

**County Council Development**  
**North Devon District: Construction of a trail, Buttercombe Barton to Spreacombe Bridge, West Down, Ilfracombe**  
**Applicant: Devon County Council**  
**Application No: 61086**  
**Date application received by Devon County Council: 20 April 2016**

Report of the Chief Planner

***Please note that the following recommendation is subject to consideration and determination by the Committee before taking effect.***

**Recommendation:** It is recommended that planning permission is granted subject to the conditions set out in Appendix I of this report (with any subsequent changes to the conditions being agreed in consultation with the Chair and Local Member).

## **1. Summary**

- 1.1 This report relates to a planning application for the construction of an off-road trail between Buttercombe Barton and Spreacombe Bridge, located between Ilfracombe and Braunton.
- 1.2 It is considered that the main material planning considerations in the determination of this application are the impacts of the development on the amenity of adjoining neighbours; impacts on nature conservation interests; highway safety matters; and the benefits of the proposal in terms of economy and sustainability.

## **2. The Proposal/Background**

- 2.1 The application site extends approximately 3km from Buttercombe Barton, which is 5km south of Ilfracombe, to Spreacombe Bridge, 3km north of Braunton, and seeks to connect to previously consented developments that will link Buttercombe Lane to Willingcott and Spreacombe Bridge to Knowle. This proposal will provide the final off-road connection to connect Ilfracombe with the wider strategic cycle route, the Tarka Trail, which extends through to Braunton, Barnstaple and Bideford.
- 2.2 From Buttercombe Barton, the proposed trail would follow the former railway line to a point close to Foxhunter's Inn where a bridge has been removed. The application as originally submitted included a link to West Down using an existing track to a new crossing of the A361, but this has been omitted for consideration through a future application. There would thus be no public access between West Down and the proposed trail along the access track off the A361 until such time as safe crossing of the A361 has been achieved.
- 2.3 As the former railway line has become fragmented, the route would then continue by following existing tracks through Buttercombe Wood and Pentiknowl Wood, before dropping to the valley bottom on a newly constructed path and crossing the River Caen on a new bridge. At Spreacombe Bridge, a road crossing will be provided to link with the next section of the trail.

- 2.4 The proposed trail will be suitable for use by pedestrians, cyclists and horse riders, with the width of the aggregate-surfaced path varying between 2.5m and 3m; where a 2.5m wide path is proposed a 0.5m grass verge is proposed to accommodate horse riders. Where necessary, a 1.4m high timber post and rail fence is proposed. The new bridge will have fibreglass deck boards and a timber parapet, with the east side having a close boarded parapet to restrict visibility into a nearby holiday park.

### **3. Consultation Responses**

- 3.1 North Devon Council: Recommends approval subject to conditions covering commencement period, accordance with plans, and a landscaping scheme to include substantial screen planting between the route and the southwest boundary of Hidden Valley at Spreacombe Bridge.
- 3.2 West Down Parish Council: No objection.
- 3.3 Georgeham Parish Council: Supports the application.
- 3.4 Ilfracombe Town Council: Supports the application, highlighting the tourism and safety benefits of the scheme in providing an off-road route that looks to connect Willingcott and Knowle.
- 3.5 Natural England: No comments.
- 3.6 Environment Agency: No objection.

### **4. Advertisement/Representations**

- 4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of neighbours by letter. As a result of these procedures three representations were received. All raise concerns with the proposed scheme, relating to:
- use of the track by vehicles may destabilise a bank adjacent to dwellings;
  - the introduction of users will decrease the privacy and security of adjoining residential properties, and there is a lack of screening and suitable fencing in the application;
  - lack of parking provision for users of the track; and
  - safety concerns from use of the access by different users.
- 4.2 Copies of representations and consultation responses are available to view on the Council website under reference DCC/3858/2016 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3858/2016>.

### **5. Planning Policy Considerations**

- 5.1 In considering this application the County Council, as County Planning Authority, is required to have regard to the provisions of the Development Plan insofar as they are material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, where regard is to be had to the Development Plan, the determination shall be in accordance with the Development Plan unless material considerations indicate otherwise. In this case,

the Development Plan policies are listed below and the most relevant are referred to in more detail in Section 6 below.

**North Devon Local Plan (adopted July 2006)**

Policies DVS01A (Sustainable Development); REC03 (Sport and Recreation in the Countryside); REC04 (Safeguarding Former Rail Routes); and TRA01A (Promoting Sustainable Transport Choices).

