will be enhanced to completely contain the design flood (including climate change) and provide an exceedance route to safely route the flood water when the culvert is blocked. This will require land to the north of the watercourse and the road to be landscaped to create this route. This will affect/limit the road camber, longitude gradient and pavement design.</p>
<p>Environment Agency</p> <p>Reply received</p>	<p>Environment Agency Position</p> <p>Our flood risk objection still remains.</p> <p>Reason</p>



Name	Comment
21 December 2023	<p>The submitted flood outlines, do not have an accompanying updated FRA or technical note which explains how the flood outlines were produced, or set out any flood levels, required minimum FFL ( Finished Floor Levels ) or required constraints on the development, which was explained in our January 2023 letter. The drawings do have a note "Based on draft Hydrock baseline model (not yet peer reviewed)", which indicates that a competent person should be able to submitted a report on the hydrology and provide us with a flood model to peer review. This along with better scaled maps that address our point previously raised , may permit us to withdraw our objection.</p> <p>If you are minded to approve the application contrary to our objection, please contact us to explain why material considerations outweigh our objection. This will allow us to make further representations. Should our objection be removed, it is likely we will recommend the inclusion of &lt;a condition/conditions&gt; on any subsequent approval.</p>
<p>Environment Agency</p> <p>Reply Received 22 June 2023</p>	<p>Environment Agency position: Flood Risk: We hold our objection Reason:</p> <p>The applicant has provided a statement following our initial response, however all our initial comments dated 25/01/2023 still stand. The flood risk assessment at outline stage must demonstrate that future development can be made safe from flooding and not increase flood risk elsewhere. Without providing a design flood level, taking climate change into account this is not possible to assess.</p> <p>We appreciate detailed design has not yet been set however the FRA should still identify that finished flood levels should be 600mm higher than the design flood level and that an 8m easement is possible to achieve with the proposed quantum of development on this site.</p> <p>Further details on the new highway can be conditioned however the local planning authority must be satisfied that safe access and egress during flooding can be provided, which considering the current lack of detail has not yet been achieved.</p> <p>To overcome our objection Please update the flood risk assessment to cover the comments that we have made. It is a requirement of the FRA to propose flood levels. If the Environment Agency don't hold any flood level data for this location, then this will have to be undertaken by the applicant and approved by the Environment Agency.</p> <p>Ground water and contaminated land(GWCL): As per our previous consultation response to you, should the above flood risk objection be overcome we would request the following re groundwater and contaminated land: We reviewed the three volumes of the Environment Statement reports. We support the reported recommendations to carry out appropriate intrusive ground investigation, testing and assessment</p>

Name	Comment
	<p>of the results. Based on this we consider that planning permission should only be granted to the proposed development, in relation to GWCL, as submitted if the following planning condition is imposed as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.</p> <p>Condition: 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>REASON For the protection of controlled waters. Should you be minded to approve the proposal contrary to our objection or you receive additional information then please do reconsult us prior to determination.</p>
<p>Environmental Health Manager</p> <p>Reply Received 16 June 2023</p>	<p>Further to my comments of 29 December 2022, I have reviewed Mr Townsend's response document dated 31 May 2023 and comment as follows:</p> <p>- Noise</p> <p>The response document includes mention of noise from the existing Environment Centre and Waste Transfer site. It does not, however, address concerns I raised in relation to operational noise impacts associated with road traffic noise from the A39.</p> <p>The response document confirms that site layout is a reserved matter. Given the size of the site, I think it should be possible to develop a site layout and associated noise mitigation measures in accordance with a good acoustic design approach that delivers acceptable noise conditions for future residents.</p> <p>I recommend consideration be given to including a condition at outline stage along the lines of my previous recommendation, which was as follows:</p> <p>"Prior to approving any detailed site layout, I recommend an acoustic design report with an associated noise mitigation scheme be submitted for LPA approval. The report should be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent) and demonstrate a ProPG:2017 'good acoustic design' approach. The aim should be to achieve BS8233:2014 guideline 'desirable' noise levels internally and externally at all properties. The report should demonstrate how use of good acoustic design options including revision of site layout and</p>

Name	Comment
	<p>use of road noise barriers has avoided the need to rely on building envelopes to deliver desirable internal noise levels. Any circumstances where the target noise levels will not be achieved should be fully justified within the report. The submitted report should include full details of the acoustic design and mitigation measures proposed. "</p> <p>- Air Quality (Odour)</p> <p>I note the Applicant states that any reserved matters application will be able to comply with the previously agreed 100m buffer zone between the closest residential curtilages and the existing Brynsworthy Environment Centre and Brynsworthy Waste Transfer Station site boundaries.</p> <p>I recommend any outline permission makes clear that this requirement applies.</p> <p>Other than as stated above, my previous comments and recommendations stand.</p>
<p>Environmental Health Manager</p> <p>Reply Received 3 January 2023</p>	<p>1 Noise</p> <p>Chapter 12 - Noise and Vibration - of the Environmental Statement dated 1 September 2022 considers potential noise impacts associated with the construction and operational phases of the proposed development.</p> <p>- Construction Phase Noise The Assessment identifies a number of potential construction related impacts but concludes that such impacts can be suitably controlled through normal good practice measures. I accept the findings of the report. I have recommended below that a Construction Environmental Management Plan (CEMP) be submitted for approval. A noise control plan will form part of the CEMP..</p> <p>- Operational Phase Noise</p> <p>The noise assessment findings indicate that noise arising from traffic using the A39 has the potential to significantly impact future occupiers of dwellings located in the northern portion of the site. The report states:</p> <p>"There are a number of dwellings at the north of the site, closest to the A39, where façade noise levels are expected to be slightly greater than 60 dB LAeq at night. Therefore, these dwellings will be significantly affected by road noise without mitigation. [...] Proposed dwellings between approximately 70m to 190m from the A39 will experience a medium impact from road noise. For dwellings in this category mitigation should also be considered and will be required</p>

Name	Comment
	<p>to a degree by the Building Regulations. Garden noise levels are expected to be below 55 dB LAeq in most gardens further than 70m from the A39"</p> <p>The report goes on to recommend consideration of certain mitigation options:</p> <p>"For those properties that are closer to the road, a road noise barrier may provide suitable garden noise levels. [...] Secondary or high performance acoustic laminated double glazing will be required in addition to mechanical ventilation with heat recovery and cooling to achieve BS 8233:2014/WHO Guideline recommended internal levels [...] For dwellings between 70m and 190m, acoustic double glazing and high-performance acoustic trickle vents may be suitable for background ventilation."</p> <p>At pre-application stage, I recommended that a 'good acoustic design' approach be taken in line with guidance contained within ProPG: Planning and Noise 2017. ProPG 2017 sets out how factors such as site layout, use of noise bunds, buffer zones, internal room layouts etc. should be taken into account at an early stage in the design process with the aim of designing out reliance on the building envelope:</p> <p>"Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation with closed windows should be justified in supporting documents. " (ProPG: Planning &amp; Noise 2017)</p> <p>The approach presented at Chapter 12 does not reflect a 'good acoustic design' approach.</p> <p>The data presented in the report's appendices suggests that garden amenity levels are likely to exceed the 'desirable' and 'acceptable' guideline standards of BS8233:2014 for a number of the proposed dwellings at times. BS8233:2014 states:</p> <p>"For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments."</p> <p>Given the context and size of the application site, I believe it is appropriate and reasonable to approach site design on a basis of achieving 'desirable' guideline internal and external noise levels through a 'good acoustic design' approach.</p> <p>- Recommendation</p> <p>Prior to approving any detailed site layout, I recommend an acoustic design report with an associated noise mitigation scheme be submitted for LPA approval. The report should be prepared by a suitably qualified and experienced person (Member of the Institute of Acoustics or equivalent) and demonstrate a ProPG:2017 'good</p>

Name	Comment
	<p>acoustic design' approach. The aim should be to achieve BS8233:2014 guideline 'desirable' noise levels internally and externally at all properties. The report should demonstrate how use of good acoustic design options including revision of site layout and use of road noise barriers has avoided the need to rely on building envelopes to deliver desirable internal noise levels. Any circumstances where the target noise levels will not be achieved should be fully justified within the report. The submitted report should include full details of the acoustic design and mitigation measures proposed.</p> <p>.</p> <p><b>2 Air Quality Impacts</b></p> <p>I have reviewed the Hydrock Air Quality Assessment dated 1 July 2022.</p> <p>- Construction Phase</p> <p>The Assessment identifies a number of potential dust related impacts but concludes that such impacts can be suitably controlled through normal good practice measures. I accept the findings of the report.</p> <p>I have recommended below that a Construction Environmental Management Plan (CEMP) be submitted for approval. A dust control plan will form part of the CEMP..</p> <p>- Operational Phase</p> <p>The Assessment considers potential traffic related impacts associated with the proposals having regard to relevant standards and guidance. The report concludes that no significant traffic pollution related impacts will arise and that no specific mitigation measures are required. I accept the findings of the report.</p> <p>- Odour Impacts</p> <p>I raised a concern at pre-application stage concerning the potential for odour emissions from the existing Brynsworthy Environment Centre and the Brynsworthy Waste Transfer Station to impact the development. The Applicant responded that a 100m buffer zone would be created between the closest residential curtilages and the above site boundaries.</p> <p>The submitted Concept Layout Plan shows 2 dwelling building curtilages located slightly closer than 100m from a relevant site boundary. I suggest this be raised with the Applicant with a view to ensuring the agreed 100m buffer zone is fully achieved. (Ths safeguard will also help in terms of potential noise impact risks)</p> <p><b>3 Land Contamination</b></p> <p>I have reviewed the Hydrock Phase 1 Desk Study Report dated 12 July 2022. The assessment identifies sources of potentially significant contamination at the site requiring further investigation. The report recommends that an intrusive investigation be undertaken to establish if contamination is present and whether remediation measures are required.</p>

Name	Comment
	<p>Unless this matter is satisfactorily dealt with prior to grant of permission, I recommend the following condition be imposed on any permission:</p> <p>- Contaminated Land Phase 2 Condition  Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 2 Intrusive Investigation and Contamination Assessment Report for potential ground contamination for written approval. The Phase 2 report shall detail all investigative works and sampling as well as the results of analysis and further risk assessments undertaken and highlight any unacceptable risks identified. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site. Where remediation of any part of the site is found to be required, a proposed remediation scheme shall be submitted to the local planning authority for written approval. The scheme shall include details of any necessary quality assurance, verification and certification requirements in accordance with established best practice.</p> <p>The construction phase of the development shall be carried out in accordance with the agreed details and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.</p> <p>Reason: To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with the National Planning Policy Framework.</p> <p>4 Construction Phase Impacts  In order to control dust, noise or other impacts associated with the construction phase of the development I recommend the following conditions be imposed:</p> <p>- Construction Environmental Management Plan Condition  Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Environmental Management Plan (CEMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CEMP shall include:-</p> <ol style="list-style-type: none"> <li>a) measures to regulate the routing of construction traffic;</li> <li>b) the times within which traffic can enter and leave the site;</li> <li>c) details of any significant importation or movement of spoil and soil on site;</li> <li>d) details of the removal /disposal of materials from site, including soil and vegetation;</li> <li>e) the location and covering of stockpiles;</li> </ol>

Name	Comment
	<p>f) details of measures to prevent mud from the site contaminating public footpaths and roads / wheel-washing facilities;</p> <p>g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;</p> <p>h) a noise control plan which details hours of operation and proposed mitigation measures;</p> <p>i) location of any site construction office, compound and ancillary facility buildings;</p> <p>j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;</p> <p>k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.</p> <p>l) measures for identifying, removing and safely dealing with any asbestos containing materials prior to demolition of existing structures;</p> <p>The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and be monitored by the applicants to ensure continuing compliance during the construction of the development.</p> <p>Reason: To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.</p> <p>- Construction Hours Condition</p> <p>During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:</p> <p>a) Monday - Friday 08.00 - 18.00,</p> <p>b) Saturday 08.00 - 13.00</p> <p>c) nor at any time on Sunday, Bank or Public holidays.</p> <p>Reason: To protect the amenity of local residents</p>
<p>Fremington Parish Council</p> <p>Reply Received 11 January 2024</p>	<p>It was resolved, with four votes to the contrary and two abstentions, to recommend REFUSAL, there is now a five-year housing land supply, the proposal is outside of the development boundary of the local plan and not felt to be sustainable.</p>
<p>Fremington Parish Council</p> <p>Reply Received 24 January 2023</p>	<p>It was resolved, with no votes to the contrary, to recommend APPROVAL, members felt that it would take the pressure off of the B3233, was well thought out with a good level of affordable housing proposed.</p>

Name	Comment
<p data-bbox="177 197 373 300">Heritage &amp; Conservation Officer</p> <p data-bbox="177 340 408 412">Reply Received 29 June 2023</p>	<p data-bbox="440 197 1142 232">Please see my consultation response of 11.1.23.</p>
<p data-bbox="177 421 373 524">Heritage &amp; Conservation Officer</p> <p data-bbox="177 564 408 667">Reply Received 11 January 2023</p>	<p data-bbox="440 421 1410 779">The suburban development of Barnstaple is currently bounded to the south in this area by the main A39. The land to the south of the main road is open countryside, legible as farmland, and generally, in this area, slopes down towards the north. It is higher within the southern reaches of the site, and from these slopes, the corresponding hillsides on the northern bank of the river are visible. Thus the effect is that the town of Barnstaple appears to be contained within a topographical bowl. Development south of the A39 in this location, extending up the hillside, will breach this containment.</p> <p data-bbox="440 788 1394 1182">There are two grade II listed buildings relatively close to the site - Higher Rookabeare farm, and Rookabeare Cottage. Both are sited within the open countryside, though the latter is close to the A39. The proposal site is large, and if approved the development would fundamentally change the character of the landscape in this area. This would affect the settings of both listed buildings, and in that the settings would not be preserved, there is likely to be a degree of less than substantial harm arising to significance. Therefore, under the provisions of paragraph 202 of the NPPF, the public benefits of the proposal will need to be weighed in the balance when the decision is made.</p>
<p data-bbox="177 1191 373 1294">Heritage &amp; Conservation Officer</p> <p data-bbox="177 1335 408 1406">Reply Received 9 January 2024</p>	<p data-bbox="440 1191 1394 1263">Assuming that this consultation relates purely to the updated Floor Risk Assessment, I have no further observations.</p>
<p data-bbox="177 1415 416 1451">Historic England</p> <p data-bbox="177 1482 408 1554">Reply Received 2 January 2024</p>	<p data-bbox="440 1415 1394 1518">Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.</p> <p data-bbox="440 1559 1394 1662">We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <a href="https://historicengland.org.uk/advice/find/">https://historicengland.org.uk/advice/find/</a></p> <p data-bbox="440 1702 1394 1805">It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.</p> <p data-bbox="440 1845 1394 2029">Thank you for your letter of 13 December 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.</p>



Name	Comment
	It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.
Historic England  Reply Received 13 June 2023	Thank you for your letter of 7 June 2023 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.  It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.
Horwood, Lovacott & Newton Tracey Parish Council  Reply Received 22 June 2023	Horwood Lovacott and Newton Tracey Parish Council wishes to respond by saying that the position has not changed and the Parish Council stands by its original comments, and is still waiting for a reply to the question asked about affordable housing.
Horwood, Lovacott & Newton Tracey Parish Council  Reply Received 16 November 2023	Horwood Lovacott and Newton Tracey Parish Council recommends refusal of this application on the following grounds:  Overdevelopment of the countryside  Susceptible to large amount of flooding  No infrastructure for schools, dentists, GPs, hospital, jobs  Environmental impact  This has been classed as an exception site
Horwood, Lovacott & Newton Tracey Parish Council  Reply Received 31 January 2023	Horwood Lovacott and Newton Tracey Parish Council recommends refusal of the application on the grounds that the development is too large with insufficient infrastructure which includes schools, doctors, dentists and roads.  Furthermore, the Parish Council would like to have confirmation that there will be 130 plus affordable housing, based on the figures supplied to the Parish Council by the Planning Manager where 240 affordable homes out of a total current planned build of 820 for the final phase at Larkbeare, using roughly the same criteria.
Horwood, Lovacott & Newton Tracey Parish Council	Horwood Lovacott and Newton Tracey Parish Council recommend refusal of this application on the following grounds:  1. Local infrastructure is not in place to support such a development

Name	Comment
<p>Reply Received 11 January 2024</p>	<p>2. It would create yet another junction on the road and another set of traffic lights 3. There are no welfare support services for doctors, dentists and school places 4. There would be an environmental impact 5. It does not provide an affordable housing solution to local residents 6. It would create an additional 1,000 cars connected to the site</p>
<p>Housing Enabling Officer</p> <p>Reply Received 5 January 2024</p>	<p>Thank you for your consultation</p> <p>Please refer to our previous consultation response dated 19.01.23.</p> <p>Housing Enabling would be pleased to comment in further detail as appropriate in due course</p>
<p>Housing Enabling Officer</p> <p>Reply Received 19 January 2023</p>	<p>Thank you for your consultation.</p> <p>The proposed site is outside the Barnstaple development boundary in the North Devon and Torridge Local Plan and is divided from the development boundary by the A39 road. The proposed site is in Fremington parish. The affordable housing requirement will be dependent upon the classification of the land the enquiry refers to. A development of 450 dwellings would not be allowed unless the site is considered as being within the Barnstaple (urban) development boundary, in which case in accordance with the Local Plan and the Affordable Housing Supplementary Planning Document (adopted July 2022) 30% affordable housing provision would be required.</p> <p>There is a need for affordable housing across the administrative district of North Devon Council. Devon Home Choice (DHC) shows there are 211 households living in the parish of Fremington (and a total of 1,954 households living in the administrative district of North Devon Council) registered as being in need of affordable housing for rent as of January 2023. Not all households tend to register themselves on the housing register as they don't think that they will have the opportunity to be housed so this figure is often significantly higher. It should be noted that although DHC data identifies the number of households living within the parish in housing need, it does not always provide sufficient information to firmly establish how long households have been resident in the parish or if they wish to remain in the parish; it is a snap shot in time and people's circumstances can change extremely quickly. In addition, some households may seek affordable home ownership options (shared ownership/discounted sale). We don't hold data on numbers of households requiring some form of affordable housing for sale.</p> <p>The applicant's Design and Access Statement states at "5.4 Development Mix" "30% of the dwellings will be affordable equating to a mix of 315 open market units and 135 affordable dwellings.</p>

Name	Comment
	<p>The affordable homes will be located across the development to provide a sustainable mix of tenures."</p> <p>The applicant's Planning Statement states at paragraph 3.3 "At 435 units the site would deliver 130 affordable dwellings and 305 open market properties.". As 30% of 435 is 130.5, for a total of 435 units the requirement would be 130 on-site affordable dwellings and a financial off-site contribution equivalent to 0.5 of a dwelling.</p> <p>Paragraph 4.4 of the applicant's Planning Statement states "The attached draft Heads of Terms for the S106 agreement for the site set out a suggested breakdown of how the affordable housing could be delivered, ensuring a steady supply of affordable dwellings, both social rented and intermediate, over the coming years". I was not however able to locate the draft Heads of Terms referred to. I should therefore be grateful if you would please advise me how I can view this.</p> <p>The Council's affordable housing mix requirement is:-  1 bedroom - 30-35%  2 bedroom - 35-40%  3 bedroom - 20-25%  4 bedroom - 5-10%.</p> <p>The tenure mix would need to be at least 75% Social Rent (in accordance with policy) and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Market Sale).</p> <p>Property sizes for affordable housing should aim to meet or exceed the "Technical housing standards - nationally described space standard", which can be accessed at <a href="https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard">https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard</a> (see "Table 1 - Minimum gross internal floor areas and storage (m2)" of the Department for Communities and Local Government document).</p> <p>Additionally, to make the dwellings as flexible as possible for allocation and to future-proof dwellings to allow families to grow or downsize, the Registered Providers will generally require the dwellings to be constructed to maximum occupancy. This means the highest number of bed-spaces per room (double bedrooms) are required:</p> <p>1-bed 2-person  2-bed 4-person  3-bed 6-person  4-bed 8-person</p> <p>Accordingly, the Council will seek affordable housing to be constructed to the maximum bed-space requirements for the size of dwelling (number of bedrooms) and to accord with the</p>

Name	Comment
	<p>associated nationally described space standards for those bed-spaces. These are outlined on the attached table.</p> <p>The affordable homes should be pepperpotted throughout the site in clusters of no more than 6 units.</p> <p>The affordable homes should be designed and of the same material and construction as the open market - including car parking.</p> <p>Local occupancy criteria will be dependent upon the planning classification of the proposed site.</p> <p>Housing Enabling would be pleased to comment in further detail once Planning have determined the classification of the proposed site.</p>
<p>Housing Enabling Officer</p> <p>Reply Received 8 June 2023</p>	<p>Thank you for your consultation</p> <p>I refer to our previous consultation response dated 19.01.23.</p> <p>Housing Enabling would be pleased to comment in further detail as appropriate in due course.</p>
<p>Instow Parish Council</p> <p>Reply Received 24 January 2024</p>	<p>The Instow Parish Council opposes the application (76293) on the grounds of a lack of infrastructure and that the immense increase in traffic to the already very busy Roundswell roundabout on the A39 will cause major problems for local residents. In addition, development on the south side of the A39 will set a precedent for further housing developments that will put even more pressure on local services and create more traffic issues. Furthermore, the Council strongly oppose developments not in the development plan.</p>
<p>Instow Parish Council</p> <p>Reply Received 15 June 2023</p>	<p>Now that the draft development plan shows that there is an adequate 5 year supply for housing land, this application should not be approved as it is outside the local development plan and is just speculative.</p> <p>It is completely against the standards of the AONB.</p> <p>In North Devon we are already looking at water shortages, so we should not be building more houses until the water supply situation has been sorted.</p> <p>The traffic around Roundswell in the evenings and mornings is already very difficult, and as most of the traffic from this estate will have right of way over the main A361 from Bideford at the roundabout, there will be chaos. No real thought has gone into the increased pressure on council services already stretched. No conderations of increased light pollution, air pollution and landfill. No consideration of schooling or medical centres etc.</p>

Name	Comment
	<p>Devon is an active agricultural area, however this is proposal will take up more prime farm land.</p> <p>Devon has already overdelivered on its government targets for house building.</p>
<p>Instow Parish Council</p> <p>Reply Received 12 January 2024</p>	<p>Instow parish council recommend REFUSAL for the following reasons:</p> <ol style="list-style-type: none"> <li>1. The site is outside the North Devon and Torridge Local Plan</li> <li>2. North Devon Council now have a 5 year supply of land for building, so this site is not required.</li> <li>3. The development is not sustainable.</li> <li>4. The proposal to have a junction onto the A39 with traffic lights only 965m before the Roundswell roundabout is considered dangerous, ill thought out, and will only increase the congestion on the A39, especially in view of the proposed pedestrian crossing on the other side of the Roundswell roundabout. It will be chaos in that area, and traffic will only seek to use other routes to avoid this area, which in turn will cause chaos.</li> <li>5. The existing infrastructure - Roads, Doctors surgeries, hospital, schools dental services are already under great strain and are not able to cope with the existing demand for services let alone more.</li> <li>6. The specialists have recommended that ancient woodland is protected by no development for an area of 15m radius so that the roots are protected, this includes no use of concrete and other such materials. They have also signalled that this is an area with a large amount of wildlife, and a few nesting boxes will not protect this wildlife.</li> <li>7. We feel that if this development is built that there should be a minimum of 120 affordable homes provided. If the developer does not feel this is viable, then it should definitely not be built.</li> <li>8. This land is very marshy, and a natural collection point for water in the area. If this development is built, then there must be NO run off of water to surrounding areas even in very damp weather.</li> </ol>
<p>Natural England</p> <p>Reply Received 8 January 2024</p>	<p>Our ref: 462050 Your ref: 76293</p> <p>Thank you for your consultation.</p> <p>Natural England has previously commented on this proposal and made comments to the authority in our response dated 16/01/2023, reference number 417131.</p> <p>The information we requested is still needed by Natural England to determine the significance of impacts on designated sites. Without</p>

Name	Comment
	<p>this information Natural England may need to object to the proposal.</p> <p>Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.</p> <p>Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.</p>
<p>Natural England</p> <p>Reply Received 16 January 2023</p>	<p>SUMMARY OF NATURAL ENGLAND'S ADVICE</p> <p>Designated sites-further information required.</p> <p>The development site is a departure from the Joint North Devon and Torridge Districts Local Plan(JLP).</p> <p>Designated sites–no objection subject to mitigation</p> <p>The Culm Grassland Special Area of Conservation (SAC) Your Authority'sJLP Habitat Regulations Assessment (HRA) considered whether there would be air quality impacts on the Culm Grasslands SAC associated with housing development allocated in the JLP.</p> <p>The development site is not allocated in the adopted plan and is therefore classed as a 'windfall site'. The Council's HRA of non-planned development concluded no effect on site integrity as a result of additional growth (over and above the allocated sites) of up to 10,000 dwellings in-combination with the Local Plan. This application can therefore screen out from any further assessment (The Council should be keeping track of non-planned development numbers).</p> <p>1This reply comprises our statutory consultation response under the provisions of Article 10 of the Town and Country Planning (General Development Procedure) Order 1995, Section 28 of the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations 2017 and the EIA Regulations 2017(as amended).</p> <p>Braunton Burrows SAC</p> <p>The application site falls outside the Zone of Influence (Zol) for the Braunton Burrows SAC within which impacts of residential and tourist development on the SAC would arise in the absence of appropriate mitigation. Your Authority can therefore screen this development site out from needing further assessment for European sites.</p> <p>The Taw Torridge Estuary Site of Special Scientific Interest (SSSI)–further information required</p> <p>The development site is within 2km of theTaw Torridge Estuary SSSland has triggered Natural England's Impact Risk Zones2(IRZ).</p> <p>The SSSI is notified for its overwintering bird interest and intertidal habitats. Further information on the SSSI and its special interest features can be found at<a href="http://www.magic.gov.uk">www.magic.gov.uk</a></p> <p>Over wintering birds</p>

