

Phil Norrey
Chief Executive

To: The Chair and Members of the
Development Management
Committee

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 22 January 2019
Please ask for : Gerry Rufolo

Email: 01392 382299

DEVELOPMENT MANAGEMENT COMMITTEE

Wednesday, 30th January, 2019

A meeting of the Development Management Committee is to be held on the above date at 2.15 pm in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

PART 1 - OPEN COMMITTEE

1 Apologies for Absence

2 Minutes

Minutes of the Meeting held on 28 November 2018 (previously circulated)

3 Items Requiring Urgent Attention

Items which in the opinion of the Chairman should be considered at the meeting as matters of urgency.

MATTERS FOR DECISION

4 County Matter: County Council Development: North Devon District: Proposed widening of 7.5km of the carriageway including junction improvements at Landkey and West Buckland; provision of a footbridge; and associated works at A361 North Devon Link Road, Between Portmore Roundabout (Barnstaple) and Filleigh Cutting (South Molton) (Pages 1 - 32)

Report of the Head of Planning, Transportation and Environment (PTE/19/5), attached

*Electoral Divisions(s): Barnstaple South; Chulmleigh
& Landkey; South Molton*

- 5 County Council Development: Teignbridge District: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow, Newton Abbot (Pages 33 - 42)

Report of the Head of Planning, Transportation and Environment (PTE/19/6), attached

Electoral Divisions(s): Newton Abbot South

OTHER MATTERS

- 6 Delegated Action - Schedules (to include ROMPS Actions) and Summary Schedule (Pages 43 - 44)

Report of the Head of Planning, Transportation and Environment (PTE/17/7), attached

PART II - ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PRESS AND PUBLIC

Nil

Membership

Councillors J Brook (Chair), Y Atkinson, S Aves, R Bloxham, J Hook, A Connett, G Gribble, I Hall (Vice-Chair), L Hellyer, J Hodgson, R Hosking, T Inch, P Sanders, C Slade and J Yabsley

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

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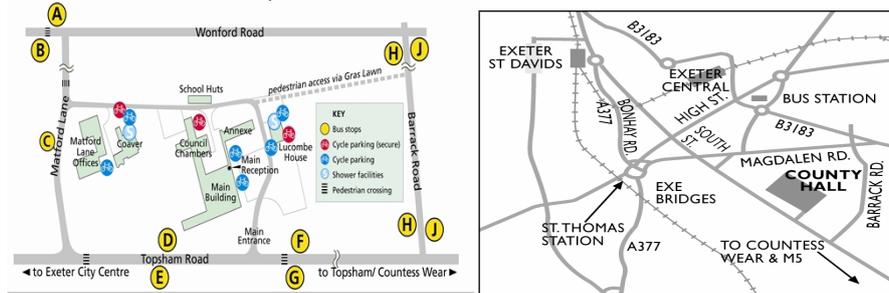
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NB   Denotes bus stops

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PTE/19/5

Development Management Committee
30 January 2019

County Council Development

North Devon District: Proposed widening of 7.5km of the carriageway including junction improvements at Landkey and West Buckland; provision of a footbridge; and associated works at A361 North Devon Link Road, Between Portmore Roundabout (Barnstaple) and Filleigh Cutting (South Molton)

Applicant: Devon County Council

Application No: PD/JW/JA/65800

Date application received by Devon County Council: 25 October 2018

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).

A link to the most relevant plans and their location within the scheme can be found by clicking on the following link:

<https://drive.google.com/open?id=1SQelmLbMJrM7mNbJ1MUb4cVHEzkNp1EL&usp=sharing>

1. Summary

- 1.1 This report relates to an 11km length of the A361 North Devon Link Road between Filleigh Cutting near South Molton and Portmore roundabout in Barnstaple. A range of measures are proposed including widening of three sections of the road totalling 7.5km in length, together with junction improvements including a new overbridge, a new footbridge and associated landscaping works.
- 1.2 The main material planning considerations in the determination of the proposed development are: consideration against planning policy; the public benefits; impacts upon the setting of historic assets, in particular the deserted medieval settlement (DMV) at Welcombe Farm, Swimbridge, a scheduled monument and the Grade I registered landscape around Castle Hill, Filleigh; landscape and ecological impacts; traffic and transportation impacts, including safety concerns; impacts upon the living and working conditions of those affected by the proposal (particularly from noise and air quality); impacts upon surface water management issues and drainage; the traffic and transport implications; and the perception that better alternatives exist.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4091/2018 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4091/2018>.

2. The Proposal/Background

- 2.1 The A361 North Devon Link Road (NDLR) connects northern Devon and northern Cornwall to the rest of the UK. The road is predominantly single carriageway between South Molton and Barnstaple, with just 10% overtaking opportunity over the 16km.