**North Devon and Torridge Local Plan (Modifications version, October 2017)**

Policies DM01 (Amenity Considerations); DM09 (Safeguarding Green Infrastructure); DM10 (Green Infrastructure Provision); ST10 (Transport Strategy); and ST13 (Sustainable Tourism).

**6. Comments/Issues**

- 6.1 The main material planning considerations in the determination of the proposed development are discussed below.

Impact on Nature Conservation/Habitats

- 6.2 The submitted wildlife reports indicate that there will be negligible impact on the County Wildlife Site and ancient woodland at Buttercombe Wood due to the low quality of removed habitat, subject to suitable mitigation measures being required including timing of vegetation clearance, no lighting and provision of a Landscape and Ecological Mitigation Plan.

Car Parking and Access

- 6.3 There is no proposed car parking provision planned in this section of the trail as there are existing facilities at Willingcott Bridge.
- 6.4 Residents in the vicinity of the proposed road crossing at Foxhunters Inn have expressed concern regarding the safety of trail users due to the proposed shared use of the access track with vehicles accessing the residential properties situated off it. However, this element of the proposed scheme has been omitted for consideration through a future application as indicated in 2.2.

Proximity to Residential Properties

- 6.5 In the vicinity of the Foxhunters Inn, the new trail will diverge from the former railway line onto a parallel track, thus increasing the degree of separation from the nearest dwellings. It is considered that there will be no adverse impacts on the privacy or amenity of residents living near to the proposed trail.

Sustainability Considerations

- 6.6 Policy ST10 (Transport Strategy) of the emerging North Devon and Torridge Local Plan (Modifications Version, October 2017) is concerned with the development of a transport strategy for northern Devon, including maintaining and enhancing the function and connectivity of the public rights of way network, and includes specific reference to the completion of the gap in the Tarka Trail between Willingcott and Knowle. It is considered that this proposal clearly delivers these policy objectives.

## **7. Reasons for Recommendation/Alternatives Options Considered**

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 Whilst only a relatively short stretch, the delivery of another part of the section of the Tarka Trail between Ilfracombe and Knowle is supported in planning policy terms. It is recognised that the trail cannot be delivered in its entirety as a single project, but the sections provided so far are playing an important role in encouraging additional walking and cycling in the area. Given this it is considered that the proposal accords with emerging policy ST10 of the emerging North Devon and Torridge Local Plan.
- 7.3 It is considered that there are no policy reasons to refuse the application and the objections received do not outweigh the benefits of the scheme. Taking all material considerations into account, it is considered that planning permission be granted in accordance with the recommendation of the report

Dave Black  
Head of Planning, Transportation and Environment

### **Electoral Divisions: Braunton Rural, Combe Martin Rural**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Andy Bowman