Name	Comment
	<p>Birds associated with the estuary make use of agricultural land up to 10km from the estuary (both close grazed pasture and arable) at high tides and may be displaced by such proposals and roosting/feeding habitat may be lost. As development pressure around the estuary increases this reduces opportunities for the birds around the estuary as a whole.</p> <p>Other than strategic roosts within the estuary, very little is known about how the birds use the surrounding farmland. Without survey information Natural England is unable to advise the Local Authority in any detail other than generic impacts.</p> <p>Given the proximity to the SSSI, the large open nature of the main field with its marshy grassland has the potential to support overwintering birds. No assessment of use by overwintering birds has been made as part of the Environmental Statement (ES). In the absence of survey data we would expect the ES to include a desk based study justifying why the habitats on site are not suitable for overwintering birds to forage and loaf at high tides.</p> <p>In addition, given the proximity of the development to the SSSI, this application has the potential to indirectly affect the bird interest of the SSSI because the development of housing is likely to add to the recreational activity on and around the estuary and thus contribute to disturbance and displacement effects on the overwintering water birds.</p> <p>The data gathered through the Taw Torridge Estuary High Tide Roost and Recreational Impacts study<sup>3</sup>, of which your Authority is a partner, provides the evidence of recreational impacts on important high tide roosts and for birds feeding through all states of the tide.</p> <p>A strategic approach to mitigation would secure better environmental outcomes with all development adding to recreational impacts on the SSSI making a financial contribution to measures that avoid impacts.</p> <p>In the absence of a strategic approach to mitigating recreational disturbance impacts, if your authority is minded to grant permission, suitable mitigation measures should be agreed and secured via condition to reduce disturbance to overwintering birds, such as interpretation packs for all households.</p> <p><sup>2</sup>The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from <a href="http://thedata.gov.uk">thedata.gov.uk</a> website.<sup>3</sup><a href="https://www.northdevon.gov.uk/media/379527/final-report-identification-of-wintering-wildfowl-high-tide-roosts-and-recreational-disturbance-impacts-on-the-taw-torridge-estuary.pdf">https://www.northdevon.gov.uk/media/379527/final-report-identification-of-wintering-wildfowl-high-tide-roosts-and-recreational-disturbance-impacts-on-the-taw-torridge-estuary.pdf</a></p>

Name	Comment
	<p><b>Waterquality</b>  Although some distance away, there is a hydrological link to the SSSI and we would recommend:</p> <ul style="list-style-type: none"> <li>•securing suitable Sustainable Drainage Systems (SuDS) (with planting detail and along term management and maintenance regime)</li> <li>•securing Best Practice Measures during construction for pollution prevention and control in terms of surface water drainage, waste management and pollution control to ensure there is no risk of contamination or increase in nutrient or sediment load of the surface water runoff.</li> </ul> <p>The use of SuDS to manage surface water run-off can contribute towards green infrastructure by increasing biodiversity and amenity value with careful design to manage risk (CIRIA).The RSPB and Wildfowl and Wetlands Trust have published guidance for local authorities and developers on designing (and managing) SuDS features that are also good for wildlife-<a href="http://www.rspb.org.uk/sustainabledevelopment">www.rspb.org.uk/sustainabledevelopment</a></p> <p>We would recommend that management of the SuDS is included in an ecological management plan as maintenance of these features is key to a properly functioning system. Sufficient stages must be included in the SuDS treatment train to protect water quality to the adjacent water course and beyond.</p> <p><b>Landscape</b>  This proposal does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and enhance local distinctiveness and be guided by your Authority's landscape character assessment and the policies protecting landscape character in your local plan.</p> <p><b>Biodiversity Net Gain</b>  Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the NPPF, the Defra 25 year Environment Plan and the Environment Act2021.Policy ST14 of the Joint Torridge and North Devon Local Plan also expects development to provide a net gain in biodiversity.</p> <p>We advise you first to follow the mitigation hierarchy as set out in paragraph175of theNPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.</p> <p>An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions4 (under Section 40 NERC Act, 2006).Biodiversity metrics5are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds,but the EnvironmentActsetsaminimum10% threshold. Biodiversity net gain delivery should be secured via S106 agreements or similar and should also be linked to Local Nature Recovery Strategies where they are being developed by Local Authorities.</p> <p>Further opportunities for enhancement might include:</p>



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	<p> <a href="http://www.legislation.gov.uk/ukpga/2006/16/section/40">http://www.legislation.gov.uk/ukpga/2006/16/section/40</a>  <a href="http://publications.naturalengland.org.uk/publication/6049804846366720">http://publications.naturalengland.org.uk/publication/6049804846366720</a>Biodiversity metric 3.1         </p> <ul style="list-style-type: none"> <li>•Incorporating nest sites for swallow, house martin, house sparrow, swift boxes or bat boxes into the design of new buildings. The RSPB recommends one bird box per dwelling as good practice.</li> <li>•Incorporating bee bricks into buildings<a href="https://greenandblue.co.uk/product/bee-brick/">https://greenandblue.co.uk/product/bee-brick/</a></li> <li>•Designing lighting to avoid disturbing wildlife.</li> <li>•Adding a green roof to new buildings.</li> <li>•Permeable fencing for hedgehogs and other species.</li> </ul> <p>Local sites and priority habitats and species</p> <p>Your authority should consider the impacts of the proposed development on any local wildlife sites or priority habitat/species in line with paragraph 113 of the NPPF and any relevant development plan policy.</p> <p>Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.</p> <p>Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Lists of priority habitats and species can be found <a href="#">here</a>.</p> <p>The Environmental Statement suggest that the Unconfirmed Wildlife Site (Abattoir (W)) to the southern end of the development site will be retained and enhanced as a wildlife area. Brynsworthy (W) UWS, an area of broadleaved woodland is also within the red line and will be lost to the site access.</p> <p>If your authority is minded to grant permission, suitable mitigation/compensation measures should be secured through a landscape and ecological management plan which should also include mitigation to avoid adverse impacts on the adjacent UWSs. Opportunities for enhancing landscape connectivity should be explored to build resilience in to the wider ecological network and careful consideration will be needed if fencing the remaining woodland to ensure that wildlife can still move freely in the landscape.</p> <p>Ancient woodland and veteran trees</p> <p>Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and veteran trees. It is a material consideration for planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland/veteran trees where they form part of a SSSI or in exceptional circumstances.</p> <p>Reference to the presence of mature and veteran trees on site is made in the arboriculture assessment. Veteran trees can be hundreds of years old, provide habitat for many different species and are a part of our landscape and cultural heritage. Local authorities have a vital role in ensuring the protection and</p>

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	<p>conservation of ancient woodland and veteran trees, in particular through the planning system. Mature trees are the potential veterans/ancient trees of the future.</p> <p><a href="http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx">http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx</a></p> <p>The standing advice includes advice on buffer zones which are used to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone will vary depending on the scale, type and impact of the development. For ancient woodlands, you should have a buffer zone of at least 15meters to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone.</p> <p>You should also consider any impacts on ancient woodland and veteran trees in line with paragraph 118 of the NPPF.</p> <p><b>Protected species</b></p> <p>We have not assessed this application and associated documents for impacts on protected species but note that the site appears important for foraging bats and other species. Natural England has produced standing advice<sup>7</sup> to help planning authorities understand the impact of particular developments on protected species.</p> <p>It is the LPA's responsibility to ensure that protected species, as a material consideration, are fully considered and that ecological surveys have been carried out where appropriate and appropriate mitigation is secured.</p> <p>We advise you to refer to our standing advice and ensure sufficient mitigation is secured to avoid any adverse impacts. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes-Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats and we recommend this is followed.</p> <p><b>Soil and Agricultural Land Quality</b></p> <p>From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile'(BMV) agricultural land(Grades 1, 2 and 3a).</p> <p>The detailed ALC soil survey(June 2022) confirms the presence of Grade 3b and Grade 4 soils. For this reason, we do not propose to make any detailed comments in relation to agricultural land quality and soils, although sustainable soil management should aim to minimise risks to the ecosystem services which soils provide, through appropriate site design/masterplan/Green Infrastructure.</p>

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	<p>Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of soil resource information inline with the Defra guidance Construction Code of Practice for the Sustainable Use of Soils on Construction Sites.</p> <p>Further guidance is available in The British Society of Soil Science Guidance Note Benefitting from Soil Management in Development and Construction which we recommend is followed in order to safeguard soil resources as part of the overall sustainability of the development.</p> <p><a href="https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals">https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals</a></p> <p>If, however, you consider the proposal has significant implications for further loss of BMV agricultural land, we would be pleased to discuss the matter further.</p>
<p>Natural England</p> <p>Reply Received 15 June 2023</p>	<p>Thank you for your email consultation of the 7th June regarding the above application.</p> <p>We do not have any additional comment to make further to our advice of 16th January 2023 (417131).</p> <p>If however, you have specific questions or consider there to be implications for the natural environment we would be happy to consider these further.</p>
<p>NDC Waste, Recycling &amp; Commercial Services</p> <p>Reply Received</p>	<p>No reply received</p>
<p>NHS Acute Care</p> <p>Reply Received 20 June 2023</p>	<p>This is a consultation response to the planning application ref: 76293</p> <p>Land South of A39 Brynsworthy Barnstaple Devon EX31 3QQ</p> <p>Introduction</p> <p>Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The creation and maintenance of healthy communities is an essential component of sustainability as articulated in the Government's National Planning Policy Framework, which is a significant material consideration. Development plans have to be in conformity with the NPPF and less weight should be given to policies that are not consistent with the NPPF. Consequently, local planning policies along with development management decisions also have to be formulated with a view to securing sustainable healthy communities. Access to health services is a fundamental part of sustainable healthy community.</p>

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	<p data-bbox="443 197 1398 300">As the attached document demonstrates, Royal Devon University Healthcare NHS Foundation Trust (the Trust) is currently operating at full capacity in the provision of acute and planned healthcare.</p> <p data-bbox="443 340 1398 448">It is further demonstrated that this development will create potentially long term impact on the Trust ability provide services as required.</p> <p data-bbox="443 488 1410 667">The Trust's funding is based on previous year's activity it has delivered subject to satisfying the quality requirements set down in the NHS Standard Contract. Quality requirements are linked to the on-time delivery of care and intervention and are evidenced by best clinical practice to ensure optimal outcomes for patients.</p> <p data-bbox="443 707 1401 1070">The contract is agreed annually based on previous year's activity plus any pre-agreed additional activity for clinical services. The Trust is unable to take into consideration the Council's housing land supply, potential new developments and housing trajectories when the contracts are negotiated. Furthermore, it is important to note that the following year's contract does not pay previous year's deficit retrospectively. This development creates an impact on the Trust's ability provide the services and capacity required due to the funding gap it creates. The contribution sought is to mitigate this direct impact.</p> <p data-bbox="443 1111 724 1146">CIL Regulation 122</p> <p data-bbox="443 1187 1362 1254">The Trust considers that the request made is in accordance with Regulation 122:</p> <p data-bbox="443 1294 1398 1361">"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—</p> <ul data-bbox="443 1402 1391 1657" style="list-style-type: none"> <li data-bbox="443 1402 1391 1469">(a) necessary to make the development acceptable in planning terms;</li> <li data-bbox="443 1509 1107 1545">(b) directly related to the development; and</li> <li data-bbox="443 1585 1289 1657">(c) fairly and reasonably related in scale and kind to the development."</li> </ul> <p data-bbox="443 1733 533 1769">S 106</p> <p data-bbox="443 1809 1369 2060">S 106 of the Town and Country Planning Act 1990 (as amended) allows the Local Planning Authority to request a developer to contribute towards the impact it creates on the services. The contribution in the amount of £238,178.00 sought will go towards the gap in the funding created by each potential patient from this development. The detailed explanation and calculation are provided within the attached document.</p>

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	<p>Without the requested contribution, the access to adequate health services is rendered more vulnerable thereby undermining the sustainability credentials of the proposed development due to conflict with NPPF and Local Development Plan policies as explained in the attached document.</p> <p>Royal Devon University Healthcare NHS Foundation Trust 16 June 2023</p> <p>Royal Devon University Healthcare NHS Foundation Trust</p> <p>Consultation Response and Regulation 122 CIL compliance statement</p> <p>Application Reference: 76293</p> <p>Application Description: Land South of A39 Brynsworthy Barnstaple Devon EX31 3QQ</p> <p>INTRODUCTION</p> <p>1. This document provides a summary of the impacts of new housing developments on Royal Devon University Healthcare NHS Foundation Trust's (the RDUH) capacity to provide health services, as well as a calculation of the contribution sought to mitigate the impact of the development on the Trust. It provides a sense of the operating scope and environment of the RDUH. It explains:</p> <ul style="list-style-type: none"> <li>• The impact and consequences of increasing demand upon the Trust.</li> <li>• The context of the Trust and the services it provides.</li> <li>• How funding flows within the NHS to show how the Trust is paid for the care it provides to the people in its catchment area</li> <li>• How the impact on the capacity to provide health services can be mitigated by way of developer contribution.</li> </ul> <p>A glossary of terms can be found in Appendix 1.</p> <p>EVIDENCE</p> <p>Background</p> <p>2. Royal Devon University Healthcare NHS Foundation Trust, ("the Trust") is now a merged healthcare entity (formerly the Royal Devon and Exeter and Northern Devon NHS trusts). (Appendix 2)</p> <p>3. It has an obligation to provide healthcare services. Although run independently, NHS Foundation Trusts remain fully part of the NHS. They have been set up in law under the Health and Social Care (Community Health and Standards) Act 2003 as legally independent organisations called Public Benefit Corporations, with</p>

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	<p>the primary obligation to provide NHS services to NHS patients and users according to NHS principles and standards - free care, based on need and not ability to pay. NHS Foundation Trusts were established as an important part of the government's programme to create a "patient- led" NHS. Their stated purpose is to devolve decision-making from a centralised NHS to local communities in an effort to be more responsive to their needs and wishes. However, they cannot work in isolation; they are bound in law to work closely with partner organisations in their local area.</p> <p>4. NHS Foundation Trusts are part of the NHS and subject to NHS standards, performance ratings and systems of inspection. They have a duty to provide NHS services to NHS patients according to NHS quality standards, principles and the NHS Constitution. Like all other NHS bodies, NHS Trusts are inspected against national standards by the Care Quality Commission, NHS Improvement and other regulators/accrediting bodies.</p> <p>5. The Trust is a public sector NHS body and is directly accountable to the Secretary of State for the effective use of public funds. The Trust is funded from the social security contributions and other State funding, providing services free of charge to affiliated persons of universal coverage. The Trust is commissioned to provide acute healthcare and community health care services for a core population of around 615,000. This population grows, particularly in the summer months.</p> <p>6. The Trust's urgent and emergency care services saw over 183,000 patients which equates to over 500 patients a day.</p> <p>7. The combined Trust has an estimated turnover of around £865 million and employs over 15,000 staff.</p> <p><b>THE SHORT AND LONG TERM IMPACT ON THE TRUST'S CAPACITY TO PROVIDE SERVICES</b></p> <p>Impact of Increasing Demand – Operational Services arising from the proposed development</p> <p>8. Across England, the number of acute beds is one-third less than it was 25 years ago<sup>1</sup>, but in contrast to this the number of emergency admissions has seen a 37% increase in the last 10 years<sup>2</sup>. The number of emergency admissions is currently at an all-time high.</p> <p>9. The Trusts' hospital is operating at nearly full capacity and there are limited opportunities for it to improve the use of its bed base. Whilst the Trust is currently managing to provide the services in a manner that complies with the Quality Requirements of the NHS, there are not sufficient resources within the existing services to accommodate population growth created by the development</p>

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	<p>(individually and cumulatively) without the quality of the service as monitored under the standards set out in the Quality Requirements dropping, and ultimately the Trust facing sanctions for external factors which it is unable to control.</p> <p>10. In order to maintain adequate standards of care as set out in the NHS Standard Contract quality requirements, it is well evidenced in the Dr Foster Hospital Guide that a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. The key level of bed provision should support a maximum bed occupancy of 85%. The 85% occupancy rate is evidenced to result in better care for patients and better outcomes<sup>3</sup>. This enables patients to be placed in the right bed, under the right team and to get the right</p> <p>1 Older people and emergency bed use, Exploring variation. London: King's Fund 2012  2 Hospital Episode Statistics.<a href="http://www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937">www.hesonline.nhs.uk/Ease/servlet/ContentServer?siteID=1937</a>  3 British Medical Journal- Dynamics of bed use in accommodating emergency admissions: stochastic simulation model clinical care for the duration of their hospital stay (see Appendix 3). Where the right capacity is not available in the right wards for treatment of his/her particular ailment, the patient will be admitted and treated in the best possible alternative location and transferred as space becomes available, but each ward move increases the length of stay for the patient and is known to have a detrimental impact on the quality of care. It also increases the recovery time which in turn will have detrimental socio economic impact. Consequently, when hospitals run at occupancy rates higher than 85%, patients are at more risk of delays to their treatment, and sub-optimal care and being put at significant risk.</p> <p>Impact of Increasing Demand – Workforce</p> <p>11. Provision of safe hospital-based services relies on sufficient capacity within a suitably sized and skilled clinical workforce and within appropriate physical assets. The Trust provides the majority of healthcare services through employed staff but has sub-contracted agency and/or locum staff for services because of operational pressures that result from the impact of increased demand. Locums are employed at a premium cost. The supply of our clinical professional workforce is nationally determined and there is limited opportunity for the Trust to influence local supply, other than through recruitment and retention. Nationally, many health professions are suffering chronic shortages. The Trust has addressed these workforce shortages by having to use locum and agency staff. In turn, their shortage has driven up prices to a premium within a national labour market where prices are maintained by annual increases in NHS service demand.</p>

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	<p data-bbox="443 194 1230 230">Impact of increasing demand – Quality &amp; Safety Issues</p> <p data-bbox="443 268 1390 450">12. The Trust understands that the existing population, future population growth and an increased ageing population will require additional healthcare infrastructure to enable it to continue to meet the increasing demands and complexity of the hospital healthcare needs of the local population.</p> <p data-bbox="443 488 1406 927">13. It is not possible for the Trust to predict when planning applications are made and delivered and, therefore, it cannot plan for additional development occupants as a result. The Trust has considered strategies to address population growth across its area and looked at the overall impact of the known increased population to develop a service delivery strategy to serve the future healthcare needs of the growing population. This strategy takes into account the trend for the increased delivery of healthcare out of hospital and into the community. However, the commissioning operates based on previous year's performance and does not take into account potential increase in population created by a prospective developments, housing projections or housing land supply.</p> <p data-bbox="443 965 1406 1256">14. Despite recent capacity increases, the Trust's hospitals are operating at full capacity and there are limited opportunities to improve this further. NHS provider the Trusts are contractually required to comply with NHS Standard Contract quality requirements. However, at the Trust, there is insufficient operational capacity to accommodate population growth created by the development without reduction in the quality of the service (as outlined by the standards set out</p> <p data-bbox="443 1330 1318 1435">in the NHS Standard Contract). Ultimately, the Trust will be sanctioned financially for external factors which it is unable to control.</p> <p data-bbox="443 1473 1406 2096">15. In order to maintain adequate standards of care, a key factor to deliver on-time care without delay is the availability of beds to ensure timely patient flow through the hospital. 85% bed occupancy represents the benchmark for patient safety, and it is inadvisable for bed occupancy to regularly exceed that figure<sup>4</sup>. NHS Improvement states that bed occupancy above 92% leads to accelerated deterioration in A&amp;E performance. A sub 85% bed occupancy rate results in better care for patients and better outcomes because it enables patients to be placed in the right bed, under the right team and to get the right clinical care for the duration of their hospital stay. Where the right capacity is not available in the right ward for the treatment of a particular condition, the patient will be admitted and treated in an alternative ward or department and transferred as a more appropriate bed space becomes available. Multiple bed/ward moves increases the length of stay for the patient and is known to have a detrimental impact on the quality of care and recovery time. Consequently,</p>



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	<p>when hospitals run at occupancy rates higher than 85%, patients are more at risk of delays to their treatment, of receiving sub-optimal care and have a poor experience during their hospital stay.</p> <p>16. Appendix 3 shows monthly details of the Trust's utilisation of acute bed capacity for the last 12 months over both acute sites. This shows that the Trusts regularly exceeded the optimal 85% occupancy rate. This demonstrates that current occupancy levels are highly unsatisfactory, and the problem will be compounded by an increase in need created by the development which does not coincide with an increase in the number of bed spaces available at the Hospital. This is the inevitable result where clinical facilities are forced to operate at over-capacity. Any new residential development will add a further pressure on the current acute healthcare system</p> <p>The Direct Impact on the Provision of Planned and Acute Healthcare Caused by the Proposed Development</p> <p>17. The existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development for 450 dwellings (individually and cumulatively). The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase.</p> <p>18. During 2021/22, 56,027 residents of Northern Devon and 129,647 residents of Exeter and East and Mid Devon attended the Trust's A&amp;E Departments. In addition to this, the equivalent of more than every resident attended an outpatient appointment.</p> <p>19. There is no mechanism to reclaim any additional cost for unplanned activity within Devon. The only option that the Trust can maintain the "on time" service delivery without delay and comply with NHS quality, constitutional and regulatory requirements is through developer funding to provide the required capacity to meet the gap directly created by the development population. The health infrastructure capacity cannot afford to be costed on speculation i.e. when the developer intends to start the development or when the developer will complete its development. The funding mechanism to increase capacity for healthcare services is not designed for, and cannot rely upon such speculation. This is because it is directly linked to the actual increase(s) in population being served by the relevant CCG and NHS Trust areas and not upon what development proposals might be built in the future (whether allocated development proposals or windfall schemes).</p> <p>20. Without securing such contributions, the Trust will have no funding to meet healthcare demand arising from the development during the first year of occupation. Without the contribution, the health care provided by the Trust would be significantly impacted</p>

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	<p>and likely to be compromised, putting the residents and other local people at increased risk.</p> <p>Performance Trajectory</p> <p>21. Operational Pressures Escalation Levels are a way for Trusts nationally to report levels of pressure consistently. Under OPEL, there are 4 escalation levels, where Level 1 shows the Trust is maintaining patient flow and able to meet anticipated demand. In contrast, escalation to Level 4 shows the Trust is unable to deliver comprehensive care and there is a greater risk on patient care and safety being compromised.</p> <p>22. Please see Appendix 6 which demonstrates the Trust's performance in relation to the national standard described above. It can be clearly seen that the Trust is frequently experiencing major pressures and its inability to cope with the increasing patient demand. New development within the regions will inevitably add to the already over- burdened NHS and will put the Trust at a serious operational risk if this increased demand cannot be mitigated by increasing capacity.</p> <p>MITIGATING THE IMPACT- ASSESSMENT FORMULA</p> <p>General</p> <p>23. In any given year, the level of NHS funding is set by central Government through Comprehensive Spending Review process. The process estimates how much funding the NHS will receive from central sources. The monies are then allocated to NHS England Estate and Improvement, which in turn allocate the funds to the Integrated Care Systems (ICS's).</p> <p>24. NHS Devon Integrated Care System (ICS) (formerly the Devon Clinical Commissioning Group (CCG) and NHS England commission the Trust to provide acute healthcare services to the local population.</p> <p>25. The ICS then commissions most services from NHS provider through NHS standard contract and using nationally determined formula. The ICS commissions planned and emergency acute healthcare from the Trust and agree a contract, including activity volumes and values on an annual basis. The ICS has no responsibility for providing direct healthcare services to the public.</p> <p>26. The commissioning does not take into consideration the local housing need, housing projections or existing planning permissions. The Trust cannot change or influence this fact in the same way that the Local Authority cannot influence the funding mechanism received from the Government.</p>

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	<p data-bbox="432 224 1420 593">27. The Trust is required to provide appropriate health services to all people that present or who are referred to the Trust. There is no option for the Trust to refuse to admit or treat a patient on the grounds of a lack of capacity to provide the service/s. This obligation extends to all services from emergency treatment at A&amp;E to routine/non-urgent referrals. Whilst patients are able in some cases to exercise choice over where they access NHS services, in the case of an emergency they are taken to their nearest appropriate A&amp;E Department by the ambulance service or where directed by out of hours' service.</p> <p data-bbox="432 627 1420 1041">28. The most effective way of dealing with the impact is to make sure that Acute health services can be carried out without interruption as explained in this consultation response. Without mitigation, the additional demand created by the development will have a deleterious effect on the provision of health services. Mitigation for this increased demand will enable the Trust to maintain required service levels without deterioration in the quality of care provided and patient experience, maintaining clinical capacity/space to the maximum by contributing to staffing that keeps patients flowing through the Trust's services. This, in turn, will also produce better outcomes for patients.</p> <p data-bbox="432 1142 694 1187">Payment System</p> <p data-bbox="432 1220 1420 1366">29. Predominately, the Trust uses the National Tariff system for billing commissioners for services. This tariff is derived from the mandated national cost collection, which all NHS trusts and foundation trusts submit.</p> <p data-bbox="432 1400 1420 1512">30. Those areas where the impact is felt the most are contracted at a fixed cost block contract regardless of the volume of activity seen by the Trust.</p> <p data-bbox="432 1545 1420 1848">31. The planning assumptions undertaken by both the Trust and the commissioners uses the previous years' activity as a basis and reflects changes in demographics using a national growth metric known as IHAMS. These are not amended in-year to reflect any changes in demographics. This means that only those residents currently residing in the area will be taken into consideration. Those prospective residents who will arrive because of a new planning permission are not part of the commissioning process.</p> <p data-bbox="432 1904 1420 2027">32. An outpatient block contract has been mandated nationally for all hospitals for 2021/22 in accordance with Government Guidance.</p>