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- 2.2 The proposed development comprises three sections of widening works and various junction upgrades and improvements with the key aims of supporting the economic prosperity and competitiveness of northern Devon and supporting housing and employment development opportunities in northern Devon. Due to constraints along the proposed route such as existing cuttings, retaining walls, overbridges and close proximity of a number of properties, a continuous stretch of widening is not possible. The application refers to widening works 'WS2+1' which is a modern standard of single carriageway road consisting of three traffic lanes, two in one direction and one in the other direction. The three sections are considered below.

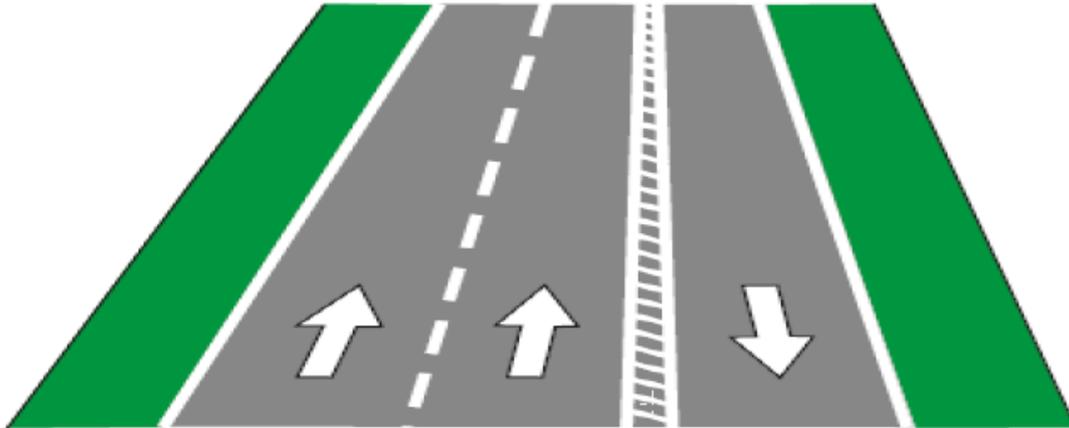


Figure 1: Typical Rural WS2+1 Section

- 2.3 There will be no change to the general extent of street lighting which currently exists, and the only area to be lit within the Portmore to Filleigh section will be at the Landkey junction. In this location, the lighting will be replaced and the number of lighting columns will increase from 10 to 17. The columns will be located at the edge of the verge and will be installed with back shields to reduce light spill onto retained habitats and the height of lighting columns has been minimised to reduce the ecological impact on bats. The proposed lighting lanterns will emit no light above the horizontal, directing all light downwards, and the fitting of back light shields also reduces the back light emitted compared to the current lighting.
- 2.4 Two temporary site compound areas are proposed, one on a small parcel of land near Harford Cross, east of Harford Bridge, between the NDLR and Birch Road to the north, and the other adjacent to the West Buckland Junction, on the northern side of the NDLR. These compounds would be the location of contractors' offices and welfare space, parking, areas for deliveries and stockpiling of materials together with a secure area for plant and equipment, and they would be maintained for a period of approximately three years to cover the duration of the works.
- 2.5 The planning statement indicates that advance planting works will commence in Autumn/Winter 2019. Following this, in Autumn/Winter 2020/2021, pre-construction surveys will be undertaken and licences for vegetation clearance will be obtained, and these works will also enable traffic management measures to be implemented. It is then proposed that civil works will commence in spring 2021, with Landkey Roundabout being prioritised. The civil works for the remaining sections will be undertaken between 2022 and 2023.

Portmore Roundabout to Landkey

- 2.6 WS2+1 widening to accommodate a third lane is proposed on the southern side of the carriageway for a distance of 1.5km which will facilitate two eastbound carriageway lanes. The existing three-arm priority junction at Landkey will be converted to a three-arm roundabout, with a fourth arm 'stub' indicated for the land to the north of Landkey allocated in the North Devon and Torridge Local Plan as the Westacott Urban Extension.
- 2.7 The fourth arm, when in use, will add further balance to the flows, improve safety and improve access for all leaving Landkey by left and right turns. This additional arm will also ensure that the commercial and residential traffic from the proposed Westacott urban extension does not add to the congestion of the Newport Road traffic signals, which are already at capacity, and will not push additional traffic through the new estate.
- 2.8 Two Public Rights of Way (PROW) currently cross the NDLR at grade within this section, Landkey Footpath 37 and Landkey Footpath 4. Approximately 625m to the east of Portmore Roundabout, a footbridge is proposed to safely allow the crossing of the NDLR by Landkey Footpath 37. For safety reasons, it is also proposed that Landkey Footpath 4 is diverted and will cross the NDLR on the western side of the proposed Landkey roundabout, where it will link back to Landkey Footpaths 4 and 5 on the northern side of the NDLR. An additional footpath is also proposed to run east along the northern side of the Landkey Roundabout to Acland Bridge, providing significant improvement to local network connectivity to the centre of Landkey.