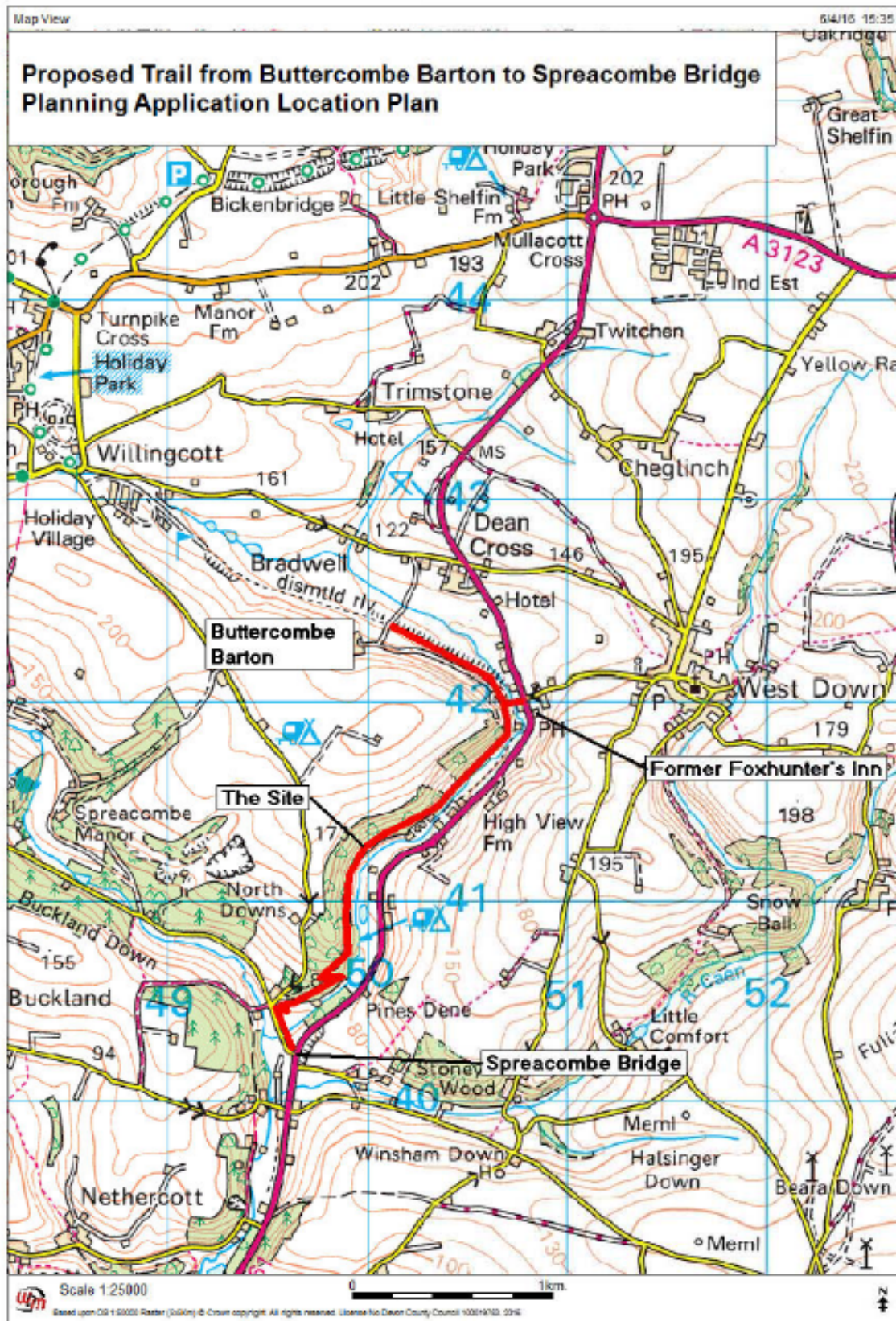
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<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	20/04/2016	DCC/3858/2011

ab030118dma  
sc/cr/Construction of a trail Buttercombe Barton to Spreacombe Bridge West Down Ilfracombe  
03 150118

## Location Plan





**Planning Conditions**

1. The development shall commence within five years of the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered Location Plan, EATS(N)551/61 revision 2, EATS(N)551-08-02, EATS(N)551/22 revision 01, EATS(N)551/23 revision 01, EATS(N)551/34 revision 02, EATS(N)551/62 revision 0, EATS(N)551/64 revision 0, EATS(N)551/63 revision 0, EATS(N)551/65 revision A, EATS(N)551/66 revision 01, EATS(N)551/67 revision 01, EATS(N)551/68 revision 1 and Schedule of Variations to Habitat Areas, unless varied by the conditions below.

Reason: To ensure that the development is carried out in accordance with the approved details.

3. The development shall be carried out in accordance with the actions set out in the two submitted Extended Phase One reports (PLANeco):

- (a) no vegetation clearance shall take place during the bird nesting season (1 March to 31 August, inclusive) unless the developer has been advised by a suitably qualified ecologist that the clearance will not disturb nesting birds and a record of this kept;
- (b) a Landscape and Ecological Management Plan is to be submitted to the County Planning Authority for approval prior to the commencement of construction. This is to include details of the establishment and management of the proposed heathland habitats and the management of any invasive species;
- (c) no lighting is to be implemented along the new trail;
- (d) a non-licensed method statement for vegetation removal in relation to any impacts on dormice is to be submitted to the County Planning Authority for approval prior to the commencement of construction; and
- (e) a precautionary approach to felling of the eight trees highlighted as having medium/high bat roosting potential will be undertaken, as described in Page 11 of the submitted extended phase 1 survey report (Spreacombe Bridge to Foxhunters Inn, August 2015).

Reason: To minimise the impact of the development in accordance with NPPF Paragraph 109.

4. Unless allowed for through a separate planning permission, the proposed trail shall not include any provision for public access to be achieved from the A361 in the vicinity of the Fox Hunters Inn, and appropriate signage to this effect shall be erected in accordance with details that shall first have been submitted to and approved by the County Planning Authority.

Reason: To avoid an increase in crossing of the A361 by pedestrians, cyclists and horse riders in the interests of highway safety.