Name	Comment
	<p data-bbox="443 199 1401 412">33. The Trust has to achieve 52-week wait standards for elective care. This means that each patient referred to the Trust for elective care should not wait over 52 weeks to commence treatment. If a patient waits for longer than 52 weeks the Trust will be subject to financial sanctions, which is commensurate to the number of breaches.</p> <p data-bbox="443 454 1390 521">34. Any new development has the potential to affect the Trust's ability to achieve its performance targets.</p> <p data-bbox="443 564 932 598">Other Possible Funding of Income</p> <p data-bbox="443 640 1394 819">35. The Department of Health dictates the costs they think NHS health services should be priced at. The tariff (Appendix 4) is broken down across a number of areas (e.g. 12% for ward stays, medical staffing costs 9%, 21% other operational costs, 11% for drugs).</p> <p data-bbox="443 862 1401 1070">36. As a Foundation Trust, there is no routine eligibility for capital allocations from either the Department of Health or local commissioners to provide new capacity to meet additional healthcare demands. The main source of funding for re-investment in maintaining local services is the annual surplus generated by the Trust.</p> <p data-bbox="443 1113 1362 1225">37. As a Foundation Trust, there is eligibility to request a loan from the Department of Health's Independent Trust Financing Facility to fund capital development proposals.</p> <p data-bbox="443 1267 1378 1379">38. Loan applications would be subject to existing borrowing limits with existing loan providers and would have to be paid back with interest.</p> <p data-bbox="443 1422 1390 1630">39. Charitable Donations are managed in line with the provisions of the Charities Act. The Charity Trustee oversees the use of any donated funds and in doing so fulfils its responsibility to ensure that all expenditure demonstrates 'Additionality', i.e. that charitable funds are not used to pay for items of equipment or facilities which are needed to deliver day-to-day services.</p> <p data-bbox="443 1673 1390 1881">40. In its modest but effective mitigation, the Trust has carefully considered its funding from the ICS and is requesting only the amount that it cannot obtain through its contracts with ICS or recover retrospectively. The ICS and the Trust are unable to change the existing funding mechanism regardless whether it is a known allocated site or not or subject to planning permission.</p> <p data-bbox="443 1924 1394 2058">41. The calculation will take into consideration, once agreed with the Council, the existing population in the Trust's catchment area, so only the new population which is not already in the Trust's catchment area is taken into consideration in the methodology</p>

Name	Comment
	<p data-bbox="443 197 1374 264">making the contribution fairly and reasonably related in scale and kind of the development.</p> <p data-bbox="443 342 1406 521">42. Further, the Trust holds statistics on all patients and activity generated from specific LSOA area and GP practices and is therefore able to estimate the potential level of activity arising from the proposed development making the methodology directly related to this development.</p> <p data-bbox="443 562 1401 703">43. This proposed development comprises of 450 dwellings and based on the 2011 Census average household size per dwelling, the Trust has calculated that this development will accommodate a new population of 1017 residents.</p> <p data-bbox="443 743 1406 853">44. As detailed in the calculations in Appendix 5, 1017 residents are currently generating an average of 2,147.32 acute interventions each per year.</p> <p data-bbox="443 853 564 887">Formula</p> <p data-bbox="443 891 1401 1037">Development contribution = [(Total development population – affordable housing population) x average activity (based on an average activity rate in the development area for each activity type) x average tariff (based on audited reference costs)]</p> <p data-bbox="443 1077 1390 1144">The final figure is then subject to an agreed local council migration factor.</p> <p data-bbox="443 1184 1398 1294">45. The costs consequences of the number of interventions and the costs of them arising from this proposed development are set out in detail in Appendix 5.</p> <p data-bbox="443 1335 1406 1805">46. Due to the payment mechanisms and that the proposed development will create a gap in the funding, it is necessary that the developer contributes towards the cost of providing capacity for the Trust to maintain service delivery during the first year of occupation of each dwelling. The Trust will only receive a proportion of commissioner funding to meet each dwelling's healthcare demand in the first year of occupation due to the preceding year's outturn activity volume based contract and there is no mechanism for the Trust to recover these costs in subsequent years. Without securing such contributions, the Trust would be unable to support the proposals and would object to the application because of the direct and adverse impact of it on the delivery of health care in the Trust's area.</p> <p data-bbox="443 1845 1321 2024">47. Therefore, the contribution requested for this proposed development of 450 dwellings is £238,178.00. This contribution will be used directly to provide additional services to meet patient demand as indicated in Appendix 4</p>

Name	Comment
	<p data-bbox="443 197 1358 338">48. The Trust is happy to negotiate appropriate timing for the payment of the contribution. It is essential however, that the contribution is in place prior to the occupants residing in the development.</p> <p data-bbox="443 378 1398 486">49. The Trust is happy to work with the Council and provide any further information it requires. It is happy to negotiate a suitable abatement in relation to the provision of affordable housing on site.</p> <p data-bbox="443 524 651 560">Policy support</p> <p data-bbox="443 636 1390 853">50. The Council does not have a specific policy that directly relates to health infrastructure services and facilities. However, Section 70(2) of the TCPA 1990 provides that in determining an application for planning permission, the LPA; "shall have regard to the provisions of the development plan, so far as material to the application, and to any other material consideration".</p> <p data-bbox="443 891 1007 927">51. Paragraph 2 of the NPPF states:</p> <p data-bbox="443 965 1358 1144">The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (emphasis added).</p> <p data-bbox="443 1182 1398 1473">The health of communities has been a key element of Government policy for many years. One of the three overarching objectives to be pursued in order to achieve sustainable development is to include 'b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well- being:" (paragraph 8 of NNPF).</p> <p data-bbox="443 1512 1337 1659">Further, the Trust is delivering NHS health care services at the point of demand under the statutory requirement. Paragraph 2 contains an imperative upon the decision makers to reflect statutory obligations.</p> <p data-bbox="443 1697 1398 1845">In addition, the health of communities has been a key element of Government policy for many years and is as stated above reflected in adopted development plan. Please see NPPF Section 2 paragraph 8, Section 8 paragraphs 92 -93 and 96.</p> <p data-bbox="443 1883 1366 1951">52. Notwithstanding above the Local Plan Policy ensures that the developer adequately mitigates the impact it creates.</p> <p data-bbox="443 1989 1082 2024">53. Mid Devon Local Plan (adopted 2020)</p> <p data-bbox="443 2063 874 2098">54. Infrastructure Policy S8</p>

Name	Comment
	<p>The location, scale and form of development will be guided by the need for community facilities and any existing infrastructure deficiencies. The Council will work with providers and developers to ensure that new development is served by necessary infrastructure in a predictable, timely and effective fashion. Development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. The Council will set out key infrastructure and facility requirements for new development in an Infrastructure Plan, taking account of existing</p> <p>provision and cumulative impact of new development. Developers will be expected to contribute fairly towards, or bear the full cost of, new or improved infrastructure and facilities where it is appropriate for them to do so, subject to viability assessment where appropriate. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan.</p> <p>54.54 or most sites funds for infrastructure delivery will be secured through the Community Infrastructure Levy (CIL); a charge per square metre of eligible new development. The rate of payment for CIL has been subject to viability assessment which takes account of the other policy requirements affecting viability, such as affordable housing targets. Legal agreements under Section 106 of The Town and Country Planning Act (1990) may be used instead of CIL if the proceeds would exceed the amount of CIL that would be generated from the development. Section 106 Agreements, a type of planning obligation, will also be used to secure funding for specific public open space projects in the district, as discussed under Policy S5. The strategic sites (Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Junction 27) will be zero-rated for CIL and these developments will be required to pay for necessary infrastructure through Section 106 agreements, undergoing viability assessment at planning application stage if necessary.</p> <p>2.55 There is currently a significant infrastructure funding gap and the Council will also seek external sources of funding to deliver key infrastructure. More information about the means of funding infrastructure can be found in the most recent Infrastructure Plan and the 'Regulation 123' list for CIL, available on the Council's website. CIL is also accompanied by a policy setting out the circumstances in which Section 106 agreements are to be used. It is anticipated that CIL will be adopted at the same time as the Local Plan.</p>

Name	Comment
	<p data-bbox="443 230 587 264">Summary</p> <p data-bbox="443 304 1329 412">55. As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. The contribution is being sought to provide health</p> <p data-bbox="443 488 1407 629">infrastructure services and facilities needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.</p> <p data-bbox="443 669 1401 1106">56. Without contributions to maintain the capacity by delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will place increased pressure on the said health infrastructure, putting patients at increased risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and prolonged health problems. Such an outcome is not sustainable as it will have a detrimental socio economic impact.</p> <p data-bbox="443 1146 1398 1547">57. The Trust acknowledges that housing developments are constructed and occupied in phases and therefore is willing to negotiate staged payments of the total sum claimed. The money will be spent to meet the marginal costs of increasing the capacity by direct delivery of healthcare for the additional population. As the calculation is directly linked to the patient address, it is also easily verified. This will include the cost of medical, nursing and other health professional staff, which may be incurred at a premium rate. The money will also meet increases in other direct costs associated with healthcare delivery, for example, diagnostic examinations, consumables, equipment and maintenance.</p> <p data-bbox="443 1588 1398 1695">58. In the circumstances, without the requested contributions to support the increasing the capacity the planning permission should not be granted.</p> <p data-bbox="443 1805 643 1839">16 June 2023</p> <p data-bbox="443 1915 890 1948">Appendix 1: Glossary of Terms</p> <ul data-bbox="443 1989 1345 2096" style="list-style-type: none"> <li>• Accident and emergency care: Accident and Emergency Departments may be either major units, providing a 24-hour service seven days a week to which the great majority of</li> </ul>



Name	Comment
	<p>emergency ambulance cases are taken, or small units commonly called casualty departments, in which services are often only available for limited hours and which may not deal with emergency ambulance cases.</p> <ul style="list-style-type: none"> <li>• Acute care: This is a branch of hospital healthcare where a patient receives active but short-term treatment for a severe injury or episode of illness, an urgent medical condition, or during recovery from surgery. In medical terms, care for acute health conditions is the opposite from chronic care, or longer-term care.</li> <li>• Block Contract: An arrangement in which the health services provider (as used in the UK, providers refer to corporate entities such as hospitals and trusts, and not to individuals) is paid an annual fee in installments by the Healthcare Commissioner in return for providing a defined range of services, regardless of the volume of services delivered.</li> <li>• Clinical Commissioning Group (CCG): CCGs are now referred to Integrated Care Systems (ICS's) - they are clinically-led statutory NHS bodies responsible for the planning and commissioning of health care services for their local area.</li> <li>• Community care: long-term care for people who are elderly or disabled which is provided within the community rather than in hospitals, especially as implemented in the UK under the National Health Service and Community Care Act of 1990</li> <li>• Dr Foster: Dr Foster Intelligence provides healthcare information and intelligence particularly about the performance of NHS Trusts. Dr Foster uses data-driven methodologies to support organisations to improve quality and efficiency.</li> <li>• Emergency care: Care which is unplanned and/or urgent.</li> <li>• Integrated Care Systems (ICS) – formed in April 2022 and formerly replaced Clinical Commissioning Groups (CCG's)</li> <li>• NHS Improvement (NHSI): NHSI are a health services regulator, they are responsible for overseeing NHS foundation trusts and NHS trusts, as well as independent providers that provide NHS-funded care.</li> <li>• Office of National Statistics: Known as ONS</li> <li>• Operational Pressures Escalation Levels (OPEL): OPEL is a standard metric for Trusts to report levels of pressures nationally using a consistent framework.</li> <li>• Planned care: Medical care that is provided by a specialist or facility upon referral and that requires more specialised knowledge, skill, or equipment that can be provided by the referrer</li> </ul>

Name	Comment
	<ul style="list-style-type: none"> <li>• Premium Costs: Premium costs incurred by an NHS Trust include the supply of agency staff, Locum Medical Staff and payments to deliver services to meet operational pressures which exceed the costs incurred when delivering with substantive staff. It also covers sub-contracting the provision of certain services to third parties to meet demand.</li> </ul> <p>Appendix 2: Royal Devon University Healthcare NHS Foundation Trust</p> <p>The Royal Devon University Healthcare NHS Foundation Trust was established in April 2022, bringing together the expertise of both the Royal Devon and Exeter NHS Foundation Trust and Northern Devon Healthcare NHS Trust.</p> <p>Stretching across North, East and Mid Devon including Torridge and Exeter, our workforce of over 15,000 staff serves a population of almost one million people, extending our reach as far as Cornwall and the Isles of Scilly.</p> <p>We deliver a wide range of emergency, specialist and general medical services through North Devon District Hospital and the Royal Devon and Exeter Hospital (Wonford). Alongside our two acute hospitals, we provide integrated health and social care services across a variety of settings including community inpatient hospitals, outpatient clinics, and within people’s own homes. We also offer primary care services, a range of specialist community services, and Sexual Assault Referral Centres (SARC).</p> <p>Our hospitals are both renowned for their research, innovation and links to universities.</p> <p>We legally became The Royal Devon University Healthcare NHS Foundation Trust in April 2022, combining our resources and expertise to provide acute, community and specialist services across North Devon, Mid Devon, East Devon and Exeter.</p> <p>We are working together to merge our corporate and clinical services over the next few years. Our integration Every step of our integration has taken place with our patients at the heart of our decision-making process, and the integration of the Royal Devon has many benefits for patients and staff alike.</p> <p>Combining our services means that we continue to be resilient, sustainable and efficient at delivering high- quality care to the people of Devon both now and in the future. We are dedicated to offering you the care you need when you need it, whether this is at home, out in the community or in one of our hospitals.</p>

Name	Comment
	<p>The RD&amp;E has a long and proud history dating back over 250 years. As a separate Trust, we provided high- quality care to around 450,000 people in Exeter and across East and Mid-Devon in a large acute teaching hospital, twelve community hospitals, various community settings and in people’s homes.</p> <p>In 2004, we were one of the first Trusts nationally to achieve NHS Foundation Trust status. This helped us to connect more closely to the people and communities we serve and respond to local needs.</p> <p>The Northern Devon Healthcare NHS Trust (NDHT) provided integrated acute and community healthcare services across North Devon together with a range of specialist community services across Devon and Cornwall.</p> <p>As a separate Trust, we delivered services across a wide geographical and physical location, including in people’s homes, clinics, our five community hospitals and our acute district general hospital – North Devon District Hospital (NDDH). NDDH is the most remote acute hospital in mainland England, just under 1.5 hour’s drive away from its nearest neighbouring acute hospital.</p> <p>Source: Royal Devon University Healthcare NHS Foundation Trust website</p>
<p>NHS Primary Care</p> <p>Reply Received 22 December 2023</p>	<p>The application has been reviewed from a primary care perspective and the following comments are provided by NHS Devon ICB as their response to the application. The response has been informed by the Devon Health Contributions Approach: GP Provision (<a href="https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance">https://www.devon.gov.uk/planning/planning-policies/other-county-policy-and-guidance</a>) which was jointly prepared by NHS England and Devon County Council.</p> <p>In preparing this response, it is noted that in policy ST08: Scale and Distribution of New Development in Northern Devon states: “(1) Development will be focused at the Sub-regional, Strategic and Main Centres to increase self-containment through sustainable growth that provides balanced housing markets within environmental limits and increases access to jobs, health, education etc.”</p> <p>The ICB’s concern is the surgery of Fremington Medical Centre is already over capacity within its existing footprint therefore it follows that to have a sustainable development in human health terms the</p>

Name	Comment
	<p>whole local healthcare provision will require review. The surgery already has 7,600 patients registered and this new development will increase the local population by a further 1,017 persons. Taking this into account and drawing upon the document "Devon Health Contributions Approach: GP Provision document" which was agreed by NHS England and Devon County Council, the following calculation has been made:</p> <p>Methodology for Application 76293</p> <ol style="list-style-type: none"> <li>1. Residential development of 450 dwellings</li> <li>2. This development is in the catchment of Fremington Health Centre which has a total capacity for 6,996 patients.</li> <li>3. The current patient list size is 7,600 which is already over capacity by 604 patients or at 109% of capacity.</li> <li>4. The increased population from this development = 1,017 <ol style="list-style-type: none"> <li>a. No of dwellings x Average occupancy rate = population increase  <math>450 \times 2.26 = 1,017</math></li> </ol> </li> <li>5. The new GP List size will be 8,617 which is over capacity by 1,621 <ol style="list-style-type: none"> <li>a. Current GP patient list + Population increase = Expected patient list size</li> <li>b. <math>7,600 + 1,017 = 8,617</math> (1,621 over capacity)</li> <li>c. If expected patient list size is within the existing capacity, a contribution is not required, otherwise continue to step 6</li> </ol> </li> <li>6. Additional space required = 81.36m<sup>2</sup> <ol style="list-style-type: none"> <li>a. The expected m<sup>2</sup> per patient, for this size practice = 0.08m<sup>2</sup></li> <li>b. Population increase x space requirement per patient = total space (m<sup>2</sup>) required</li> <li>c. <math>1,017 \times 0.08 = 81.36\text{m}^2</math></li> </ol> </li> <li>7. Total contribution required = £260,352 <ol style="list-style-type: none"> <li>a. Total space (m<sup>2</sup>) required x premises cost = final contribution calculation</li> <li>b. <math>81.36\text{m}^2 \times \text{£}3,200 = \text{£}260,352</math> (£579 per dwelling).</li> </ol> </li> </ol> <p>Could you please acknowledge NHS Devon's request for an S106 contribution towards the cost mitigation of the pressures on the local healthcare facility and that it will form part of any future S106 Agreement with the Developers.</p>
<p>Open Space Officer</p> <p>Reply Received 10 January 2023</p>	<p>10/01/2023 14:31 - Dear Planning</p> <p>This application generates a requirement for open space and green infrastructure in accordance with policy DM10 (calculation attached).</p> <p>The Council's preference, in line with policy DM10 of the local plan is to see on-site provision, minimum standards will need to be met. Where on-site provision is not viable or off-site provision is more suitable as a result of proximity to existing facilities, an off-site</p>

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	<p>contribution for that particular provision would be sought to deliver a scheme at a suitably linked location.</p> <p>In the case of this application being the scale it is, we would expect that the informal amenity space and formal play spaces be provided on-site. The Play requirements to be delivered on-site are: 746sq.m. play space with 9 pieces of equipment either as one large play area with varied play type, safety surfacing (wet pour or rubber mulch), 1.2m bow top perimeter fencing, 2x self-closing anti-finger-trap gates, some seating ie bench and a bin. Alternatively a 5+ piece play area of 400sq.m. and off-site contribution to develop nearby play area(s) would be acceptable.</p> <p>If Built Recreation is to be provided off-site, this would seem sensible at Tews Lane Recreation Facility. Suitable pedestrian/cycle links between the site and Brynsworthy Lane (north of A39) will be essential.</p> <p>We are happy to provide advice regards the layout and design of open space and play throughout the application process.</p> <table border="1" data-bbox="475 958 1227 1167"> <thead> <tr> <th>No. of Bedrooms</th> <th>No. Units</th> <th>Bedspace</th> <th>Total bedspaces</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>25</td> <td>1.2</td> <td>30</td> </tr> <tr> <td>2</td> <td>100</td> <td>1.81</td> <td>181</td> </tr> <tr> <td>3</td> <td>150</td> <td>2.4</td> <td>360</td> </tr> <tr> <td>4</td> <td>150</td> <td>2.85</td> <td>427.5</td> </tr> <tr> <td>5+</td> <td>25</td> <td>3.18</td> <td>79.5</td> </tr> <tr> <td></td> <td>450</td> <td></td> <td>1078</td> </tr> </tbody> </table> <table border="1" data-bbox="475 1218 1366 1458"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">On Site Provision</th> <th colspan="2">Off-Site Contribution</th> </tr> <tr> <th>Requirement per SQM per person</th> <th>On site requirement in sq.m</th> <th>Cost per sq.m per person</th> <th>Amount requirement</th> </tr> </thead> <tbody> <tr> <td>Urban</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Allotment</td> <td>1.5</td> <td>1617</td> <td>£30</td> <td>48,510.00</td> </tr> <tr> <td>Amenity &amp; Green Space</td> <td>20</td> <td>21560</td> <td>£15</td> <td>323,400.00</td> </tr> <tr> <td>Play Space</td> <td>0.7</td> <td>754.6</td> <td>£170</td> <td>128,282.00</td> </tr> <tr> <td>Parks, Sport &amp; Recreation</td> <td>13</td> <td>14014</td> <td>£72</td> <td>1,009,008.00</td> </tr> <tr> <td><b>Totals</b></td> <td></td> <td>37945.6</td> <td></td> <td>£1,509,200</td> </tr> </tbody> </table>	No. of Bedrooms	No. Units	Bedspace	Total bedspaces	1	25	1.2	30	2	100	1.81	181	3	150	2.4	360	4	150	2.85	427.5	5+	25	3.18	79.5		450		1078		On Site Provision		Off-Site Contribution		Requirement per SQM per person	On site requirement in sq.m	Cost per sq.m per person	Amount requirement	Urban					Allotment	1.5	1617	£30	48,510.00	Amenity & Green Space	20	21560	£15	323,400.00	Play Space	0.7	754.6	£170	128,282.00	Parks, Sport & Recreation	13	14014	£72	1,009,008.00	<b>Totals</b>		37945.6		£1,509,200
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<p>South West Water</p> <p>Reply Received 30 June 2023</p>	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><b>Asset Protection</b></p> <p>Please find enclosed a plan showing the approximate location of a public 150mm foul sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.</p> <p>Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p> <p>Further information regarding the options to divert a public sewer can be found on our website via the link below:</p>																																																																			

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	<p data-bbox="443 197 1350 264"><a href="http://www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/">www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/</a></p> <p data-bbox="443 304 1385 521"><b>Clean Potable Water</b> South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p data-bbox="443 562 1394 779"><b>Foul Sewerage Services</b> South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p data-bbox="443 819 1401 965">The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:</p> <p data-bbox="443 1005 1002 1039"><a href="http://www.southwestwater.co.uk/developers">www.southwestwater.co.uk/developers</a></p> <p data-bbox="443 1079 1406 1296"><b>Surface Water Services</b> The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol data-bbox="443 1337 1390 1626" style="list-style-type: none"> <li data-bbox="443 1337 1278 1404">1. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li data-bbox="443 1404 1390 1471">2. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li data-bbox="443 1471 1337 1538">3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li data-bbox="443 1538 1366 1626">4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</li> </ol> <p data-bbox="443 1666 1401 1812">Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p data-bbox="443 1852 1331 1991">I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: <a href="mailto:DeveloperServicesPlanning@southwestwater.co.uk">DeveloperServicesPlanning@southwestwater.co.uk</a>.</p>

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	<p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><b>Asset Protection</b>  Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.</p> <p>Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p> <p>Please click <a href="#">here</a> to view the table of distances of buildings/structures from a public sewer.</p> <p>Further information regarding the options to divert a public sewer can be found on our website via the link below:</p> <p><a href="http://www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/">www.southwestwater.co.uk/developer-services/sewer-services-and-connections/diversion-of-public-sewers/</a></p> <p><b>Clean Potable Water</b>  South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p><b>Foul Sewerage Services</b>  South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:</p> <p><a href="http://www.southwestwater.co.uk/developers">www.southwestwater.co.uk/developers</a></p> <p><b>Surface Water Services</b>  The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> <li>1. Discharge into the ground (infiltration); or where not reasonably practicable,</li> </ol>

Name	Comment
	<p>2. Discharge to a surface waterbody; or where not reasonably practicable,</p> <p>3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</p> <p>4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</p> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p>I trust this provides confirmation of our requirements, however should you have any questions or queries, please contact the Planning Team on 01392 442836 or via email: DeveloperServicesPlanning@southwestwater.co.uk.</p>
<p>South West Water</p> <p>Reply Received 3 January 2024</p>	<p>Proposal: Outline application for up to 450 dwellings including access (appearance, landscaping, layout &amp; scale reserved) - EIA development (Further information as requested by Regulation 25 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017) at</p> <p>With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.</p> <p><b>Asset Protection</b> Please find enclosed a plan showing the approximate location of a public 150mm sewer in the vicinity. Please note that no development will be permitted within 3 metres of the sewer, and ground cover should not be substantially altered.</p> <p>Should the development encroach on the 3 metre easement, the sewer will need to be diverted at the expense of the applicant.</p> <p>Please click <a href="#">here</a> to view the table of distances of buildings/structures from a public sewer.</p> <p>Further information regarding the options to divert a public sewer can be found on our website via the link below:</p> <p><a href="https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-public-sewers">https://www.southwestwater.co.uk/building-and-development/services/sewer-services-connections/diversion-of-public-sewers</a></p> <p><b>Surface Water Services</b> The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off</p>



Name	Comment
	<p>Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):</p> <ol style="list-style-type: none"> <li>1. Water re-use (smart water butts, rainwater harvesting, grey flushing toilets)</li> <li>2. Discharge into the ground (infiltration); or where not reasonably practicable,</li> <li>3. Discharge to a surface waterbody; or where not reasonably practicable,</li> <li>4. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,</li> <li>5. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)</li> </ol> <p>Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.</p> <p><b>Clean Potable Water</b>  To supply this development South West Water will require to carry out network reinforcements to the water distribution network. The upgrade works will take up to 18 months to deliver from when construction of the upgrade scheme starts. Please advise the applicant that if planning permission is granted they will need to contact South West Water when a build out programme has been agreed.</p> <p>The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p><b>Foul Sewerage Services</b>  To support this development South West Water will need to carry out a further detailed assessment on the foul network but it is likely that there will need to be some investment to negate the impact of this development on the spill performance at an overflow downstream from this development. Please advise the applicant that if planning permission is granted they will need to contact South West Water when a build out programme has been agreed.</p> <p>The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.</p> <p>The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:</p> <p><a href="http://www.southwestwater.co.uk/building-and-development/services/pre-development-services">www.southwestwater.co.uk/building-and-development/services/pre-development-services</a></p>

Name	Comment
<p>Sustainability Officer</p> <p>Reply Received 01 November 2023</p>	<p>I didn't feel there was anything in the Ecology Response which warranted further comment. It was simply a rather robust and personalised rebuttal that didn't really alter the observations or provide any additional information.</p>
<p>Sustainability Officer</p> <p>Reply Received 26 April 2023</p>	<p>Please find below comments on the submitted Plans, Environmental Statement – Volume 1 (Main Report) and Environmental Statement - Volume 2 (Technical Documents):</p> <p>Environmental Statement – Volume 1 (Main Report) (ES)</p> <p>1. The ES states that the site comprises agricultural land and an area of broadleaved woodland consisting of five fields of species-poor semi-improved grassland and the three westernmost fields also having varying amounts of marshy grassland. The site also contains an area of broadleaved woodland occupying a total of approximately 24.6ha. The proposed development would comprise approximately 14ha of residential development and 10ha of green infrastructure including new native species-rich hedgerows linking to the existing hedge network, native tree planting, woodland buffers, orchard planting and wild flower grassland.</p> <p>2. The ES states that the majority of existing natural linear features will be retained and enhanced, particularly the eastern site boundary within the stream corridor, and the northern and eastern boundaries. Submitted Plans indicate that the site can facilitate the significant habitat buffers but there appears to be no clear demonstration of enhancement to the western boundary stream corridor as specified.</p> <p>3. The submitted Site Layout and access provision appears to be largely predicated on a potential future pedestrian connection to Glenwood Drive and through to Tews Lane. The Initial Feasibility Summary states 'potential adjacent development outside the red line to aid delivery of a sustainable footpath and cycle link to the emerging Roundswell Business Park and north into Barnstaple' and the ES states 'the proposed signalised junction onto the A39 will offer an easy route between the site and the Primary School at Tews Lane. It is expected that it will be quicker to walk/cycle to school than for parents to put children into a car and drive them to school'. There does not appear to be any evidence of an existing strategic commitment to this provision by either DCC or NDC and therefore the two proposed access options considered at this location do not assess an appropriate range of reasonable alternatives. The Transport Assessment states 'as a result of the consultation, DCC learnt that the Tews Lane Link does not have universal local support. Consequently, the rationale for the new roundabout no longer exists. It is therefore to be removed from the strategy for the NDLR'.</p>

Name	Comment
	<p>4. The ES identifies the presence of an area of woodland on the north side of the A39 at the location of the proposed site access that is protected by a Tree Preservation Order (TPO) W1. Submitted Plans appear to indicate the provision of pedestrian crossing and connection to Glenwood Drive through the TPO although this is outside of the red/blue line boundary. The TPO is very well connected habitat in the wider landscape with connectivity along the A39 and to adjacent woodland to the south( TPO W2), east and west. Provision of the significant highway improvements required to facilitate access at this location would be considered to result in significant losses to woodland within the site and further potential fragmentation of the wider network. Any potential future provision of pedestrian connectivity to the north would result in further encroachment to the TPO and further loss of habitat connectivity.</p> <p>5. The ES states that ‘a number of potential access arrangements for the junction between the A39 road and into the site have been modelled, in order to assess the most suitable arrangement from a highway safety perspective, taking into consideration the ecological and environmental impacts of each option.....Further iterations of the site layout, which have evolved due to the need to respond to drainage, highway, trees, landscape and ecological factors throughout the design process, have been prepared, with the culmination of concept masterplan which is submitted with the outline submission’. From an ecological perspective alone it is clear that the current proposal does not demonstrate that the site layout and access provision is informed by an assessment of a full range of reasonable alternatives or follows the required mitigation hierarchy of avoidance, minimisation, restoration and offsets. The significant loss of woodland, encroachment of infrastructure, illumination and vehicular and pedestrian disturbance at the proposed A39 junction would result in potentially avoidable habitat loss and reduced value with associated impacts on protected species within the site and the wider landscape.</p> <p>6. Alternatives to site access at Brynsworthy Lane or the DCC layby to the west have not been presented as part of the EIA and would potential offer opportunities to avoid the significant loss of habitat associated with the current proposed A39 junction. Both alternatives have limited connectivity opportunities, but given that the proposed footpath and cycle link to Roundswell Business Park is currently unsubstantiated the proposal must be considered largely car-led, with severely constrained pedestrian options and limited evidence of sustainable connections to essential services.</p> <p>7. The Ecological Impact Assessment (EclA) is informed by an Extended Phase 1 Habitat Survey (April 2020), with a follow-up survey on 13th September 2021. Phase 2 Bat activity surveys (April 2020 to October 2020), and Hazel dormouse survey (May 2020 to October 2020). The EclA states that further survey work will be required if a period of one year passes prior to the commencement of site operations, to ensure compliance with statutory legal responsibilities. Therefore the Phase 2 protected</p>

Name	Comment
	<p>species surveys are now considered significantly out of date and further survey effort will be required prior to determination. This is of particular importance in relation to the significant woodland losses proposed to facilitate site access as the EclA acknowledges that the existing Phase 2 surveys not including the north eastern field parcels. Both the Phase 2 bat activity surveys and the hazel dormouse survey only covered the original site area i.e. the two fields and broadleaved woodland in the north-eastern section of the Site were not covered in either survey. Therefore the north-eastern part of the Site has not been surveyed specifically for bats and hazel dormouse.</p> <p>8. The Phase 2 bat activity survey undertaken onsite recorded a high level of bat activity with a high diversity of bat species (at least nine species recorded) including light averse species. The ES states that there are no trees present on site that have potential for roosting bats although as the surveys did not cover the area of woodland on site (Field 5) nor the hedgerows of Fields 4 and 6 it is unclear how this conclusion has been reached. As the use of hedgerows and woodland edges by bats has been confirmed within the western part of the site, it has been assumed that they will be using these linear features, as well as the block of woodland, as flight lines and foraging habitats.</p> <p>9. The ES states that 'a significant proportion of the broadleaved woodland (approximately 82%) within Brynsworthy (W) UWS that lies within the proposed development site will be removed to enable a new access route into the site off the main A39 road. This will lead to a significant loss in woodland habitat, as well as leaving the remaining woodland areas to the south and north fragmented and separated by further roads'. It is unclear what proportion of the woodland is currently affected by ash dieback and/or existing clearance and therefore the additional anticipated losses to facilitate access are unquantified.</p> <p>10. Approximately 65% of the existing woodland comprises ash (<i>Fraxinus excelsior</i>) with many trees of this species showing significant signs of ash dieback (<i>Hymenoscyphus fraxineus</i>). Affected trees would need to be removed as good management practice. These trees, along with others requiring removal to make way for the proposed development, will be replaced with suitable native trees within the landscape buffer planting, connecting to adjacent woodland and linking out to the wider landscape features and semi-natural habitats. The ES states that the initial loss of woodland will be significant at the local level but over time this will lessen, with landscape connectivity strengthened.</p> <p>11. The EclA states that 'there will also be a loss of species and potentially incidental mortality or injury to species, as well as disturbance to species such as nesting birds, small mammals and invertebrates that will be using the remain woodland areas during the operational phase of the proposed development. Hazel dormouse is likely to be present within the woodland, as their presence was recorded within the hedgerows to the west during the Phase 2 hazel dormouse survey and bats are likely to forage within the habitat, as well as using it to aid navigation. The use of</p>

Name	Comment
	<p>the remaining woodland onsite by residents during the operational phase is likely to result in degradation/damage to the habitat'. The lack of any Phase 2 surveys across this part of the site means that protected species impacts at the construction phase and operational phase disturbance has not been substantively assessed or quantified.</p> <p>12. The submitted Plans clearly indicate that the land occupying approximately 2.5ha of semi-improved grassland at the southern end of the site which has been assigned 'Unconfirmed Wildlife Site' status (Abattoir (W)) will be retained and enhanced as a wildlife area. Plans also illustrate the creation of replacement broadleaved woodland onsite adjacent to retained woodland areas along the A39 and around site boundaries. Further woodland enhancement should be considered along the stream edge to compensate for the four free-standing trees which are likely to be removed and to strengthen north-south connectivity.</p> <p>13. The ES states that 'lengths of species-rich hedgerow will be planted onsite along the edges to the ecological buffers to the existing hedgerows, particularly along the western site boundary. These new hedges will connect with the existing hedgerows and will form double hedges/'green lanes' in many places, thus increasing landscape connectivity'. The submitted Plans do not contain any illustration of hedgerow provision beyond the proposed habitat buffers. Plans should clearly illustrate the location and extent of proposed hedgerows and in particular where green lanes are to be formed. All hedgerow provision should be in the form of Devon hedge banks in accordance with <a href="https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf">https://devonhedges.org/wp-content/uploads/2015/11/8_Hedge-Creation-1.pdf</a></p> <p>14. Areas of existing modified grassland are being retained and enhanced to create neutral grassland (in fairly good condition), predominantly around the edges of the site, along hedgerows, woodland edges and the stream with its line of trees. The EA states that these areas will be at least 10m to enable dark corridors to be maintained for bats (and other nocturnal creatures) in line with the recently published guidance from Devon County Council. Submitted Plans do not clearly identify the location of any 10m dark corridors in addition to the illustrated 3m and 5m ecological buffer zones. Plans indicate that 10m dark corridors could be accommodated within current proposals, however the required network of dark corridors should be clearly identified on submitted Plans.</p> <p>15. The lack of any Phase 2 protected species surveys in the NE field parcels or specific identification of dark corridors do not identify the extent or severity of impacts that the current proposals, particularly in the northern 3 field parcels in relation to illumination and disturbance from the A39 junction and singular site access road. ES recommendations for an artificial lighting strategy demonstrating no lighting within the retained woodland and lux levels below 0.5 along the retained woodland edges is considered generally undeliverable in this area. Highway lighting specifications would result in significant illumination of retained and enhanced</p>

Name	Comment
	<p>woodland habitat at the A39 junction, within the northern field parcel marshy areas and adjacent woodland to the south and west, while also bisecting the stream corridor.</p> <p>16. The site is in close proximity the Taw/Torridge SSSI and contains large areas of marshy grassland which offer potential for seasonal foraging and resting by overwintering birds associated with the SSSI. The ES states that ‘the marshy grassland is not dense enough to provide cover for ground nesting birds or waders/overwintering birds’ although does not present any evidence of an appropriately detailed assessment or justification of the omission of detailed surveys.</p> <p>17. The ES states that the design has been a landscape led approach that allows the residential development to sit within generous areas of community green open spaces that reflects the countryside edge setting. The current proposal does not demonstrate that the design has been informed by any formal Green Infrastructure assessment such as Building With Nature or Natural England’s Green Infrastructure Framework. The proposal presents significant opportunities to integrate multifunctional green spaces within the development rather than simply as a means to buffer the sites retained habitat. The open spaces proposed appear to be largely peripheral buffers or areas of SUDS which offer little to create distinctive place making or deliver the social and cultural benefits of green infrastructure through enhanced accessibility and inclusivity. The design should demonstrate opportunities to enhance access to high quality green infrastructure which promotes inclusivity, healthy lifestyles, community cohesion and socially sustainable communities. There is also no demonstration that proposals have been designed to be climate resilient by incorporating mitigation and adaptations strategies integrating the natural site characteristics with the proposed built form.</p> <p>18. The onsite BNG baseline score for habitat units is 112.46, with the score increasing to 158.30 following the development (a total net unit change of +45.84). This post-development score takes into the habitats retained, enhanced and created onsite. This equates to a gain of 40.76% in habitat units. The onsite baseline score for hedgerow units is 28.36, with the score increasing to 37.42 following the development (a total net unit change of +9.06). This equates to a gain of 31.94% in hedgerow units.</p> <p>19. Approximately 82% (0.714ha) of the lowland mixed deciduous woodland will be felled and compensated for by the planting of 1.908ha of broadleaved woodland. This habitat type is of lower distinctiveness than the lowland mixed deciduous woodland (medium as compared with high). Therefore although the proposal would potentially result in an acceptable BNG the trading rules of the Metric have not been satisfied.</p> <p>20. The ES states that European Protected Species (EPS) Licence for hazel dormouse (<i>Muscardinus avellanarius</i>) will be required prior to any works taking place within the woodland. It is unclear how the ES has concluded that there will be no EPS licences required in relation to bat habitat loss, fragmentation and illumination.</p>

Name	Comment
	<p>21. The ES includes appropriately detailed recommendations for protected species habitat enhancements which would be required to be incorporated into any subsequent detailed application.</p> <ul style="list-style-type: none"> <li>• Any fences onsite post-construction, including those between residential properties, will allow the movement of animals through/across the site unimpeded by either being raised at least 150mm above ground level or by having small square holes at least 130mm x 130mm in size cut into them at the back of gardens (lining up with each other).</li> <li>• Bat tubes/bricks will be built into the new properties, with one tube for every two properties.</li> <li>• Bird bricks/boxes will be built into the new properties, with one brick for every two properties.</li> <li>• Barn owl box: the Barn Owl Trust recommend that construction/erection of nest-boxes for Barn Owl should be the priority conservation action in this area. A box will be erected on a suitable tree or pole within/bounding the wildlife area at the southern end of the site.</li> <li>• One solitary bee brick will be built into every property.</li> </ul> <p>22. Any subsequent detailed application must be required to undertake a revised BNG Metric calculation to inform a final landscaping plan, Landscape and Ecological Management Plan (LEMP) and Construction and Environmental Management Plan (CEMP).</p>
<p>Tawstock Parish Council</p> <p>Reply Received 18 January 2024</p>	<p>RECOMMENDED REFUSAL for the following reasons:</p> <p>i). The site was outside the North Devon and Torridge Local Plan.</p> <p>ii). Loss of valuable agricultural land</p> <p>iii). The proposal to have a junction onto the A39 with traffic lights was considered dangerous and would cause increased congestion on an already very busy A39 a major road.</p> <p>iv). The existing infrastructure; Roads, Hospital, Doctors surgeries, dental services and schools cannot cope with the existing demand for services.</p> <p>v). The reasons as stated by the Environment Agency that the land was part of the marsh/wetland and the development could lead to flooding.</p> <p>vi). There were two grade 2 listed buildings in close proximity which would be negatively impacted</p> <p>vii). On ecological grounds as the land formed part of an important corridor for endangered bats.</p> <p>viii) North Devon Council know has a 5 year land supply.</p>
<p>Tawstock Parish Council</p> <p>Reply Received 18 January 2024</p>	<p>RECOMMENDED REFUSAL for the following reasons: i). The site was outside the North Devon and Torridge Local Plan. ii). Loss of valuable agricultural land iii). The proposal to have a junction onto the A39 with traffic lights was considered dangerous and would cause increased congestion on an already very busy A39 a major road. iv). The existing infrastructure; Roads, Hospital, Doctors surgeries, dental services and schools cannot cope with the existing demand for services. v). The reasons as stated by the</p>

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<p>Tawstock Parish Council</p> <p>Reply Received 21 June 2023</p>	<p>Recommended REFUSAL for the following reasons:</p> <p>i). The site was outside the North Devon and Torridge Local Plan.</p> <p>ii). Loss of valuable agricultural land</p> <p>iii). The proposal to have a junction onto the A39 with traffic lights was considered dangerous and would cause increased congestion on an already very busy A39 a major road.</p> <p>iv). The existing infrastructure; Roads, Hospital, Doctors surgeries, dental services and schools cannot cope with the existing demand for services.</p> <p>v). The reasons as stated by the Environment Agency that the land was part of the marsh/wetland and the development could lead to flooding.</p> <p>vi). There were two grade 2 listed buildings in close proximity which would be negatively impacted</p> <p>vii). On ecological grounds as the land formed part of an important corridor for endangered bats.</p>
<p>Tawstock Parish Council</p> <p>Reply Received 23 February 2023</p>	<p>23/02/2023 08:41 - Recommended REFUSAL for the following reasons:</p> <p>1. The site is outside the North Devon and Torridge Local Plan.</p> <p>2. Loss of valuable agricultural land</p> <p>3. The proposal to have a junction onto the A39 with traffic lights is considered dangerous and would cause increased congestion on an already very busy A39 a major road.</p> <p>4. The existing infrastructure roads, Hospital, Doctors surgeries, dental services and schools cannot cope with the existing demand for services.</p> <p>5. The reasons as stated by the Environment Agency that the land is part of the marsh/wetland and the development could lead to flooding .</p> <p>6. There are two grade 2 listed buildings in close proximity which would be negatively impacted</p> <p>7. On ecological grounds as the land forms part of an important corridor for endangered bats</p>
<p>The Biosphere Service</p> <p>Reply Received</p>	<p>No reply received.</p>
<p>Torridge District Council</p> <p>Reply Received 20 December 2023</p>	<p>I write with regards to the consultation request on further information that has been submitted for the proposed development at Land South Of A39 Brynsworthy Barnstaple Devon EX31 3QQ as a Neighbouring Authority.</p>



Name	Comment
	<p>The proposed development is for up to 450 dwellings including access (appearance, landscaping, layout and scale reserved) - Reference 76293 .</p> <p>At this stage the LPA have no further comment to make and would just re-iterate the comments sent on the previous consultation response sent July 2023.</p> <p>The comments in this letter are purely officer opinion and are made without prejudice to the outcome of a planning application. They are not binding upon the Officer or the Council.</p>
<p>Torrige District Council</p> <p>Reply Received 6 July 2023</p>	<p>Thank you for your letter which was received 8th June 2023. I write with regards to the consultation request on the proposed development at Land South Of A39 Brynsworthy Barnstaple Devon EX31 3QQ as a Neighbouring Authority.</p> <p>The proposed development is for up to 450 dwellings including access (appearance, landscaping, layout and scale reserved) - Reference 76293.</p> <p>Principle of Development Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning &amp; Compulsory Purchase Act 2004 and Section 70(2) of the Town &amp; Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.</p> <p>The application site is outside the development boundary and therefore seen to be located in the countryside and therefore policy ST07 of the North Devon and Torrige Local Plan needs to be applied.</p> <p>Policy ST07 (4) is therefore of relevance and states that in the countryside, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.</p> <p>It should also be noted that of the 28th April 2023 a Five Year Housing Land Supply Statement has been published for North Devon and Torrige. The Statement shows that North Devon Council and Torrige District Council are now able to demonstrate a five-year housing land supply, identifying a 5.9-year supply of deliverable housing land when considered against the relevant housing requirement. Therefore, the tilted balance under paragraph 11(d) of the National Planning Policy Framework no longer applies when determining planning applications.</p>

Name	Comment
	<p>Therefor after reviewing the documentation, it is considered that there is no substantive information before us to justify the development as being required to meet local economic and social needs and, development which is necessarily restricted to a countryside location therefore, the proposal is seen as contrary to Policy ST07 and in principle the Local Authority would recommend refusal.</p> <p>Wider Strategic Concerns  In terms of the wider strategic concerns, it is considered that it would be the impact of the development on the strategic infrastructure network of North Devon and Torridge which would be the greatest concern. This would be seen in terms of the highways network and the impact it would have on the flow of access in and out on the A39, which is the primary route into Torridge, and resultant congestion. The views of the Local Highway Authority will be key in this regard.</p> <p>The relevant policies would be:</p> <p>Policy ST10: Transport Strategy  <i>The Transport Strategy for northern Devon will:</i></p> <p><i>(1) Provide good strategic connectivity by:</i></p> <p><i>(a) ensuring the operational effectiveness of the strategic road network (A361 and A30) and other strategic routes including the A39, linking the area to the national road network (M5 and A30) and to Exeter, Plymouth and Cornwall;</i></p> <p><i>(b) maintaining the function of the wider strategic road network serving northern Devon;</i></p> <p><i>(c) improving journey times and service quality on the Barnstaple-Exeter rail line linking northern Devon to Exeter and the wider rail network;</i></p> <p><i>(d) improving the strategic routes towards Ilfracombe along the A399 from Aller Cross and the B3230 from Barnstaple;</i></p> <p><i>(e) maintaining the function of Bideford as a commercial port and developing enhanced harbour facilities, including at Ilfracombe to support any future ferry service and operational hub for any future off-shore renewable energy schemes;</i></p> <p><i>(f) safeguarding routes and exploring opportunities for the reuse and reinstatement of former railway lines;</i></p> <p><i>(g) maintaining and enhancing the function and connectivity of the public rights of way network within northern Devon including the completion of the gap in the Tarka Trail between Willingcott and Knowle;</i></p> <p><i>and</i></p> <p><i>(h) locating freight generating development and local freight handling facilities close to the strategic road / rail network or Bideford port.</i></p>

Name	Comment
	<p>(2) Meet the needs of local communities and visitors to the area by:</p> <p>(a) providing transport infrastructure that facilitates the delivery of proposed strategic extensions for housing and employment development and facilitates economic regeneration;</p> <p>(b) developing quality public and community transport networks (and supporting infrastructure) within and between Barnstaple and Bideford and the networks linking these centres to northern Devon's main towns and rural communities where viable;</p> <p>(c) improving overall accessibility of northern Devon by providing a wide range of integrated practical and attractive travel options and improving interchanges for transfer between modes of travel;</p> <p>(d) developing quality strategic recreational routes and local pedestrian, cycle and bridleway networks and further integration and enhancement of the public rights of way network;</p> <p>(e) protecting and enhancing the function and safety of the road network; and</p> <p>(f) recognising transport impacts from the seasonal nature of traffic in northern Devon.</p> <p>(3) Reduce the environmental and social impacts of transport by:</p> <p>(a) reducing the need to travel by car and enabling alternative sustainable travel options as supported by the Local Transport Plan;</p> <p>(b) improving transport connectivity between rural communities and the main towns where viable;</p> <p>(c) requiring a Transport Assessment or a Transport Statement and a Travel Plan for developments that generate significant traffic movements;</p> <p>(d) actively managing car parking provision through type, capacity and charging to influence demand patterns;</p> <p>(e) developing traffic management schemes in the main towns;</p> <p>(f) maximising safety on transport networks through improvements to physical infrastructure design whilst conserving historic environment assets;</p> <p>(g) ensuring that access to new development is safe and appropriate; and</p> <p>(h) protecting the landscape character and ecological interest along the main and minor route(s).</p> <p>Policy DM05: Highways</p> <p>(1) All development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users including cyclists and pedestrians.</p> <p>(2) All development shall protect and enhance existing public rights of way, footways, cycleways and</p>

Name	Comment
	<p><i>bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.</i></p> <p>Policy ST23: Infrastructure  <i>(1) Developments will be expected to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments.</i>  <i>(2) Where on-site infrastructure provision is either not feasible or not desirable, then off-site provision or developer contributions will be sought to secure delivery of the necessary infrastructure, through methods such as planning obligations or the Community Infrastructure Levy.</i>  <i>(3) Developments that increase the demand for off-site services and infrastructure will only be allowed where sufficient capacity exists or where the extra capacity can be provided, if necessary, through developer-funded contributions.</i></p> <p>Taking all of the above into account it is considered that the scheme is not compliant with the principle of development policies within the NDTLP and there are also concerns with regards to the strategic infrastructure network, which would have an impact on the network in and out of the Torridge District.</p> <p>At this stage the LPA would be recommending that the application is refused.</p>

### **Neighbours / Interested Parties**

Comments	No Objection	Object	Petition	No. Signatures
23	29	197	0.00	0.00

A large number of representations have been received which are summarised below and relevant planning matters discussed in the main considerations section of this report:

#### Principle

- Development outside of the boundary for Barnstaple
- At time of submission no 5YHLS

#### Landscape and Visual Impact:

- Another development taking away from the greenery of North Devon
- The light pollution driving along the A39 will significantly increase.
- Blight on the landscape
- UNESCO Devon Biosphere
- Development south of A39

#### Ecology:

- Development on a green site destroying natural habitats.
- Development in a green belt

- 675 new potential cars in the area all adding to pollution in the area.
- Further people adding to landfill which results in more chemicals leeching into the ground and destroying the nearby environment.
- Lack of correct surveys for wildlife
- Loss of mature trees

#### Lack of Infrastructure:

- Schools in the area are already at full capacity
- The medical infrastructure is at breaking point with appointment waiting lists being delayed or at least two weeks.
- No NHS dentists available in the area.
- 450 new families in the area will be a further drain on the resources that the hospital and clinics have left. The infrastructure is being left behind as housing continues to be the main development in the area
- The emergency services can't support the need
- There isn't enough job availability in the area to support these new people.
- The bins and recycling already are often delayed and not done on time due to multiple reasons but now with even more development it will increase this pressure and result in bin times being even more delayed.
- A&E at hospital has 14 hour waiting times

#### Highways:

- Roads around Barnstaple and Bideford are already gridlocked as it is and increasing the population will only add to this.
- New roads that have been proposed will not alleviate these traffic problems to the extent that is needed.
- Another 450 cars on the roads will add significantly to the traffic along the Roundswell road.
- Residents that have to commute across Barnstaple saying that traffic times in cities was shorter than what they are experiencing in North Devon
- Roundswell roundabout is already hard to join and exit on doesn't need another 450 cars using it. From 4-5 traffic is commonly queued from Lake Roundabout to the BP Roundabout.
- BP Roundabout is poorly designed resulting in longer wait times as it is. An extra 675 cars (1.5 average per family) adding to the stretched infrastructure is not going to help.
- With the improvements going along the A361 it improves links to the motorway and leads to more tourists coming to the area with better accessibility yet when they are in North Devon the road network is so stretched and can barely support the population that lives there.
- Dangerous junction to have potentially 675 cars exiting onto an A road despite the good views for oncoming traffic- people regularly go 60+ on that road and will make it dangerous for people joining or exiting the junction.
- If a road incident occurs on that junction than the whole area will be gridlocked affecting the Roundswell roundabout and adding to people's journeys home where it already takes hours.
- Will be used as a rat run if there is an accident.
- Possible of 1800 car/ vehicle movements a day which will have an impact on road condition, traffic and pollution from fumes, noise and light (if at night).
- Poor access to local facilities

### Flooding and Drainage:

- Impermeable surfaces are being built resulting in more overland flow and the drainage systems can't cope leading to flooding.
- The sewage and drainage systems can't cope as they are not fit for purpose to pump and drain the extent of homes that they are currently and are projected too.
- The land is agricultural which prevents flooding by encouraging natural drainage

### Affordable Housing:

- The houses proposed will cost 5x the average income for this area resulting in these homes most likely being 2<sup>nd</sup> homes for people with city salaries.
- "Should not be focusing on luxury accommodation and focus on social, affordable housing first to cater to the locals."
- Shortage of affordable housing in the area and this development is not going to contribute much to relieving this pressure.
- Even elderly residents can just afford homes with the help to buy scheme. Young people cannot afford these local homes so are forced to move out.
- 101 affordable homes are beneficial for the locals, just need to prevent second home buying and will be a good scheme.
- The affordable housing is placed nicely throughout the scheme and is attractive housing for the locals to buy.

### Amenity:

- Residents on Glenwood Drive mention there is no acoustic fencing on their side of the A39
- Heavy traffic such as Lorries etc. go down this road from the recycling centre making it already loud enough to wake up residents in the area in the morning.

### Other Matters:

- Using prime farmland for development taking away from the sustainability of the area.
- Overload of pressure on existing infrastructure

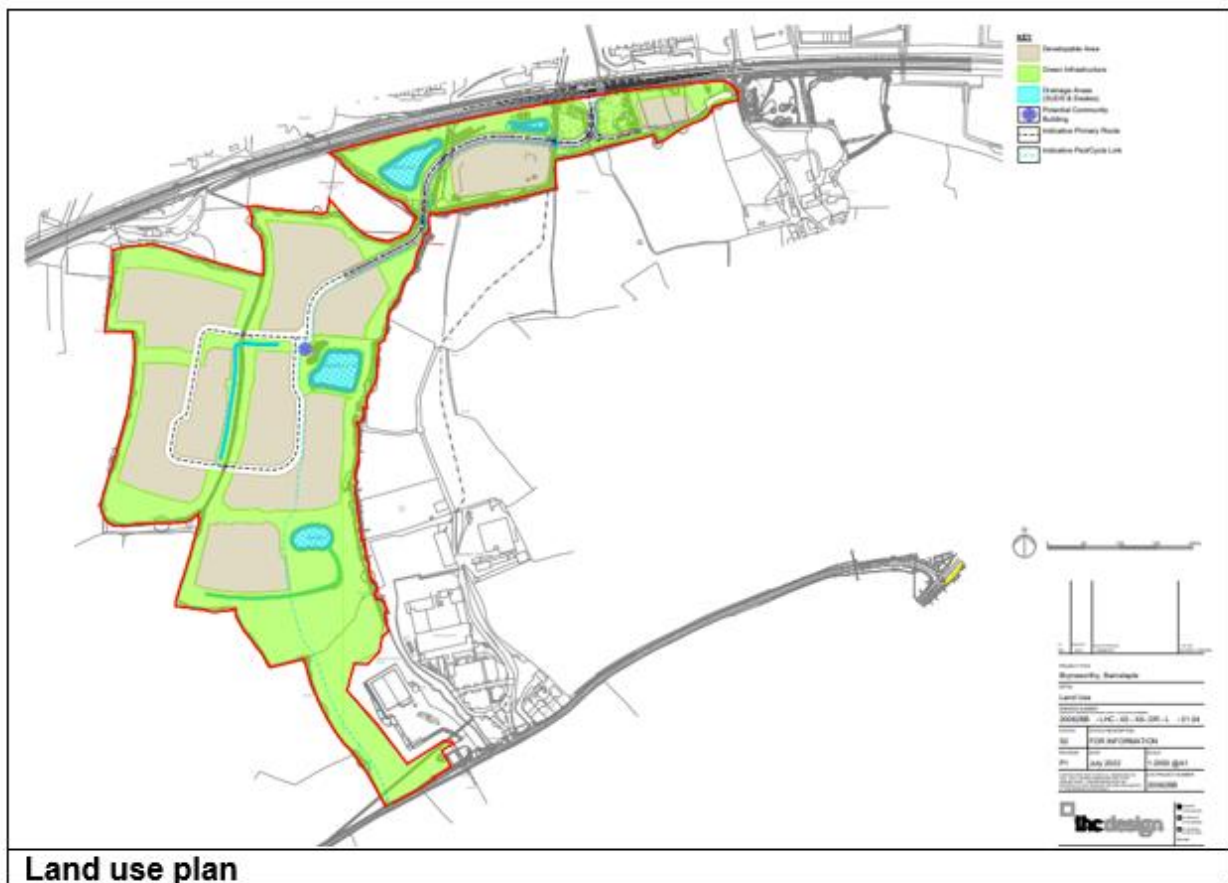
## **Considerations**

### **Proposal Description**

This application seeks outline permission for the erection of 450 dwellings with all matters reserved except for access. The site area is approximately 24 hectares, with an area of 15 hectares approximately identified as 'developable area'. A new access would be formed onto the A39 to the north and pedestrian and cycle link improvements. The scheme would also look to provide green infrastructure, SUDS, and biodiversity net gain across the remaining land. These can be seen on the land use plan below.

A 30% policy complaint level of affordable housing is proposed as part of the development.

A signalised junction is proposed onto the A39 to provide access to all community facilities which are located to the north of the A39 or can only be accessed safely by crossing the A39.



The application was subject to a screening assessment in relation to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) whereby the Local Planning Authority considered the scheme to be Environmental Impact Assessment (EIA) development requiring the submission of an Environmental Statement (ES) as part of the planning application. This contains the following chapters:

- Chapter 1: Introduction
- Chapter 2: The Site and Designations
- Chapter 3: Proposed Development
- Chapter 4: Planning Policy Context
- Chapter 5: Consultation
- Chapter 6: Site Selection and Alternatives
- Technical Chapters Chapter 7: Landscape and Visual Effects
- Chapter 8: Archaeology and Cultural Heritage
- Chapter 9: Transport and Accessibility
- Chapter 10: Flood risk, Hydrology and Drainage
- Chapter 11: Air Quality
- Chapter 12: Noise and Vibration
- Chapter 13: Land Contamination and Ground Investigation
- Chapter 14: Ecology and Nature Conservation
- Chapter 15: Socio-economic
- Chapter 16: Agricultural Land and Soil Resources
- Chapter 17: Other Technical Considerations
- Summary Chapters Chapter 18: Overall Conclusions

**Planning Considerations Summary**

1. Principle of Residential Development
2. Design
3. Amenity
4. Heritage Assets
5. Ecology
6. Highways
7. Flood Risk and Drainage
8. Socio Economic Benefits
9. Heads of Terms
10. Planning Balance

## **Planning Considerations**

### **1. Principle of development**

1.1. In the determination of a planning application Section 38 of the Planning & Compulsory Purchase Act 2004 is relevant. It states that for the purpose of any determination to be made under the planning Acts, the determination is to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this area includes the Devon Waste Plan and North Devon and Torridge Local Plan. The relevant Policies are detailed above. The NPPF is also a material consideration.

1.2. The application site is neither within the development boundary nor is it allocated in the North Devon and Torridge Local Plan (NDTLP) for development. The site is agricultural land which is divorced from the settlement boundary and whereby Policy ST07 (Development in the Countryside) (4) is the principle policy for determining application. The requirements of ST07 (4) are copied below:

*(4) In the Countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.*

1.3. Whilst acknowledging supplying housing would meet local economic and social needs, it does not constitute building re-use, and given the NDTLP allocates suitable land for housing, the development is not necessarily restricted to a countryside location in this instance.

1.4. The NPPF provides further clarity on development in isolated rural areas at paragraph 84, explicitly limiting development to circumstances where:

*(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

*(b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

*(c) the development would re-use redundant or disused buildings and enhance its immediate setting;*



*(d) the development would involve the subdivision of an existing residential building; or*

*(e) the design is of exceptional quality, in that it:*

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

1.5. Whilst it could be argued that the site is not isolated due to its proximity to other development to the north, south east and south west, it is clear that the intention of the NPPF's core principles and ST01 and St06 of the NDTLP is to centre new development towards existing centres, guided by the Plan-led system in the interest of sustainable development considered in paragraphs 7 -12 of the NPPF.

1.6. The NDTLP further enshrines these principle objectives for development with Policy ST01 setting the overarching sustainability principles in alignment with the NPPF.

1.7. Subsequent Spatial Strategy Policies in the NDTLP then seek to guide development appropriately to achieve sustainable development in the best locations providing for the environmental, social and economic needs of the area. In relation to this application, in addition to Policies ST01 and ST07, Policies ST02, ST04, ST08, ST10, ST14, ST15, ST17, ST18, ST21 and ST23 are key in assessing the impacts of the development.

#### Five year housing land supply (5YHLS)

1.8. At the time the application was submitted, North Devon and Torrington Councils were unable to demonstrate a 5 year housing land supply, however in April 2023 it published a 5 Year housing Land Supply Statement which confirmed the a joint 5 year housing land supply has been established. This was tested at a Public Inquiry reference: (APP/X1118/W/23/3318751: Land north of St Andrews Road, EX31 3BP) in July 2023.

1.9. This was following refusal of a non-plan led scheme of 161 dwellings adjoining the development boundary in September 2023, which by the time the appeal was started a 5 year housing land supply has been established. Following evidence being given by both parties in relation to this at the Inquiry the Inspector concluded in his decision dated 11<sup>th</sup> September 2023 that the districts have a demonstrable supply stating the following at paragraph 25: .

*'Based on my assessment I am therefore satisfied that the Council is able to demonstrate a deliverable supply of about 6261 dwellings in the 5 year period. This is in excess of the requirement as calculated by either methodology (Liverpool + 20% [6150] or Sedgfield + 5% [6070]). Hence I am satisfied that the Council is able to demonstrate a supply of just over 5 years. In such circumstances it is not appropriate for me to engage the 'tilted' balance which would flow from NPPF paragraph 11 when I come to the planning balance.'*

1.10. Further to this a further statement was issued in November 2023 confirming a 5 year housing land supply is maintained.

1.11. As such, in this instance the councils' housing policies are considered to be up-to-date. Therefore full weight is afforded to Policy ST07 development in the countryside to which there is a clear conflict in this instance.

Departure from the Local Plan and the 'Presumption in Favour of Sustainable Development'

1.12. In terms of the NPPF, the applicant maintains, that irrespective of a Council's 5YHLS position, this should not alone be sufficient reason to refuse planning permission and that the site should be considered on its own merits and other material considerations should be considered in the overall planning balance. However, the above policy position is the lawful starting point for decision making which underpins the plan-led process, and which cannot be departed from until sufficient material justification for doing so is identified and appropriate planning judgement applied.

1.13. In terms of relevant material considerations, the NPPF at paragraph 11 remains clear that development proposals which accord with up-to-date policy, these should be approved without delay. This scheme does not accord with the Local Plan, as the above demonstrates, and the arguments of the applicant rely upon the overarching principles of sustainable development contained in paragraph 8 of the NPPF as a mechanism to depart for the plan-led process in this instance.

1.14. Paragraph 8 and 9 of the NPPF state:

*'8. Achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*
- **a social objective** – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
- **an environmental objective** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

*9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.'*

1.15. The relationship between the planning considerations below and each strand of sustainable development will be explored throughout the report below and evaluated in the subsequent planning balance section. This is not a case where the so called '*tilted balance*' applies therefore a test in relation to significant and demonstrable harm does not apply. However the development needs to be considered against the development plan and framework as a whole and the benefits/disbenefits of the scheme appropriately weighted in the planning balance to identify if these are of material weight to depart from the plan-led process.

### Housing Needs and Mix

1.16. In terms of housing needs it is worth noting at this stage the provisions of Policy ST21 (Managing the Delivery of Housing) which is an enabling policy to ensure that where under supply of housing to occur as identified through annual monitoring, measures are in place to recover supply and where appropriately sited, allows for the exceptional release of land outside of development boundaries.

1.17. This policy is only invoked where under provision is demonstrable in compliance with the provision of this policy. The Council published an updated 5 year housing land supply Statement in November 2023 with the base date of 1<sup>st</sup> April 2023, this confirms that North Devon and Torridge District Council's can demonstrate a 5.18 years supply of housing land.

1.18. Section 6 of this report confirms the current dwelling requirements and confirms that whilst there is a shortfall of 2% on the annualised requirement set by Clause 2 of the Policy, however this then requires the projected 2 year completions period whereby this is 103% which is 3% above the trigger identified in (2) of the policy.

1.19. As such, whilst the shortfall on an annual basis requires the Council in Clause (1) of Policy ST21 to:

*'(a) implement a review to identify and understand key issues that might be affecting housing delivery; and*

*(b) engage proactively with development interests and work in partnership to remove barriers and facilitate the increased delivery of new homes.'*

The two year figure of 103% means that the requirements of (2) (a)-(d) of ST21 do not currently apply and therefore there is no requirement for the LPA to consider proposals for additional residential development outside of defined settlement limits for the purposes of boosting supply.

1.20. In terms of mix of housing, the scheme does not provide a detailed mix of housing at this stage however the design and access statement reiterates the Council's Housing and Economic Development Needs Assessment (HEDNA)

1.21. In the context of meeting identified housing need (Policy ST17) and providing for inclusive development in accordance with the NDTLP (DM04) and NPPF development is required to meet identified need.

1.22. The housing mix shown in the HEDNA assessment from 2016 shows the following mix requirement for the area:

Table: Extract from HEDNA

	<b>1 – bed</b>	<b>2 – bed</b>	<b>3 - bed</b>	<b>4 - bed</b>
Market	5-10%	30-35%	40-45%	15-20%
Affordable	30-35%	35-40%	20-25%	5-10%
All	15%	35%	35%	15%

- 1.23. The applicant has indicated that the above mix would be met at RM stage and that a fixed schedule will be agreed at that stage.
- 1.24. In terms of the need for affordable housing in the area, which again would be subject to the above % were approval recommended. The applicant argues that that District position of a declared housing crisis is such that the provision of a policy compliant level of housing on this site at 30% (135 dwellings) should be given substantial weight in the decision making process as a material consideration.
- 1.25. As a starting point, the development is required by Policy to provide 30% AH on any major development site, therefore the developer is offering no more than adopted planning policy requires.
- 1.26. Irrespective of the above, when applying the sliding scale of weight to be afforded to material considerations, this spectrum of limited, moderate, significant to substantial weight needs to be applied appropriately. As such, whether policy compliant or exceeding this, there is no dispute that the provision of affordable housing in an area where needs are high is a material planning consideration which is agreed as carrying **substantial weight** in the consideration of the application. This approach was also adopted by the Inspector on the St Andrews Road appeal cited above.
- 1.27. A case is made by the developer that the development will significantly assist in boosting housing supply with delivery of 90 units per year which they advised would be enabled through prompt expedition of the Section 106 agreement following a recommendation to approve and Section 278 Highway agreement being progressed. These delivery figures are still considered to unsubstantiated and would be dictated by market conditions primarily, with the measures detailed above only acting to speed up commencement on site.
- 1.28. It should also be noted that Wessex are a land promoter and the LPA has been advised of no option agreement with a subsequent housebuilder for the site therefore a land transaction would be likely to delay start and delivery timetabling further. As such no substantive evidence has been presented which would suggest this site would offer additional delivery benefits of material weight which would weigh in favour of departing from adopted development plan policies.

### Summary

- 1.29. Clear conflict with the development plan, when considered as a whole, is considered to result from the development proposed whereby the development constitutes development in the open countryside outside of an identified development boundary contrary to Policies ST01 and ST07 of the NDTLP. This conflict is afforded substantial weight given the 5YHLS position and conflict with sustainability principles which are explored further below.

## 2. Design and Landscape impacts

2.1. All design matters should be considered against Policies ST01, ST02, ST03, ST04, ST05, ST16, DM01 and DM04, and the National Design Guide. New development must be of high quality and integrate effectively with its surroundings to positively reinforce local distinctiveness and produce attractive places to live in accordance with part 12 of the NPPF.

### Site Design and Location

2.2. The application is made in outline with all matters of layout, scale, appearance and landscaping reserved for submission at reserved matters stage. As such matters in relation to design which can be considered are the high levels principle of good place-making which are underpinned through the above LP policies, and NPPF and the National Design Code.

2.3. The development proposed is a residential led-scheme to feature a development of up to 450 dwellings. The main developable areas of the site lie within the western most s and there is an indication of a 'potential community building' on this part of the site, however at this stage no details of the use, delivery and operation of this are provided.

2.4. As such the new community which will be formed on this site is wholly reliant on facilities access on the north side of the A39. Whilst the pedestrian crossing proposed will be discussed in the highways section below along with accessibility, it is useful to understand the distances of the development from services and facilities when forming a view on sustainable development and good placemaking, as arguably a collection of dwellings alone does not make a 'place'.

2.5. The diagram below from the National Model Design Code is useful in seeing a composition of how a place is formed:



ts **10 Characteristics of Well Designed Places**  
(National Design Guide Extract)

- 2.6. When considering the development proposed, the site location and limited accessibility poses some concern in respect of movement, context and uses above. Further planning considerations on habitat and flood risk also raise concerns over nature and climate as a whole.
- 2.7. Looking at the locational cons taunts of the site, Manual for Streets which is used as a design aid, also introduced the idea of the walkable neighbourhood whereby development should provide access to facilities within 10 minutes (which equates to a 800m walk). Whilst this figure does not set an upper limit, walking is considered to offer the greatest potential to replace short car trips, particularly those under 2 km.
- 2.8. Officers have presented some of the distances to facilities to the developer and these are disputed however these have been measured using the Council's in-house GIS system and with knowledge of the areas on-ward connectivity. The table below provides some of the minimum and maximum walking distances based upon the land use plans provided by the developer. It is noted a North-South connection across the A39 is required to access all of these facilities.

Facility	Nearest point (approx.)	Furthest point (approx.)
Roundswell Primary Academy	1.17km	2.07km
Roundswell Community Hall	1.4km	2.32km
Tews Lane Playing Fields	0.51km	1.41km
Sainsburys	1.23km	2.13km
Roundswell Industrial Estate (Northern Edge)	0.51km	1.46km
Aldi	1.1km	2.01km
Nearest Bus stop	0.61km	1.54km

### Table with Distances to Services and Facilities

2.9. For clarity the nearest point is measured from the nearest dwelling on the eastern parcel of development shown in the extract below by the black arrow, to the facility identified in the list above:



**Extract from Indicative site layout (north-east part of site)**

2.10. The furthest point is measured from the dwelling on the further south-western part of the site shown below with the black arrow:





**Extract from indicative site layout (southern part of site)**

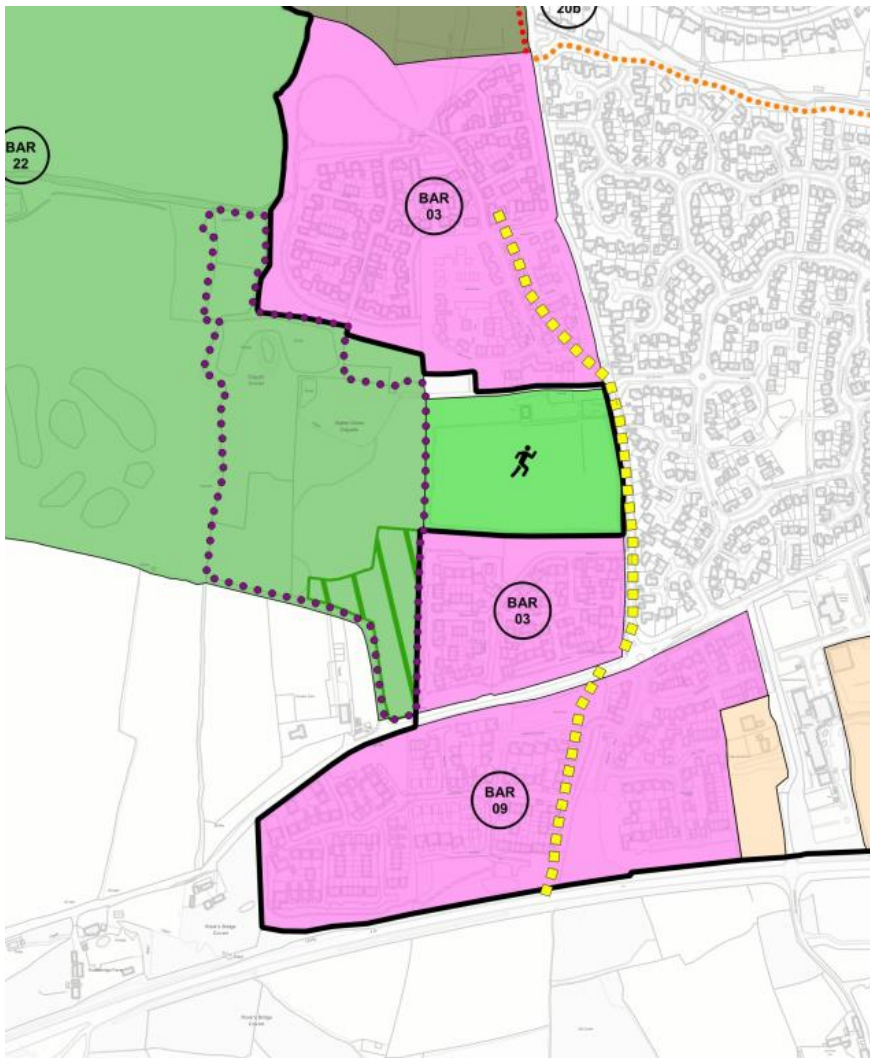
- 2.11. The commonality with all of these facilities is that they require residents of the site to cross the A39 to the north of the site in order to access them as there is no East-West connectivity achievable to reach the pedestrian bridge in situ or signalised crossing further east.
- 2.12. As such, the development is wholly reliant on the acquisition of a section of land to the north of the A39 in order to deliver a connection. See land registry map extract below highlighting the blue area subject of the discussion:





**Land Registry Extract of Land North of A39**

- 2.13. As such, whilst highway safety is a matter considered below, the link to the north must be deliverable and there is significant doubt that a link beyond the A39 can be delivered.
- 2.14. This is because the section of land, shown above, required to deliver the footway and cycleway link between the A39 and Glenwood Drive is within third party ownership of Redrow Homes.
- 2.15. Devon County Council are understood to have an option agreement with Redrow to acquire the land to deliver a road link to Old Bideford Road from the A39. It is however uncertain at the time of preparing this report where this agreement was ever formally signed and in however in a meeting with DCC it was verbally confirmed that there would be a reluctance to draw down the agreement at the present time, as no funding is allocated for this link and would therefore be doing so only for the benefit of the development of the application site subject of this application.
- 2.16. Furthermore the option agreement was secured as part of outline consent 55479 for allocated site BAR09. The plan below shows the allocated sites North of the A39 which are now complete:



**Extract of BAR09 and BAR03 Allocations**

2.17. The Option Agreement enables DCC to draw down the land in the agreement for a nominal sum to deliver highway road infrastructure required in connection to the allocated sites planning permission. However as this was secured by Section 106 in relation to a specific application, it will have need to demonstrate compliance with CIL Regulations 122 which states:

*'(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—*

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.'*

2.18. The purpose of the inclusion of the option agreement for DCC was not to enable a footway/cycleway link to the south of the A39 (which is already achieved further east on the bridge), to unlock a development site outside of the development boundary. It was to provide capacity along Old Bideford Road by bringing traffic out onto the A39 from BAR09 and BAR03 further north. It was therefore demonstrable that it met the tests above.

2.19. As such it is considered if Devon County Council were to draw down the agreement to facilitate the development of this site this would not comply with the

above CIL Regulations test and therefore could be likely to face a legal challenge by Redrow Homes in relation to the S106 agreement and any planning decision that also suggested this was a feasible option would also be likely to attract a justifiable legal challenge.

- 2.20. On this basis it is considered that the area south of the A39 is essentially a ransom strip, and that unless the landowner could be convinced to be a signatory to the S106 agreement or a clear written commitment were provided by DCC to draw down the land, the application could neither include the land in an S106 agreement to ensure a N-S link, nor could any Grampian style condition be used to secure the links delivery.
- 2.21. The pertinence of this to this case is that with the link, the above travel distances are still over and above the very upper limits for uptake of alternative modes of travel, and that's with considering the inclusion of the link to the north.
- 2.22. However, without the security that this link is achievable, the proposed development site, with no local centre, school or employment provision is an island development to be served only by the private car or bus service where long term sustainability is unknown.
- 2.23. As such, in design terms, in either scenario, the proposed development would represent poor place making. When considering this in the context of Policies ST04, DM04 and paragraph 135 of the NPPF.
- 2.24. The criteria of DM04 (Design Principles) is copied below:  
*'1) Good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. It seeks not just to manage land use but support the creation of successful places and respond to the challenges of climate change. Development proposals need to have regard to the following design principles:*  
*(a) are appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood;*  
*(b) reinforce the key characteristics and special qualities of the area in which the development is proposed;*  
*(c) are accessible to all, flexible to adaptation and innovative;*  
*(d) contribute positively to local distinctiveness, historic environment and sense of place;*  
*(e) create inclusive environments that are legible, connected and facilitate the ease of movement and permeability through the site, allowing everyone to easily understand and find their way around;*  
*(f) retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area;*  
*(g) provide public and private spaces that are well designed, safe, attractive and complement the built form, designed to minimise anti-social and criminal behaviour;*  
*(h) provide safe and appropriate highway access and incorporate adequate well-integrated car parking, pedestrian and cycle routes and facilities;*  
*(i) ensure the amenities of existing and future neighbouring occupiers are safeguarded;*  
*(j) incorporate appropriate infrastructure to enable connection to fast ICT networks;*

*(k) optimise the efficient use of land, and provide well-designed adaptable street patterns and minimise functionless open spaces;*  
*(l) create and sustain an appropriate mix of uses and support local facilities and transport networks;*  
*(m) consider opportunities for public art; and*  
*(n) provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.*

*(2) All major residential proposals will be expected to be supported by a Building for Life 12 (BfL12)(117)(or successor) assessment. High quality design should be demonstrated through the minimisation of "amber" and the avoidance of "red" scores.'*

2.25. Section (e), (f), and (h) above are underlined for emphasis, this continued through to paragraph 135 of the NPPF requiring that:

*'Planning policies and decisions should ensure that developments:*

*(a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*(c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*(d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*(e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

2.26. The development proposed would potentially result in 450 dwellings with no access to alternative modes of travel, therefore the private car would be the only safe access from the site, Any potential future bus services has no long term security with the developer offering to fund this for 3 years. A public right of way exists to the north-east of the site but has no formal crossing point and the only access to it would be walking along the A39 and having to cross to road which has a 60MPH speed limit.

2.27. When tested against Building for a Healthy life which is a requirement of Policy DM04 of the NDTLP, the development scores a number of red scores even at outline stage in relation to limited and poor connectivity. The extract below is form the

document and it is considered that a number of the points are demonstrable as part of the outline scheme presented.



### What 'red' looks like

- ✘ Single or limited points of access for pedestrians and cyclists.
- ✘ Extensive use of private drives.
- ✘ Pedestrian or cycle routes that are not well overlooked and lit after dark.
- ✘ Failing to respond to existing (or anticipate future) pedestrian and cycle desire lines.
- ✘ No opportunities to connect or extend streets and paths if required by later development.
- ✘ Internal streets and paths that are not well connected or are indirect.
- ✘ Retaining existing hedgerows between the back gardens of individual homes.
- ✘ Ransom strips.

Natural connections

### Extract from Building for a Healthy Life

2.28. Given the above limitations and distances of the site from daily services and facilities, the development does not create inclusive environments that are legible, connected and facilitate the ease of movement and permeability through the site, allowing everyone to easily understand and find their way around nor does it provide safe well-integrated walking and cycling routes. Furthermore it does not function well as an extension to Barnstaple in its current location, does not support local facilities or the transport network and most profoundly does not create a place which is safe, inclusive and accessible nor which promotes health and well-being due to isolation of occupants to the safe travel solely by car.

2.29. It therefore runs contrary to adopted Policies ST04 and DM04 of the North Devon and Torridge Local Plan, paragraph 135 of the NPPF and does not meet the fundamental principles of good place-making through the plan-led process and the National Design Guide.

### Landscape Impacts

2.30. The site is located in an area characterised as Upper Farmed Wooded Valley Slopes in the Joint Landscape Character Assessment for North Devon and Torridge 2023.

2.31. The key characteristics of this landscape character area are:

- Open landscape with important vantage points and uninterrupted vistas enjoyed by people.
- Narrow sunken lanes and species-rich hedgebanks.
- Culm grassland and copses, woodlands and tree clumps important for wildlife.
- Cob, thatch and whitewashed buildings, including traditional lincays which give time-depth to the landscape.
- Little or no light pollution resulting in starlit skies.

2.32. The site itself slopes from South downward to the North where its boundary runs parallel with the A39. The upper slopes are not undeveloped with the Devon



County Council Waste Transfer site and North Devon Council's Brynsworthy Offices located south-east of the site (see photo below).



**Photo: Extract from Drone Video of South upper slopes of site**



**Photo: Drone Extract of main site**



**Photo: Drone Extract of Lower Parts of the Site**

2.33. However contextually, the site and its surrounds are at present primarily open countryside with the A39 acting as a physical barrier between the developed area of eastern Barnstaple and the site.

2.34. As part of the ES submitted with the application a Landscape and Visual Impact Assessment was prepared and provided as a technical appendices with a summary of this provided in Section 7.0 of the ES.

2.35. The section of the report breaks down the landscape impacts and visual impact with respective tables confirming the predicted landscape and visual effects as seen below:

7.5.57 Predicted effects on the landscape resource are summarised in table 7.2 below:

Receptor	Sensitivity	Construction	Completion	Operation
The Culm NCA	Medium - low	Minimal adverse	Minimal adverse	Minimal adverse
High Culm Ridges DCA/ LCT3A	Medium	Moderate adverse	Slight adverse	Slight adverse
North Devon Downs DCA / LCT5C	Medium	Slight adverse	Slight adverse	Slight adverse
Codden Hill Wooded Estates DCA / LCT1D	Medium - High	Minimal	Minimal	Minimal
Taw Torridge Estuary DCA / LCT4A	Medium - High	Slight adverse	Slight adverse	Slight adverse
Site and Surroundings	Medium	Moderate adverse	Moderate adverse	Slight adverse

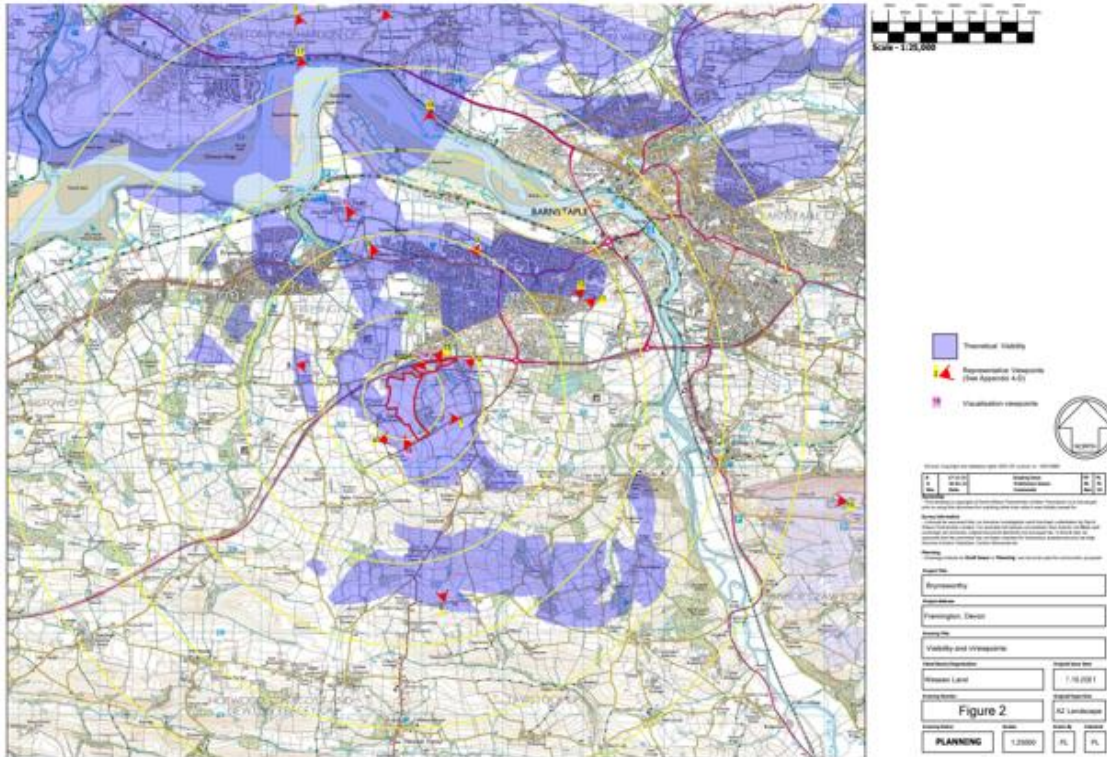
*Table 7.2: Summary of landscape effects*

**Summary table of Landscape Effect (Extract)**



2.36. The site itself does represent an open landscape with visibility in the immediate surroundings and also from longer range vantage points towards the estuary and adjacent side of the River. As such the conclusions in the above table appear to reflect that a landscape change will occur and the sense of open rural landscape is lost as a result of residential development of the site. This is demonstrated in the Zone of Theoretical Visibility diagram below:

V



**Visibility and Viewpoints Plan**

2.37. The photomontages which are also supplied with the LVIA which show an existing view, year 1 and year 12 also show the visibility of the site and that there will be an identified level of landscape change.

2.38. Policy ST14 and DM04 respectively requires the following of development :

***‘The quality of northern Devon’s natural environment will be protected and enhanced by ensuring that development contributes to:...***

***(f) ensuring development conserves and enhances northern Devon’s local distinctiveness including its tranquillity, and the setting and special qualities of Exmoor National Park including its dark night skies;***

***(g) protecting and enhancing local landscape and seascape character, taking into account the key characteristics, the historical dimension of the landscape and their sensitivity to change;...’***

***‘Good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. It seeks not just to manage land use but support the creation of successful places and respond***



**to the challenges of climate change. Development proposals need to have regard to the following design principles:**

**(a) are appropriate and sympathetic to setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationship to buildings and landscape features in the local neighbourhood;**

**(b) reinforce the key characteristics and special qualities of the area in which the development is proposed;...**

**(f) retain and integrate existing landscape features and biodiversity to enhance networks and promote diversity and distinctiveness of the surrounding area;'**

2.39. Policy DM08A states the following:

*'Development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes; it should avoid adverse landscape and seascape impacts and seek to enhance the landscape and seascape assets wherever possible. Development must take into account and respect the sensitivity and capacity of the landscape/seascape asset, considering cumulative impact and the objective to maintain dark skies and tranquility in areas that are relatively undisturbed, using guidance from the Joint Landscape and Seascape Character Assessments for North Devon and Torridge. '*

2.40. It is clear from the LVIA submission that the development does not protect and enhance local landscape character as a key characteristic in the open landscape is lost from the replacement of large, open agricultural land with residential development. Although this would be interspersed with landscaping the overall context would become a residential housing estate. As such it is concluded that the landscape impacts of the development would conflict with the above policies, to which I would afford moderate weight.

2.41. In looking at the visual impact of development, there are local reception points of medium to high sensitivity where slight and moderate adverse visual effects will be experienced by the users of these receptors.

7.6.41 Predicted effects on visual receptors are summarised in table 7.3 below:

Receptor	Sensitivity	Construction	Completion	Operation
Local Lanes	Medium to high	Slight adverse	Slight adverse	Slight adverse
Bickington	Medium - high	Moderate adverse	Slight adverse	Slight adverse
Sticklepath	Medium - high	Slight adverse	Slight adverse	Slight adverse
A39 / Glenwood north of the site	Medium	Slight adverse	Slight adverse	Slight adverse
South of Site	Medium - High	Minimal	Minimal	Minimal

Receptor	Sensitivity	Construction	Completion	Operation
North of Taw Valley	Medium - High	Major-moderate adverse	Moderate adverse	Slight adverse
Tarka Trail	Medium - High	Slight adverse	Slight adverse	Slight adverse
Codden Hill	High	Minimal	No Change	No Change

Table 7.3: Summary of Visual Effects

### Summary Table of Visual Effect (Extract)

2.42. The experience of these changes will result in a perception of visual change to the area and its overall appearance and tranquillity from a green pasture with some adjacent development to a developed areas. As such, in applying the above policies, again these visual effects would have a negative outcome on the experience of the observer and would therefore not protect nor enhance the key characteristics or and special qualities of the area.

2.43. It should be noted, that the presence of the Council's Offices, which lie to the south-east of the site, and its immediate environs have been historically developed for a number of years as demonstrated below and whilst new development has occurred within the site and immediately adjacent with the Waste Transfer Station, this is contained within a specific area and is not considered to set a precedent for development in countryside conflicting with the above policies.



2005-2007



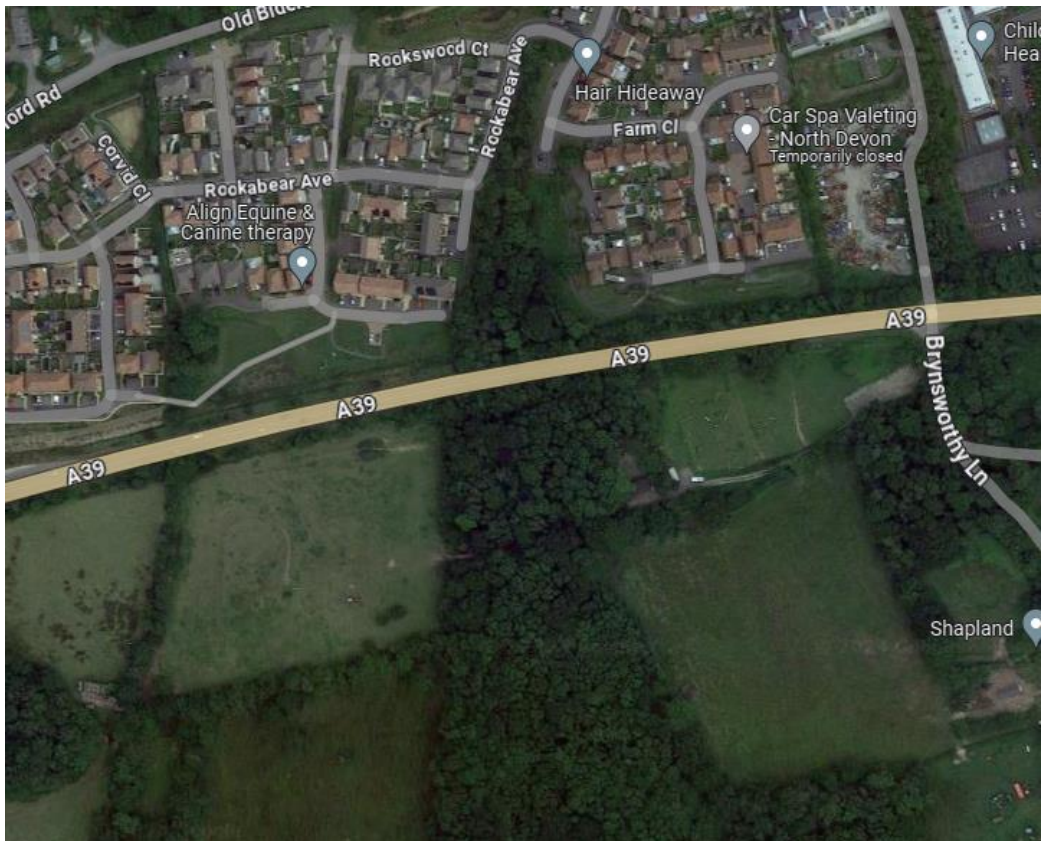
2023

2.44. The development proposals also results in a loss of a number of mature trees, within a Tree Preservation Order and which are priority habiat, to form the site access which is shown in the photo below:



**Drone extract of Site Entrance Location on A39**





**Aerial Extract of Site Entrance location onto A39**



**Plan extract showing technical drawing of Access Location**

2.45. The application submission is supported by an Arboricultural Report, Tree Constraint Plan and Tree Protection Plan, however this document is not very detailed and accompany plans do not clearly depict the extent of tree removal required to facilitate the access in this location, for which approval of the access is sought. Comments around the quality of the plans are raised by the Tree Consultant requiring a pre-commencement condition.

2.46. In a wider landscape assessment, the extent of tree removal that will take place in this area will have a significant landscape and visual impact on the locality which is considered to be significantly underplayed by the submission and whilst replacement trees are proposed in the indicative landscaping strategy, these would take a significant period of time to establish to a level of similar visual amenity of the existing woodland group in this location.

2.47. As such, it is considered that the additional visual amenity impacts arising from the removal of these trees would result in further conflict with Policies ST14, DM04 and DM08 of the NDTLP.

#### General design comments

2.48. The comments made by the Police Designing Out Crime Office and DCC in respect of Gypsy and Traveller provision could be considered as part of any reserved matters application for layout.

### **3. Amenity**

3.1. Policy DM01 of the NDTLP requires that development should secure or maintain amenity appropriate to the locality with special regard to the likely impact on neighbours, the operation of neighbouring uses (which in this case is primarily commercial), future occupiers, visitors to the site and any local services.

3.2. Policies DM02 considers atmospheric pollution and noise and DM03 considers Construction and Environmental Management of development.

#### Neighbouring Residential Amenity

3.3. In terms of neighbouring residential amenity, such as the ability for dwellings to be delivered whilst preventing any overlooking, overbearing impact or loss of light, given the separation distances involved to the nearest existing neighbour, it is considered that dwellings can be delivered on this site whilst maintaining appropriate amenity to existing dwellings in the area, therefore in compliance with Policy DM01 and through appropriate design DM04 of the NDTLP.

#### Noise

3.4. In terms of noise emission both generated from the development and in relation to neighbouring uses, these are assessed in Chapter 12 of the ES. In terms of the development itself, the resulting noise generated by the development and including through the construction phase is summarised as having a negligible noise impacts.

3.5. In relation to existing neighbouring noise generation uses to the site being Brynsworthy Environment Centre, DCC Waste Transfer Site and the A39, in terms

of the BEC and the Waste Transfer site, risk to on-going operations at the site is concluded to be low risk in the ES, and mitigation measures are required in terms of siting of dwellings in relation to road noise generated by the A39 within 190 metres.

3.6. The findings of these assessments have been scrutinised by the Council's Environmental Health Consultant and no objections are raised, subject to the imposition of conditions in the event of an approval securing Acoustic Design report and mitigation scheme as part of an reserved matters application.

#### Air Quality

3.7. As part of chapter 11 of the ES, air quality impacts are discussed in relation to the development proposed at both construction and operation stages. In relation to construction phases this concluded that air quality effects would be low risk for PM Health Effects with mitigation. In terms of operational development, the impacts of trips generated by the development is concluded as 'not significant' on sensitive receptors. Additional measures to reduce AQ impacts are however also advocated by the Highway consultant for the Travel Plan are as below:

- *Reduce reliance on single occupancy car journeys;*
- *Promote alternative modes of travel to the car;*
- *Advocate means of travel that are beneficial to the health of those living on or visiting the site;*
- *Minimise car travel in the area surrounding the site, therefore cutting down on associated costs (environmental, financial, health, etc.); and,*
- *Contain car parking demand.*

3.8. It is clarified however that the AQ impacts without these measures is considered to be 'not significant', however as pertained to above, the LPA do not considered many of these measures will be actively achievable due to the unsustainable location of the site.

3.9. The AQIA has been reviewed by the Council's Environmental Health Consultant who has raised no objections to the finding of these reports subject to a condition requiring a Construction Environmental Management Plan.

3.10. A further air quality point raised by the EHO was the indicative location of dwellings in relation to Brynsworthy Environment Centre and Waste Transfer Station and the impacts of odours from operations on the site. There are dwellings within a pre-agreed 100m buffer from the site and boundaries with curtilage whereby future amenity issues could arise. This point could be reiterated through condition for detailed design in the event an approval were forthcoming.

#### Land Contamination

3.11. In terms of land contamination, Policy DM02 of the NDTLP requires the consideration of land contamination to protect public health. A Phase 1 contamination and ground investigation report is included in the technical documents part of the ES and summarises in Chapter 11 of the Non-Technical Summary.

3.12. As a Phase 1 report moderate adverse impact is identified for the presence of herbicides and pesticides in the soil, commonly used in farming practices. This would

be managed with soil testing and appropriate mitigation through treatment or disposal of contaminated soil.

3.13. The report identified major adverse impact from the presence of radon gas which can be mitigated through standard practise identified in the Building Research Establishment Report BR 211 for properties proposed within the affected area. A moderate adverse impact is also identified by unforeseen ground conditions during operational phase. This would be identified and mitigated through appropriate ground investigation across the site.

3.14. The technical submission has been reviewed by the Council's Environmental Health Consultant who has commented that:

*'The assessment identifies sources of potentially significant contamination at the site requiring further investigation. The report recommends that an intrusive investigation be undertaken to establish if contamination is present and whether remediation measures are required.*

*Unless this matter is satisfactorily dealt with prior to grant of permission, I recommend the following condition be imposed on any permission:*

**- Contaminated Land Phase 2 Condition**

*Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with a Phase 2 Intrusive Investigation and Contamination Assessment*

*Report for potential ground contamination for written approval. The Phase 2 report shall detail all investigative works and sampling as well as the results of analysis and further risk assessments undertaken and highlight any unacceptable risks identified. The report shall be prepared by a suitably qualified competent person and be sufficient to identify any and all potential sources of ground contamination affecting any part of the development site.*

*Where remediation of any part of the site is found to be required, a proposed remediation scheme shall be submitted to the local planning authority for written approval. The scheme shall include details of any necessary quality assurance, verification and certification requirements in accordance with established best practice.*

*The construction phase of the development shall be carried out in accordance with the agreed details and, where relevant, verification reports and completion certificates shall be submitted for the written approval of the local planning authority.*

*Reason: To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with the National Planning Policy Framework.'*

3.15. Given the application is made in outline it is reasonable for a Phase 2 Intrusive Investigation and Contamination report to be subject to a condition whereby detailed mitigation and any site layout variations can be considered prior to submission of reserve matter applications.

3.16. As such, subject to the imposition of the above condition, which would safeguard human health, this is in accordance with Policies DM01 and DM02 of the NDTLP.

#### 4. Heritage Assets

4.1. When considering granting planning permission which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses in accordance with Section 66 of the Listed Building Act.

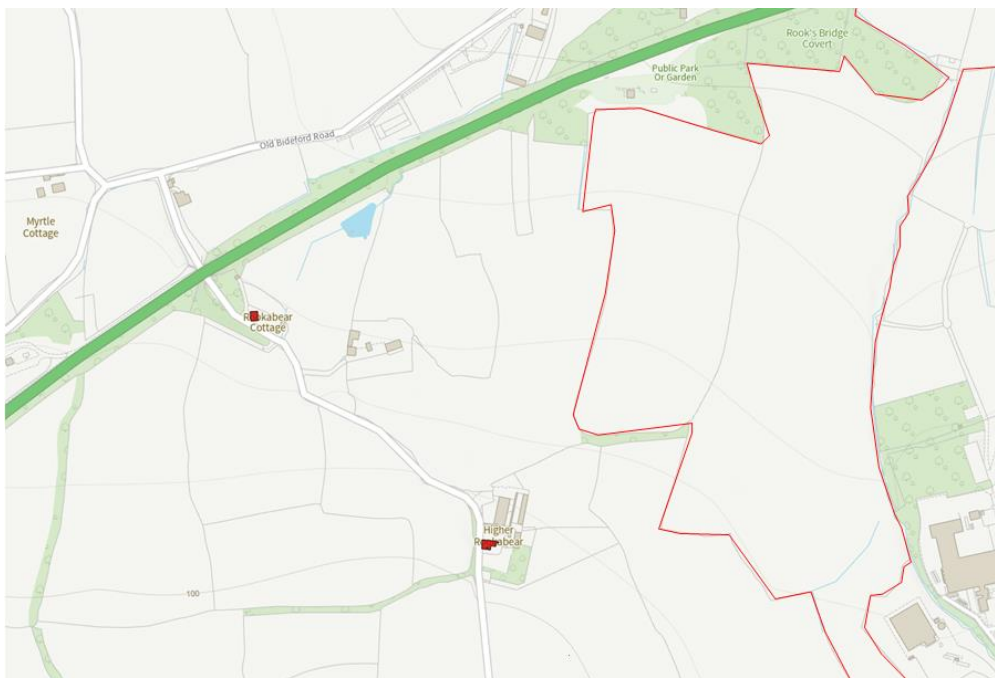
4.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states a general duty of a Local Planning Authority in respect of conservation areas in exercise of planning functions. Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

4.3. A designated heritage asset can be a listed building (including curtilage listed building), Conservation Area, Registered Park or Garden or Scheduled Ancient Monument. Local planning authorities have specific duties to make informed planning decisions on how development impacts on Heritage Assets and their settings.

4.4. The Act enshrines a strong presumption against harm to the significance of a heritage asset. If harm is likely to be caused by a proposal, paragraphs 200-208 of the NPPF will need to be applied. Policies ST15 and DM07 of the NDTLP apply to the development where they require development to 'preserve and enhance' heritage assets and great weight should be afforded to such protections.

#### Heritage Assets

4.5. There are no heritage assets within the boundary of the site however 2 no. Grade II listed buildings lie within 1.2km of the site at Higher Rookabeare and Rookabeare Cottage.

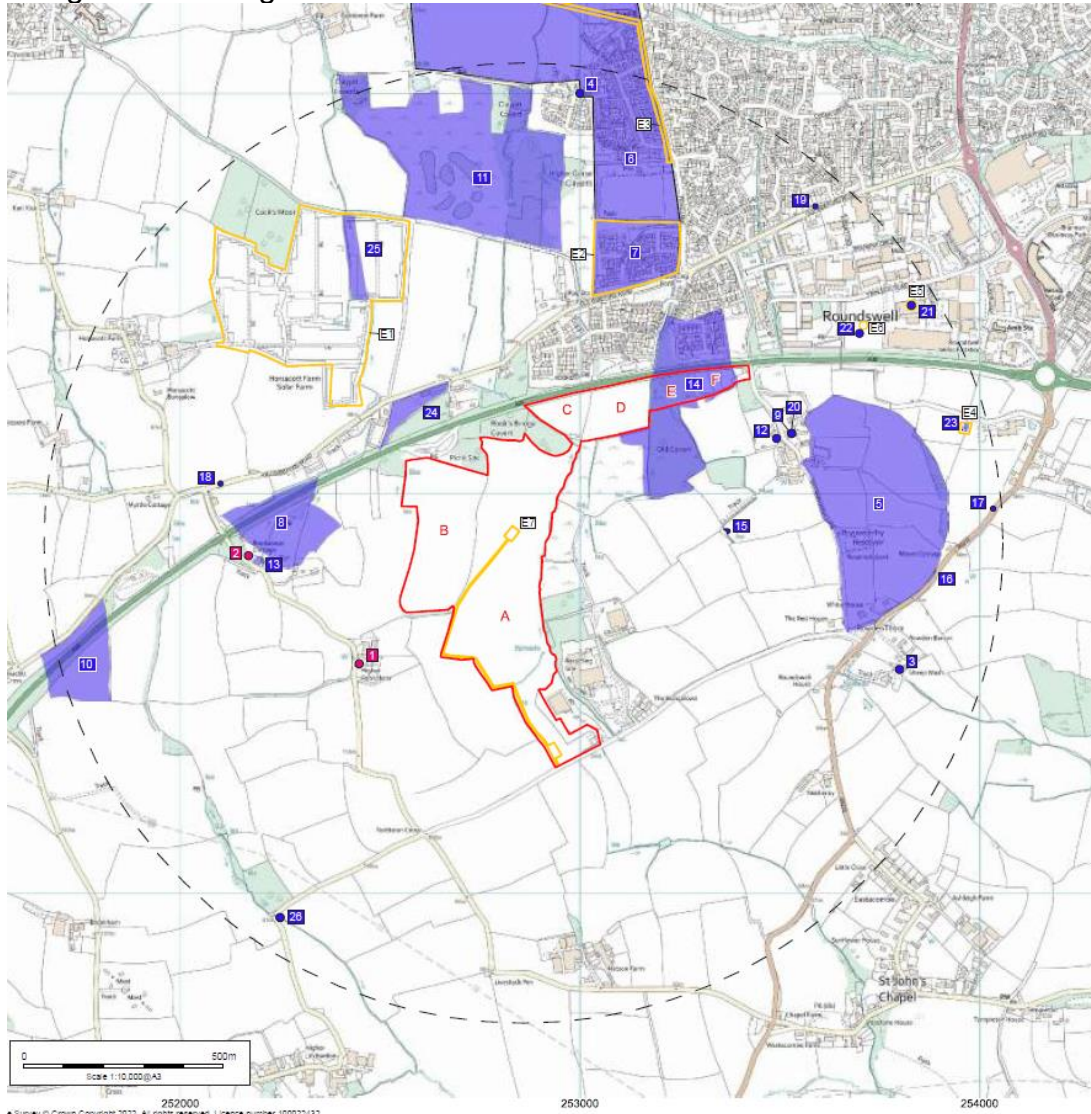




### Map showing location of Listed Buildings (in red) and site red line boundary

4.6. Beyond the above assets, there are further Listed Buildings and Conservation Area Boundaries are located some distance from the site, with Conservation Areas at Fremington, Muddlebridge and Bickington to the North.

4.7. Figure 1 in the Historic Environment Assessment (below) also identified features on the Historic Environment Register (HER), which could be considered to be non-designated Heritage Assets.



**Extract from Figure 1 of Historic Environment Assessment**

4.8. The ES accompanying the application provides an assessment on the likely impacts on the setting of the designated heritages assets and provides the technical report behind this. This report concludes that the settings which contribute to the heritage assets identified will remain unaffected by the development.

4.9. The application was subject to consultation with Historic England and the Council's Heritage and Conservation Officer, with Historic England advising that the Council's specialist conservation advisors comments should be sought. These are copied below:

*'The suburban development of Barnstaple is currently bounded to the south in this area by the main A39. The land to the south of the main road is open*

*countryside, legible as farmland, and generally, in this area, slopes down towards the north. It is higher within the southern reaches of the site, and from these slopes, the corresponding hillsides on the northern bank of the river are visible. Thus the effect is that the town of Barnstaple appears to be contained within a topographical bowl. Development south of the A39 in this location, extending up the hillside, will breach this containment.*

*There are two grade II listed buildings relatively close to the site - Higher Rookabeare farm, and Rookabeare Cottage. Both are sited within the open countryside, though the latter is close to the A39. The proposal site is large, and if approved the development would fundamentally change the character of the landscape in this area. This would affect the settings of both listed buildings, and in that the settings would not be preserved, there is likely to be a degree of less than substantial harm arising to significance. Therefore, under the provisions of paragraph 202 of the NPPF, the public benefits of the proposal will need to be weighed in the balance when the decision is made.'*

- 4.10. Since the above comments were received a revised NPPF has been published and paragraph 202 is now 208.
- 4.11. On the basis of the above comments and from review of the site and its context, it is clear that a conflict with Policies ST15 and DM07 of the NDTLP and duty of Section 66 of the above act exists in that the development is not considered to 'preserve or enhance' the setting of heritage assets, namely the context of Rookabeare Cottage and Rookabeare Farm.
- 4.12. However the harm identified is less than substantial, albeit this harm will be assessed giving great weight to the assets conservation as advised by the NPPF paragraph 205, and this will therefore be required to be considered in the balance with the public benefits of the scheme in section 9 of this report in line with Paragraph 208 of the NPPF.

#### Buried Archaeology

- 4.13. The application site has been the subject of archaeological assessment in the form of a geophysical survey to identify the potential for and importance of any buried archaeological features.
- 4.14. The Historic Environment Assessment identified the features and in conclusions whilst acknowledging the presence of these undesignated features, did not give comment that they were of any more notable significance.
- 4.15. In consultation with the County Archaeologist there is no disagreement with the conclusions and assessment carried out and the response suggests that the developer must supply either a Written Scheme of Investigation as part of the application or it can be conditioned as part of the recommendation.
- 4.16. In this instance given the scheme is in outline, it is considered appropriate to, where recommending approval to use a pre-commencement condition for the submission of the WSI.

4.17. As such the above would accord with Policies ST15 and DM07 of the NDTLP and provisions of the NPPF insofar as they relate to buried archaeology on site.

## 5. Ecology

5.1. Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017).

5.2. In respect of ecology, Policy ST14 (Enhancing Environmental Assets) of the NDTLP, requires quality of northern Devon's natural environment will be protected and enhanced by ensuring that development contributes to:

*(a) providing a net gain in northern Devon's biodiversity where possible, through positive management of an enhanced and expanded network of designated sites and green infrastructure, including retention and enhancement of critical environmental capital;*

*(b) protecting the hierarchy of designated sites in accordance with their status;*

*(c) conserving European protected species and the habitats on which they depend; (d) conserving northern Devon's geodiversity and its best and most versatile agricultural land...*

*(i) conserving and enhancing the robustness of northern Devon's ecosystems and the range of ecosystem services they provide;'*

5.3. This is further enshrined in development management Policy DM08 (biodiversity and geodiversity) whereby this policy provides detailed criteria on the above consideration in relation to the assessment of planning applications. Paragraph 180 and 181 of the NPPF also seek the same set of objectives in respect of the above and reiterates the statutory duties.

### Protected Species

5.4. The Ecological assessment work (EclA) accompanying the application acknowledges the potential impacts on a number of species and provides appropriate details in the commentary of mitigation and enhancement required to negate any impacts arising from the development and provides an overall enhancement on site. The initial submission documents raised the comments detailed in the consultees section above from the Sustainability Officer.

5.5. Pages 7 -11 of the EclA provide a non-technical summary of the impacts of the development, providing an overview of the survey work carried out, species and habitat identified on site and close by and the likely impacts of development, licencing requirement and mitigation and enhancement measures proposed.

5.6. There are a number of points of technical dispute between the Sustainability Officer and ecologist, with the rebuttal document dated 1<sup>st</sup> June 2023 going through each of these points in addressing the concerns raised. A number of these points are focused on the sensitive location of the site access (points 1-6) within an area of TPO woodland, which would result in the removal of significant biodiversity and visual amenity values, the latter which was discussed in design above.

- 5.7. It is not considered that the access located in the best in terms of its wider landscape and biodiversity impacts, and whilst mitigation in the form of new planting and BNG is proposed, the loss of this mature area of woodland does not appear to be consistent with the requirements of Policies ST14 and DM08 which seeks to retain and enhance environmental assets.
- 5.8. When challenged if alternative site access arrangements had been properly explored this was discounted advising that as this land had once been considered as for a potential roundabout, it was not necessary to look at alternative site access provision. This position is not accepted and the loss of habitat forming the site entrance is considered to conflict with Policy St14 of the NDTLP.
- 5.9. In terms of protected species, the rebuttal points raised in respect of survey work and licensing requirements appear to address the concerns raised in points 7-11 by indicating how NE best practice is being followed and survey work extent is clarified.
- 5.10. It is considered that a robust approach to survey work has been carried out albeit some professional differences of opinion continue to exist between the Sustainability Officer and Ecologist. The survey work will set the baseline for any reserved matters application, which were permission granted, and pre-commencement ecology survey conditions, which a standard practise on phased development with a long build out phase, this would deal with any changes in presence of species and licencing requirements.
- 5.11. However it is considered for the purposes of determining the planning application and ensuring wildlife has been appropriately considered in light of the legislative framework and can be appropriately conserved in the context of Policy ST14, the level and extent of survey work carried out is commensurate with the requirements and Natural England Standing Advice.

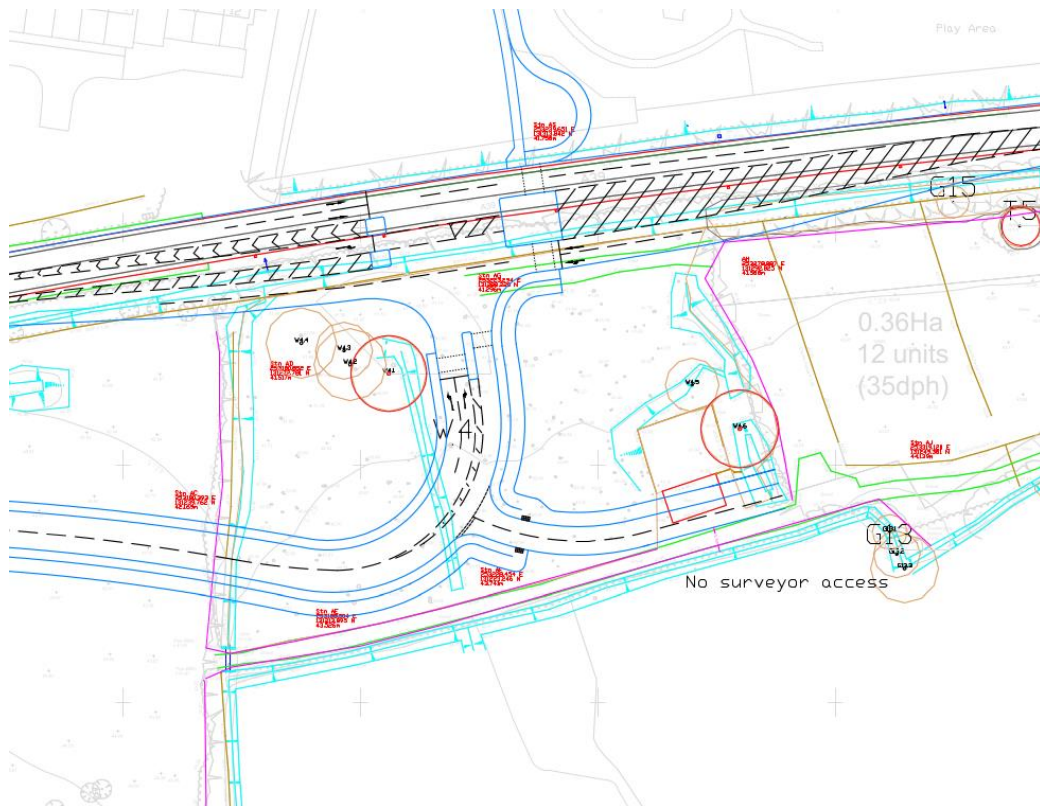
#### *Biodiversity Net Gain*

- 5.12. In terms of BNG the EclA demonstrates that through a landscape-led design approach the site is capable of achieving a 40.76% increase in habitat units, a 31.94% increase in hedgerow units and no net loss in river units. There is a conflict with BNG trading requirements whereby the loss of the above woodland units to create the access, acknowledging some trees have Ash Dieback, there is no straight replacement for this high value habitat as it takes in excess of 30 years to reach the same biodiversity value as before.
- 5.13. Below is a photo extract of the woodland area and then a plan showing the extent of built infrastructure required to form the access:





**Photo of deciduous woodland to be removed to form access to site**



**Extract of plan showing the site entrance works**

5.14. This point (19) is raised in the Sustainability Officers reply and rebutted below:

*'This is an interesting point. Firstly, planting woodland results in very poor score within the metric which is why 1.908ha is required to replace 0.714ha ie 2.67 times greater area than that lost.*

*All metric scores are judged on 30 years only. The guidance pertaining to the Metric states that the Metric is a tool and needs to be interpreted rather than*

*religiously adhered to. Factor in the fact that the existing woodland contains significant amounts of ash which are in various stages of dying and the existing woodland cannot possibly be considered to be a high value woodland. The extent of new planting more than adequately compensates for the loss. Over time the value of the new woodland will of course rise too.*

*Natural England training Sarah undertook re BNG stated that with woodland, you might want to get to broadleaved woodland within the 30-year timeframe and then the next 30-year period aim to get some way towards achieving lowland mixed deciduous woodland. This is because it is not possible to create lowland mixed deciduous woodland within 30 year'*

- 5.15. Reference is also made by Natural England in respect of impacts of development on veteran trees, paragraph 186 of the NPPF requires *'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;...'*
- 5.16. This requirement is echoed in Policy DM08 (7) of the NDTLP.
- 5.17. In terms of the compensation strategy adopted in this instance, by replacing woodland with habitat of a lesser value which would not provide the same value within the 30 year timescale, this is considered to result in conflict it with the above paragraph of the NPPF and ST14 and DM08 of the NDTLP.
- 5.18. In respect of Natural England Standing Advice for Veteran Trees, this requires development effecting veteran trees to be refused unless:
- *there are wholly exceptional reasons; and*
  - *there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance*
- 5.19. There are not considered to be wholly exceptional reasons to remove the woodland TPO identified and, albeit if the first test above is failed the second need not be applied, but if it were, the compensation through the BNG strategy is not acceptable.
- 5.20. The removal of this woodland which is in a disputable condition contributing to the baseline value of the site remains an area of contention. A scheme which retained and enhanced this area with new planting would have been far more valuable in a landscape and ecological sense and as such its removal and uncertainty around its replacements long term contribution to BNG would not represent conserving or enhancing existing ecosystems contrary to Policies ST14 and DM08 and paragraphs 180 and 186.

#### *Habitat Regulations Assessment*

- 5.21. In relation to the Special Areas of Conservation (SAC) being the Braunton Burrows SAC and Culm Grassland SAC, the response by Natural England highlighted the need for an appropriate assessment to be carried out in relation to the Habitat Regulations in order to ascertain whether significant effects were likely to result from the proposals. The LPA have previously commissioned a strategic assessment which demonstrates that new residential development of up to 10,000

non-plan led dwellings could occur before significant effects would be deemed to result on the Culm SAC.

5.22. In terms of Braunton Burrows SAC, as North Devon Council's Habitat Regulations Assessment (HRA) at the Joint Plan level (JLP) the area is outside of the Zone of Influence where impacts would arise on the SAC. As such it can be screened out from further assessment.

5.23. As such the development is not considered to adversely affect the designated sites concerned and has been screened out of the need for a full Habitat Regulations Assessment.

*Best and Most Versatile Agricultural land*

5.24. Policy ST14 (d) and Paragraph 180 (b) of the NPPF recognises the natural capital associated with the Best and Most Versatile Agricultural Land (BMV) which is land classed as 1-3a as defined by the glossary to the NPPF and classed by the Agricultural Land Classification Map South West Region produced by the Ministry for Agriculture Fisheries and Food (MAFF), subsequently superseded by the Department for Environment, Food, and Rural Affairs (DEFRA).

5.25. A detail assessment of the soil grade of the land has been carried out and concludes that the ALC to be subgrade 3b and grade 4. These findings are not disputed and no objection is raised by Natural England.

5.26. As such the development does not represent use of BMV agricultural land as and such would not conflict with the above policies.

*Other matters*

5.27. There are a number of other points and statements within the Sustainability Officers reply which would be addressed were the site to progress to reserved matters stage and therefore do not need to be considered at this stage.

5.28. In consultation with Natural England an objection was raised in respect of the consideration of the designated SSSI of the Taw Torridge Estuary and overwintering birds.

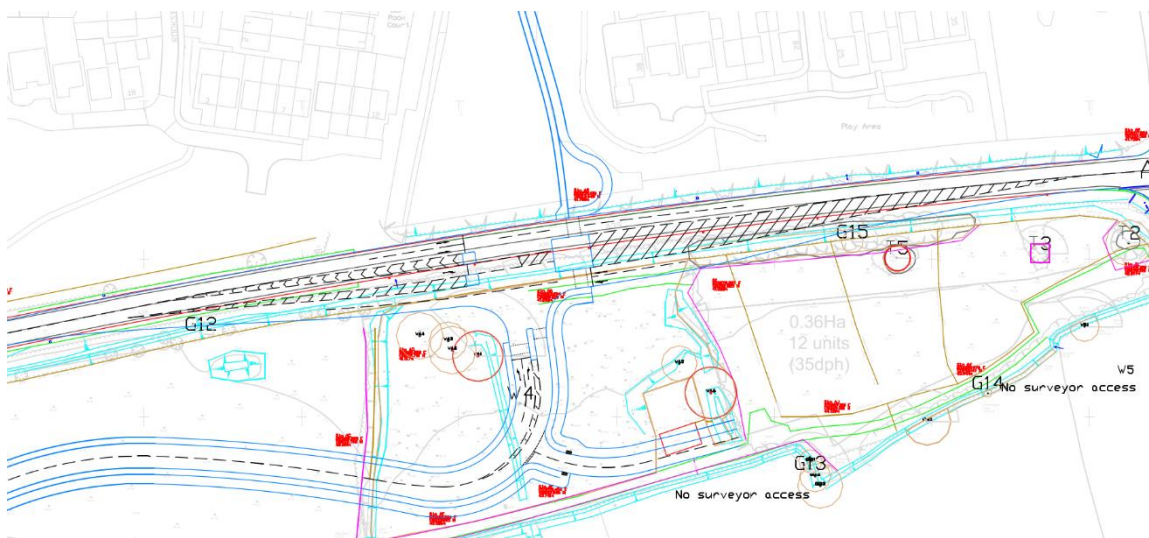
5.29. The location of the site is identified by Natural England as having potential recreational impacts on the above designated site, and consequently overwintering birds, as detailed in the Natural England response. Whilst impact is identified, NE identified suitable routes for mitigation through design and education mechanisms such as that cited by Natural England below:

*'In the absence of a strategic approach to mitigating recreational disturbance impacts, if your authority is minded to grant permission, suitable mitigation measures should be agreed and secured via condition to reduce disturbance to over wintering birds, such as interpretation packs for all households.'*

5.30. As such, were approval forthcoming this could be dealt with by conditions and other measures via the reserved matters application.

## 6. Highways

- 6.1. Policies ST10, DM05 and DM06 of the NDTLP requires development to provide safe and suitable access for all road users, providing sufficient access to alternative modes of travel to reduce the use of the private car, to safeguard strategic routes and provide appropriate transport infrastructure across the area to ensure the above is achieved. This is further enshrined in chapter 9 of the NPPF.
- 6.2. The application is made in outline with matters of access for approval. The application was submitted with a scheme to form a new junction from the A39 into the site with the provision of a pedestrian crossing on the A39 to access land to the north to provide an onward link to facilities within Roundswell and further east.
- 6.3. The plan below shows the technical design of the junctions on the A road which is subject to the national speed limit of 60 miles per hour:



**Extract – Technical Junction Design onto A39**

- 6.4. The access design was subject to detailed discussion through the pre-application process with the Highway Authority whereby a roundabout was the preferred option to allow the provision of access to the north as detailed in the first consultation reply. Discussions also suggested a pedestrian bridge from the site was required to avoid crossing the carriageway.
- 6.5. It is noted that there is currently no way of accessing the existing pedestrian bridge to the east of the site, and land ownerships prevents this link being achieved as part of the application.
- 6.6. Furthermore, the land indicated to the north of the A39 as a footway and cycleway above, is also in third party ownership and does not form part of the current application. These matters will be discussed further below in the context of that already discussed above in relation place-making.
- 6.7. Returning to matters of technical access design, despite original preferences for the access to the site, DCC have since confirmed there are no technical objections to the access design proposed albeit to detailed commentary of how this conclusion



has been reached has been provided to the LPA. A list of conditions is also supplied as part of the response which would be applied in the event approval were forthcoming.

- 6.8. In terms of the resulting traffic movements and pressures on the on-ward highway network, no further objection to this was provided by DCC when accepting the junction arrangement above therefore is accepted that the movement generated from this site would not result in a severe impact on the surrounding highway networks function.
- 6.9. It would appear the technical reply departs from the original requirements for both a roundabout and pedestrian bridge with DCC content that the junction design and crossing is acceptable. As such the LPA has no grounds on which to dispute this.

#### Accessibility by Alternative Modes

- 6.10. The following section should be read in the context paragraphs 2.2-2.25 above whereby a detailed dialogue is provided in respect of the ability to create a north to south connection between the site and Old Bideford Road which is essential for future occupiers of the site to gain safe access to the school, retail opportunities, employment and other services required on a daily basis by alternative modes.
- 6.11. It should be made clear at this stage, that distances to the facilities cited in 6.9 above, even with the north south link for alternative modes is considered to result in unacceptable distances,. However without the ability to obtain the link at all the site would become wholly dependent on the private car.
- 6.12. Breaking down the alternative modes which would use the link were it deliverable, these are links to walking and cycling. In terms of a bus service no affirmative information has been provided from the developer or DCC following their initial consultation reply, that this site, would be supported by a bus service with long term security with the developer committing to only 3 years of funding for a dedicated service. On the basis of an ambitious 90 dwelling per year build out rate, the service funding would not stretch as far as the completion of the development which would be a minimum 5 years.
- 6.13. Policies DM05 and ST10, along with paragraphs 110 and 114 make clear that development should make good provision for alternative modes of travel and go so far as to say these routes should not only be safe but they should also be attractive and well-designed.
- 6.14. Taking the first scenario where the link across the A39 were securable by drawing down an option agreement, securing permission for footway and cycle way into Glenwood Drive on the Northern side of the A39, the travel distances below would apply:

<b>Facility</b>	<b>Nearest point (approx.)</b>	<b>Furthest point (approx.)</b>
Roundswell Primary Academy	1.17km	2.07km
Roundswell Community Hall	1.4km	2.32km
Tews Lane Playing Fields	0.51km	1.41km
Sainsburys	1.23km	2.13km
Roundswell Industrial Estate (Northern Edge)	0.51km	1.46km
Aldi	1.1km	2.01km
Nearest Bus stop	0.61km	1.54km

6.15. Whilst DCC Education (not highways) have advised that they consider the school to be within the upper parameters for walking distances for primary school children using the 'Assessment of Walked Routes to School' published on behalf of Road Safety GB, the validation of this is questioned by the LPA.

6.16. This is a walking/cycling distance of 3.2km and these distances are based upon the Education Authority's duty to provide transport to school to ensure school attendance. The above document cites a test case (Shaxted v Ward 1954) dating from 1954 whereby distances which are established in the Education Act 1944 are used as the basis for establishing lack of attendance based upon unacceptable travel distances to school.

6.17. It is a point of relevance that the statute and case law underpinning the 3.2km distance dates from a period of time 80 years preceding the current day. It is also retrofitting how to look at how far a child should live from their school to achieve attendance. Its purposes is not for centring new development in locations where a school or any other facilities can be accessed safely and within desirable walking distances.

6.18. This document is also neither adopted planning policy, guidance or otherwise and does not seek to promote access to alternative modes in the same way as the planning system of today does.

6.19. The National Model Design Code, National Design Guide and Manual for Streets makes clear that walking and cycling routes should be made more attractive than the car on all new development, particularly for distances under 2km. The upper parts of the development site would be in excess of the walkable neighbourhood of 800m or within a 10 minute walk. The local topography of the area is that the land levels rise southwards therefore presents a further challenge for small children or those with mobility issues.

6.20. The likely effect of the travel distances not only to the school but other facilities are likely to result in reliance on the private car therefore higher car ownership across the site. It should therefore also be noted that the need to run a car, particularly for those in affordable housing need, would be a significant socio-economic disadvantage.

6.21. In light of the above, in a scenario where a safe crossing is provided across the A39, the walking distances to the onward facilities would be beyond a desirable

distance such that occupiers of the development would be highly likely to opt to utilise the private car to travel to their destination. As such the development does not provide appropriately for alternative modes due to its location and therefore would create unsustainable travel form, resulting in producing of greater CO2 emissions and therefore being unsustainable in an environmental sense. As such this conflicts with Policies DM05 and ST10 of the NDTLP and paragraphs 110 and 114 of the NPPF.

6.22. Taking the scenario where the safe link to the north could not be achieved, the development becomes wholly reliant on unsustainable travel modes in direct conflict with Policies DM05 and ST10 of the NDTLP and paragraph 110 and 114 of the NPPF.

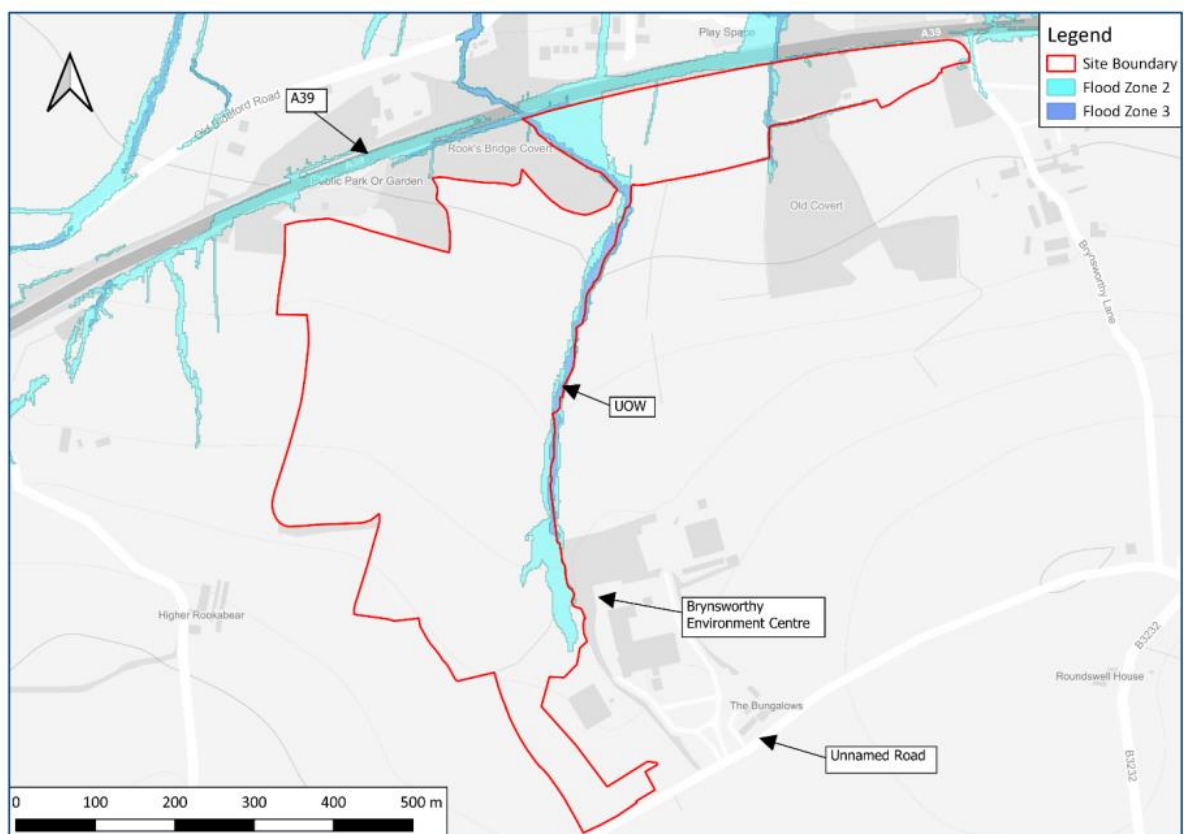
6.23. In light of the conflicts which have been identified above in respect of the unsustainable travel likely to result from the proposed development, this policy conflict is given substantial weight given its links to principle policy and the overarching sustainability principles of the NPPF.

## 7. Flood Risk and Drainage

7.1. NDTLP Policy ST03 requires that development takes account of climate change to minimise flood risk. Policy DM04 requires development to 'provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rain water'.

### Flood Risk

7.2. The development site is located partially in Flood Zones 1, 2 and 3 as identified by Environment Agency Flood Mapping below:



## Extract of Flood Zone Maps

7.3. As can be seen from the plan, the area of land to the north of the site where the site would be accessed is entirely within Flood Zone 2 with the pinch point in red line boundary shown as Flood Zone 3.

7.4. In term of the initial response to this and the submitted FRA, the Environment Agency objected to the scheme as below:

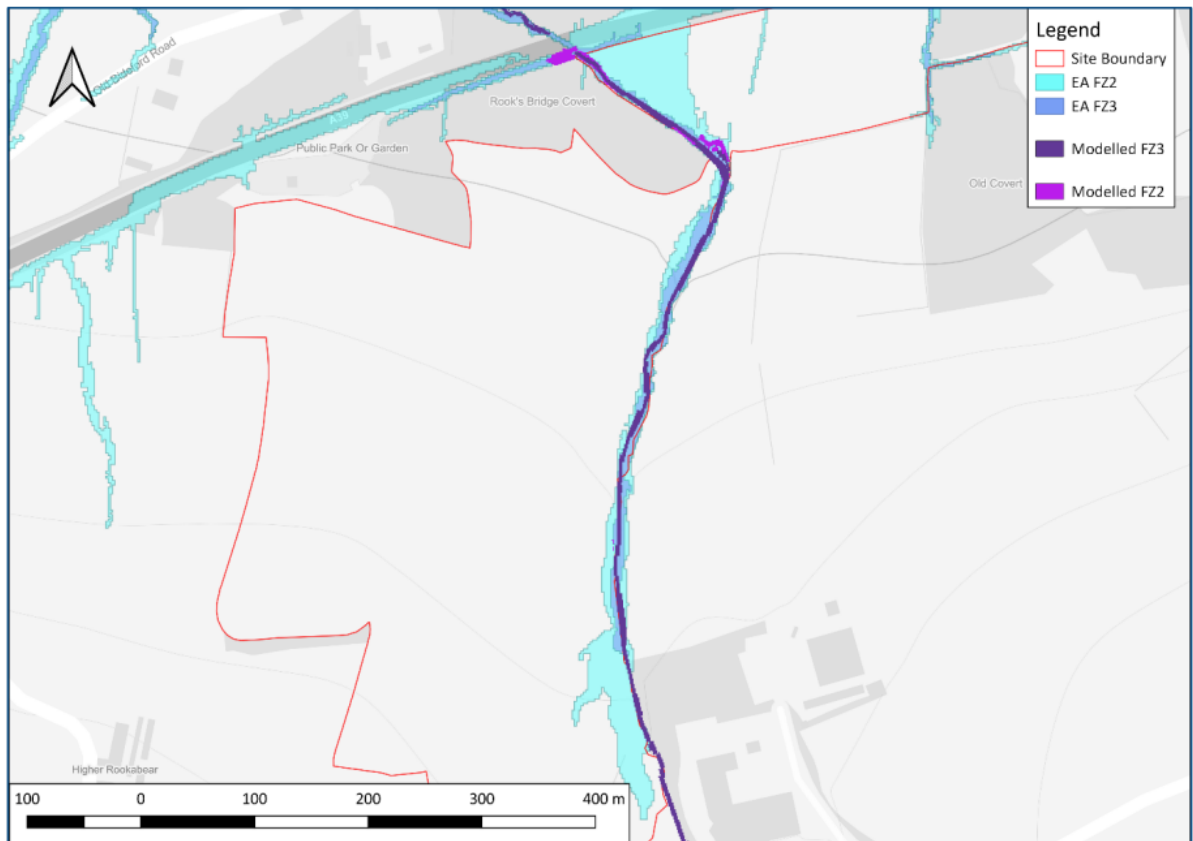
*'The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development.*

- As there are areas of the site at risk of fluvial flooding design flood levels across the site should be provided, taking into account the impact of climate change in line with the most recent PPG update.*
- All finished floor levels must be a minimum of 600mm higher than this design flood level. Please provide minimum levels and details of this in the FRA*
- The concept plan shows a 5m watercourse buffer. We recommend that there should be an 8m easement from the top bank of any watercourse to any built development, including fencing and garden areas.*
- To the north of the site the new highway will cross a watercourse and its associated floodplain. Further details are required to ensure that this road is safe from flooding as this will be the main access/egress route to the site.*

*Other*

*The sequential test must be passed for this development to be approved as there are parts of the site within flood zone 2 and 3.'*

7.5. Subsequent to this objection and two further objections from the EA, as well the sequential test being brought to the attention of the applicant, they have proceeded to provide detailed site specific flood levels of the site. The diagram below shows the newly mapped levels which have been accepted by the EA and their objections withdrawn, although they do not carry out sequential testing.



**Extract showing Site Specific Flood Levels against EA levels**

- 7.6. The flood mapping shows a significant reduction in the area of FLZ2 however areas of FLZ2 and FLZ3 continue to exist at the pinch-point of the development with flood depths of 0.30m likely at events from 1 in 30years, 1 in 100yrs and 1 in 1000 years (+38%). In essence this would mean that in a flood event of any of the above scales, there would be 0.3m or 1 foot of water at the pinch-point which provide access to the entire development parcel further south. It is not understood how long these flood levels would remain in times of a flood event.
- 7.7. As part of the site remains in flood zone as a result of this more detailed mapping exercise the sequential test would continue to apply as the starting point. Safe access and egress would then be considered at exceptions test stage.
- 7.8. Paragraphs 165-175 of the NPPF deal with development and flood risk, with paragraph 165 directing development to areas with the lowest risk of flooding. As part of any application a site specific Flood Risk Assessment is required and a sequential approach to development of more vulnerable uses applied.

### Sequential Test

- 7.9. The onus is generally on the applicant to present a sequential test however in 4.1 of the FRA the suggested sequential approach that has been adopted is by siting the more vulnerable residential uses on FLZ1 and not in the higher flood risk areas of the application site. This is not the correct approach to accord with the up to date guidance in the PPG below.

*'Relevant decision makers need to consider whether the test is passed, with reference to the information it holds on land availability. The planning authority will need to determine an appropriate area of search, based on the*

*development type proposed and relevant spatial policies. The applicant will need to identify whether there are any other 'reasonably available' sites within the area of search, that have not already been identified by the planning authority in site allocations or relevant housing and/or economic land availability assessments, such as sites currently available on the open market. The applicant may also need to check on the current status of relevant sites to determine if they can be considered 'reasonably available'.*

*Local planning authorities should inform the applicant and, where relevant, the Environment Agency about the outcome of the sequential test at the earliest opportunity, as this may avoid other work being undertaken unnecessarily.'*

7.10. The developer in this instance has chosen to proceed to flood model the site despite advice in August 2023 that the development was unlikely to meet the sequential test.

7.11. In conducting a sequential test it is reasonable to look at the Barnstaple Strategic Area defined the ST06 as to the availability of alternative sites with a lower risk of flooding. Whilst it is not for the LPA to carry out the site assessment, it is considered that there are a number of sequentially preferable and reasonably available sites within the Barnstaple Strategic Area.

Site Location	Planning Reference	Notes
Westacott Strategic Extensions (BAR01)	65448 (820 units) 62187 (149 unit) (73578 reserved matters)	969 dwellings
Larkbear Strategic Extension (BAR02)	70954	235 dwellings Further land part of BAR02 beyond this site allocated for a further 349 dwellings

7.12. Given Wessex are a land promoter, they could have sought land on sites with a land allocation and pursued planning permission on such sites. Whilst there are many other sites in the locality which are smaller in scale, the above sites demonstrate the land is both allocated, with planning permissions, benefiting from Strategic Flood Risk Assessment at plan making stage and thus not triggering the sequential test, which are reasonably available and sequentially preferable. As such, as previously advised to the developer, the sequential test is failed.

7.13. It should be noted that, even if the sequential test were not failed, when applying the exceptions test, the development would need to be made safe from flood risk, which with the current pinch-point and flood levels, this would create an emergency planning implication for majority of the site and create significant pressures on local emergency services were occupiers needing to get in and out of the site in the event of a flood.

7.14. On the basis of the above in applying NDTLP policy ST03, the development would result in potential flood risk, albeit effecting only safe access and egress from the site and fails the sequential test therefore contrary to Policy ST03 (a), and paragraph 173 of the NPPF. Moderate weight is afforded to this policy conflict.

## Drainage

- 7.15. The proposed development would include connection to the existing foul sewer and the provision of a series of SUDs measures throughout the site, as shown on the indicative plans.
- 7.16. In terms of a foul sewer connection, in consultation with South West Water no objections have been raised to this connection or a clean water connection. Their response covers issues around nearby asset protection and SUDS which will be covered at detailed design stage and below respectively.
- 7.17. In terms of surface water drainage, this is detailed in technical reports accompanying the ES and has been added to the by additional submission documents part of the Flood Risk Assessment which has been prepared to address concerns raised by the EA.
- 7.18. The scheme would be comprised of a drainage system which would drain to new attenuation features which would in turn discharge appropriately into the existing watercourses. Given its location in Critical Drainage Area, the development is also required to demonstrate betterment of greenfield run off rate. As such, whilst final impermeable surface areas are not known an assumption was made of 65% impermeable surface. The developer maintains appropriately run off rates can be achieved on site.
- 7.19. Devon County Council Lead Local Flood Authority (LLFA) provided a response which stated they had no objection in January 2023. This was to be subject to planning conditions to secure further details of the detailed SUDS design which would later be devised as part of any reserved matters application.
- 7.20. Further information in relation to other technical matters, not including drainage, was supplied to the LPA in June 2023, and a further reply was received from DCC's Planning with LLFA comments which introduced an objection to the scheme which does not appear to have been instigated by any material changes to the scheme as a whole or drainage details. They have also commented that the updated FRA did not deal specifically with surface water drainage issues.
- 7.21. The additional comments raised require confirmation of certain aspects of the scheme, which could have been requested in January 2023, however these points of clarification are not considered to impact on the overall feasibility of delivery of a functional SUDS scheme on the site. As such, given the information presented to date, outline stage of the application, and outstanding information identified by the LLFA, it is considered that in the event of an approval, these details could be appropriately conditioned as a pre-commencement requirement and achieve appropriate surface water drainage across the site.
- 7.22. As such, for the purposes of the outline application, the development would accord with Policies ST03 and DM04 in relation to surface water management and paragraph 173 of the NPPF.

## 8. Socio Economic Benefits

### Economic Benefits

- 8.1. The proposal would bring economic benefits in the form of new homes bonus, council tax and housing provision reducing temporary accommodation cost pressure.
- 8.2. There would be economic benefits though construction and increases expenditure in the local area through spend in the supply chain and on local businesses as a result of more people in the area during the construction stage. This will contribute towards economic development of the local area. This is considered to be a temporary benefit.
- 8.3. Permanent future expenditure by occupiers would result from the development and benefit to local employers from housing availability for workers.

### Social benefits

- 8.4. The provision of housing and affordable housing would contribute to meeting identified housing needs in the strategic area.
- 8.5. Financial contributions would be made to mitigate the impact of development for education, healthcare, and sport and recreation which would provide for the social needs of the future occupiers of the site.

## 9. Infrastructure Requirements

- 9.1. The following infrastructure requirements have been identified for the development which, in the event of an approval would be secure via conditions and Section 106 Agreement:

Head of Terms	Detail	Amount
Affordable Housing	75% Social Rent and the remainder Intermediate (Shared Ownership, Intermediate Rent or Discounted Sale).	30% of total dwellings - details of mix requested
Sustainable Transport infrastructure contributions	Bus contribution (3 years of dedicated service delivered by applicant)  Contribution of A361 Bridge (disputed by applicant)	Figures not provided
Allotment:	1617m2	All POS to be recalculated at RM stage to ensure areas of informal open space are delivered: £48,510.00
Amenity & Green Space:	21,560m2	As above £323,400.00



Play Space:	754.6m2	As above 128,282.00
Parks, Sport and Recreation	14,014m2	£1,009,008.00
Primary and secondary SEN provision.	SEN rate of 81,274 per pupil equivalent to 2.25 primary pupil and 1.35 secondary pupils. This equates to 650.19 per family type dwelling.	£292,586
Primary Education	The primary contribution sought would be £2,014,763 (based on the <u>DfE</u> new build rate of £20,305 per pupil x 90%). This equates to a per dwelling rate of £4,477.25.	£2,014,763
Primary Land Contribution	Based upon a land value of £1,105,000 per hectare, this land contribution would equate to £447,525 (based on £1,105 per dwelling x 90%) and would be used towards the costs of procuring the new school <u>site</u> . This equates to a per dwelling rate of £994.50	£447,525
Secondary School contribution towards the expansion of existing secondary provision in Barnstaple	Based on the <u>DfE</u> expansion rate of £23,540 per pupil. This equates to a per family-dwelling rate of <u>£2110.83</u> .	£949,874
Early years	£250 per dwelling	£112,500
School Transport (Secondary)	67.50 secondary pupils £3.93 per day x 67.50 pupils x 190 academic days x 5 year	£252,011
Health – to address capacity at <u>Litchdon Medical Centre</u> , <u>Brannam Medical Centre</u> and <u>Queens Medical Centre</u>	£579 per dwelling	£260,352
NHS Acute Care	Funding of gap generated by patients generated from development	£238,178.00
DCC Waste Contribution	Towards waste facilities	£128 per dwelling

## 10. Planning Balance

- 10.1. In terms of the principle of development on the site, the above report identified conflict with the principle policies for plan-led development within the district. It represents an unjustified departure from Policies ST01 and ST07 of the NDTLP. Significant weight is afforded to this conflict with important policies of the development plan in considering the development.
- 10.2. The provision of housing and affordable housing is a positive attribute of the scheme and given the declaration of a housing crisis in the area and identified housing needs, substantial weight is given to the provision of affordable housing.
- 10.3. In design terms, the proposal would represent unsustainable development with poor connectivity and excessive travel distances by alternative modes of travel. The lack of local facilities planned on site and residential led extension does not make a place. It does not actively promote as well designed and accessible development and it would have social impact to its occupants through isolation and financial travel constraints. Significant weight is attributed to this conflict with Policies ST04, and DM04 of the NDTLP.
- 10.4. Landscape harm is also identified by the loss of overall landscape character from the 24 ha site as well as loss of established high visual amenity value habitat. Moderate weight is attributed to this conflict.
- 10.5. The loss of woodland including veteran trees and priority habitat also does not conserve or enhance existing ecosystems and results in permanent loss of veteran trees. Significant weight is afforded to this policy conflict with Policies ST14 and DM08 of the NDTLP.
- 10.6. Whilst a safe access has been presented and agreed by the Highway Authority, the distances of parts of the site to facilities needed on a daily basis would not represent attractive or well-designed walking and cycling routes by reason of the local site topography and travel distances. Furthermore the uncertainty on the ability to deliver a link to the north would present potential highway safety conflict. The application presented does not secure the north-south link but even with this link the distances involved would encourage the use of the private car and the conflict with Highway policies ST10 and DM05 which are afforded significant weight.
- 10.7. Detailed design and conditions can create appropriate policy compliant amenity conditions.
- 10.8. The site would result in less than substantial harm of heritage assets in the locality. However given the public benefits of the provision of housing, including 30% affordable dwellings and employment arising from construction, the benefits would outweigh the harm in this instance.
- 10.9. The sites access is located in Flood Zone 2 and 3 and as sequentially preferable sites exist within the Barnstaple Strategic Area the sequential test is failed and the proposal is contrary to Policy ST03 of the North Devon and Torridge Local Plan and NPPF. Moderate weight is afforded to this policy conflict.

- 10.10. The site can appropriately deal with surface water run-off in accordance with Environment Agency and DCC Flood Risk advice and national requirements.
- 10.11. Turning to the NPPF and the 3 dimensions of sustainability, and this the presumption in favour of sustainable development;
- 10.12. From the perspective of economic impacts, the development will generate employment opportunities over a number of years throughout a range of trades. Research by the Home Builders Federation has found in the construction sector 1 home per annum generates on average 2.4 direct and indirect jobs i.e. 386 job years of full-time employment. The economic benefits of the proposal would include the creation of jobs, the addition of spending power to the local economy and the new homes bonus. Limited weight is given to this benefit.
- 10.13. In a social sense the provision of housing and affordable housing is a benefit, with limited weight afforded to market housing provision and substantial weight afforded to affordable provision.
- 10.14. There would be social benefits to future occupier to the site through Public Open Space provision and other planning obligations which are required to make the development acceptable in planning term and therefore which carry limited weight.
- 10.15. Environmentally the site is not considered to be located in a sustainable location, whereby the travel distances by alternative modes, even if onward links north can be achieved, would be unattractive to its occupants, and without security of a long term dedicated bus services as well, the site occupants would be primarily reliant on the private car. This would have social knock on in limiting areas for search of housing of those in need without access to transport and economic impacts to occupiers from needing to run a car. Significant weight has been apportioned to this conflict with policy are overarching sustainability aims.
- 10.16. Furthermore there are environmental sustainability conflicts with location of the site in flood zone, loss of local landscape character and loss of valuable habitat.
- 10.17. In decision making, it is the planning judgement of the decision taker, when considering the development plans as a whole and any other material consideration, as to how the planning balance will fall. This is not a case where your officers consider a fine balance to apply. A number of clear conflicts with development plan policies have been highlighted above and are demonstrated in the table below.

	In favour	Against
Principle of development		Substantial weight
Affordable housing	Substantial weight	
Landscape impacts		Moderate weight
Heritage Impact		Significant weight
Ecology		Significant weight
Highways impact		Significant weight
Flood impacts		Moderate weight
Construction, jobs, economic impact	Limited weight	
Public Open Space	Limited Weight	
Market Housing	Limited weight	

## **Table identifying material consideration and weight attributed to these by Officers**

- 10.18. It is clear above that the harm identified leads to conflict with the development plan when read as a whole, following from conflict with policies which have been identified in the reasoning on the individual issues above.
- 10.19. Whilst there are benefits arising from the scheme, their number and respective weighting is such these are not considered to outweigh the harm identified, This is in addition to the applicants acknowledgement that there is conflict with part of LP Policy ST07 as the site lies outside the identified area for development at Fremington.
- 10.20. Notwithstanding the ability of the land area to provide a substantial number of dwellings, including affordable dwellings, the site cannot be regarded as realising the 3 strands of sustainability set out in the NPPF. There are no other material considerations in this case which would lead your officers to conclude that a decision should be made other than in accordance with the development plan in this instance.

### **Human Rights Act 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

### **Recommendation**

#### **Refusal**

Legal Agreement Required: No

1. The development by reason of its location outside of any defined development boundary and divorced from existing services and facilities would represent unjustified and unsustainable development in the countryside contrary to Policies ST01 and ST07 of the North Devon and Torridge Local Plan and paragraph 84 of the National Planning Policy Framework.
2. On the basis of the connectivity of the site to onward pedestrian and cycles routes to the north of the A39 and the respective travel distances, with potential doubt that this link north can be achieved at all, the proposals represents poor place-making whereby

the development does not create inclusive environments that are legible, connected and facilitate the ease of movement and permeability through the site, allowing everyone to easily understand and find their way around nor does it provide safe well-integrated walking and cycling routes. Furthermore it does not function well as an extension to Barnstaple, does not support local facilities or the transport network and most profoundly does not create a place which is safe, inclusive and accessible nor which promotes health and well-being due to isolation of occupants to the safe travel primarily by car. This would run contrary to Policies ST04 and DM04 of the North Devon and Torridge Local Plan, paragraph 135 of the National Planning Policy Framework and does not meet the fundamental principles of good place-making through the planned process and the National Design Guide.

3. The development would result in the loss of the overall open landscape character of the whole site and visually attractive woodland to the north of the site where the access is to be formed. This would neither protect nor enhance the local landscape character neither would it be appropriate and sympathetic to landscape features, reinforce key qualities of the landscape and does not effectively integrate existing landscape and biodiversity networks contrary to Policies ST04, ST14, DM04 and DM08A of the North Devon and Torridge Local Plan and paragraph 180 of the National Planning Policy Framework.
4. The loss of woodland to form the access is not considered to conserve or enhance existing ecosystems and results in permanent loss of veteran trees which is not considered to be appropriately mitigated through the application contrary to Policies ST14, DM08 of the North Devon and Torridge Local Plan and paragraphs 180 and 186 of the National Planning Policy Framework.
5. The location of the development would result in unacceptable travel distances and local topography to access facilities and services required on a daily basis therefore promoting the use of the private cars in the absence of a secure long term bus service. This would not represent attractive or well-designed connectivity from the site and significant doubt exists as to the delivery of the North-South link which further exacerbate this conflict and adds a highway safety concern whereby site occupiers would cross the A39 at the existing Public Right of Way with no signals and at the National Speed limit presenting significant risk to safety of all road users. As such this is contrary to Policies ST10 and DM05 of the North Devon and Torridge Local Plan and paragraphs 110 and 114 of the National Planning Policy Framework.
6. The site access would be within Flood Zone 2 and Flood Zone 3 therefore given there are available sites within the Barnstaple Spatial Area at lower risk of flooding, the development would fail the sequential test contrary to Policy ST03 of the North Devon and Torridge Local Plan and paragraph 173 of the National Planning Policy Framework.

### **Informatives**

1. **INFORMATIVE NOTE: -  
POLICIES AND PROPOSALS RELEVANT TO THE DECISION**

Development Plan  
North Devon and Torridge Local Plan 2018: -  
DM01 - Amenity Considerations  
DM01 - Amenity Considerations

DM02 - Environmental Protection  
 DM03 - Construction and Environmental Management  
 DM04 - Design Principles  
 DM05 - Highways  
 DM06 - Parking Provision  
 DM07 - Historic Environment  
 DM08 - Biodiversity and Geodiversity  
 DM08A - Landscape and Seascape Character  
 DM10 - Green Infrastructure Provision  
 ST01 - Principles of Sustainable Development  
 ST02 - Mitigating Climate Change  
 ST03 - Adapting to Climate Change and Strengthening Resilience  
 ST04 - Improving the Quality of Development  
 ST07 - Spatial Development Strategy for Northern Devon's Rural Area  
 ST08 - Scale and Distribution of New Development in Northern Devon  
 ST10 - Transport Strategy  
 ST14 - Enhancing Environmental Assets  
 ST15 - Conserving Heritage Assets  
 ST17 - A Balanced Local Housing Market  
 ST18 - Affordable Housing on Development Sites  
 ST21 - Managing the Delivery of Housing  
 ST23 - Infrastructure

2. The plans considered during the determination of this application were:
  - 20062BB-LHC-00-XX-DR-L-01.01 Site Location Plan and received on the 22/11/22,
  - 20062BB-LHC-00-XX-DR-L-01.02P5 Concept Layout Plan and received on the 05/03/24,
  - 20062BB-LHC-00-XX-DR-L-01.04 Land Use Plan and received on the 22/11/22,
  - 15510-HYD-XX-XX-SK-TP-0011 P01 Refuse Tracking and received on the 22/11/22,
  - 15510-HYD-XX-XX-SK-TP-0010 P01 Bus Tracking and received on the 22/11/22,
  - 15510-HYD-XX-XX-SK-TP-0012 P01 Fire Tracking and received on the 22/11/22,
  - 15510-HYD-XX-XX-SK-TP-0003 P06 Signal Junction Design and received on the 22/11/22,
  - 15510-HYD-XX-XX-DR-WENV-0001P01 Baseline 1 in 30yr Flood Depths (15510-HYD-XX-XX-DR-WENV-0001) and received on the 13/12/23,
  - 15510-HYD-XX-XX-DR-WENV-0006P01 Baseline 1 in 100yr + 38 Flood Depths + Masterplan(15510-HYD-XX-XX-DR-WENV-0006) and received on the 13/12/23,
  - 15510-HYD-XX-XX-DR-WENV-0003P01 Baseline 1 in 100yr +38 Flood Depths (15510-HYD-XX-XX-DR-WENV-0003) and received on the 13/12/23,
  - 15510-HYD-XX-XX-DR-WENV-0002P01 Baseline 1 in 100yr Flood Depths (15510-HYD-XX-XX-DR-WENV-0002) and received on the 13/12/23,
  - 15510-HYD-XX-XX-DR--WENV-0004P01 Baseline 1 in 1000yr Flood Depths (15510-HYD-XX-XX-DR-WENV-0004) and received on the 13/12/23,
  - 15510\_HYD\_XX-XX-DR-WENV-0005P01 Baseline Flood Extents (15510-HYD-XX-XX-DR-WENV-0005) and received on the 13/12/23,

3. Statement of Engagement  
 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has looked for solutions to enable the grant of planning permission. This has included communication of identified issues with the developer and the opportunity given to rebut and address the concerns raised. However the proposal remains contrary to

the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.