Harford to Swimbridge

- 2.9 WS2+1 widening to accommodate a third lane is proposed predominantly on the northern side of the carriageway for a distance of 2km which will facilitate a mix of two eastbound and two westbound carriageway lanes. Two new laybys will be created on the westbound and eastbound carriageways, approximately 3.25km and 4km respectively to the east of Portmore Roundabout.

Swimbridge to Filleigh

- 2.10 WS2+1 widening to accommodate a third lane is proposed predominantly on the southern side of the carriageway for a distance of 4km which will facilitate a mix of two eastbound and two westbound carriageway lanes. It is also proposed that the existing staggered crossroads at the West Buckland junction is upgraded to incorporate an overbridge to improve joining and crossing the NDLR. Design of this junction has incorporated a deceleration lane that will allow vehicles to exit the main road more safely. Right hand turns (both onto and off the main road) will no longer be permitted and vehicles will no longer have to cross the A361 carriageway as they will utilise the new bridge.
- 2.11 Approximately 620m to the west of this junction, road widening will require the existing underpass, where the Swimbridge Bridleway 20 passes beneath the NDLR, to be extended and the bridleway to be temporarily closed during construction works.
- 2.12 The NDLR improvement scheme has been designed in close consultation with a number of statutory consultees including Natural England and Historic England and, where impacts on landscape, natural environment and the historic environment have been identified, the applicant proposes a series of enhancement, mitigation and compensation measures to alleviate these impacts.

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- 2.13 Sites allocated within the North Devon and Torrington Local Plan, including existing planning permissions within the vicinity of the scheme and a number of applications awaiting determination will have cumulative effects on traffic generation. The largest of these sites is the Westacott allocation which has had outline planning permission for 149 dwellings granted on part of the site, with a further proposal for 820 dwellings, a neighbourhood hub, 1.90ha for employment generating uses, a park and change site and a primary school (totalling 55.14ha) awaiting determination. This allocation will be served by the Portmore Roundabout to Landkey section of this proposal.
- 2.14 The application is Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES).
- 2.15 Consultations were undertaken throughout the life of the proposal with key stakeholders including local authorities, notably North Devon Council, statutory bodies such as the Environment Agency and Natural England, and other consultees including residents and landowners, local businesses and statutory undertakers. These consultations included an initial online public consultation in 2014 with respect to the proposals for improving the NDLR; a further online consultation in 2016; and a third public consultation in June-July 2017 which included an online survey, a leaflet (distributed to local councils and libraries) and public exhibitions regarding the detail of the proposed improvements.
- 2.16 The Community Consultation Statement states that, for the Summer 2017 consultation:
- 'Public Exhibitions were held in South Molton, Barnstaple and Bideford and all local parishes were notified by email at the start of the consultation. The consultation began with exhibitions at Green Lanes shopping centre, Barnstaple, which enabled a wide audience to be targeted. An unmanned exhibition was also held at Taw View, Barnstaple for a week at the end of the consultation period.'*
- 2.17 The Summer 2017 consultation was also advertised: a dedicated NDLR project website; Devon County Council's News centre website; local press websites and papers; local radio; posters on Town/Parish Council and library noticeboards; and information boards on the A361/A39.
- 2.18 Approximately 600 responses were received, with 83% agreeing that there is a need to improve the NDLR between South Molton and Bideford. Full details of the public consultation and analysis of the responses can be found at the following link: <https://new.devon.gov.uk/ndlr/project-progress/consultation>.

3. Consultation Responses

- 3.1 North Devon Council: Support the proposal as the principle of this development is established and supported through the recently adopted Local Plan. It is recognised that there is an impact upon the landscape and ecology, but this is outweighed by the wider benefit to the economy and wellbeing of residents.

The proposal will improve what is a '*...vital transport link between North Devon and the national motorway network*' for commerce and tourism in the region. Barnstaple is the economic centre of the district with both commerce and tourism requiring suitable and appropriate road infrastructure to support traffic in and out of the district, as well as the provision of a more resilient network, should road incidents occur.

The imposition of planning conditions on ecology, and the requirement for the submission of a Construction Environment Management Plan to address noise, air quality, contamination and other impacts, will further enhance any work previously submitted and provide a baseline by which these assets are protected.

- 3.2 Landkey Parish Council: Appropriate sound proofing/visual screening (i.e. acoustic fencing/panels and good planting) should be provided from the Landkey junction to Swimbridge to reduce the noise from the Link Road in Landkey.

Concern was also expressed regarding the provision of a bridge over the Link Road at the under-used footpath rather than a means of crossing at/adjacent to the Landkey junction, and a safe, well-lit underpass for pedestrians and cyclists to support the need for sustainable transport at the Landkey junction is supported.

- 3.3 Filleigh Parish Council: No comments.
- 3.4 Barnstaple Town Council (consulted on 31 October 2018): No response received.
- 3.5 East and West Buckland Parish Council (consulted on 31 October 2018): – No response received.
- 3.6 Swimbridge Parish Council (consulted on 31 October 2018): – No response received.
- 3.7 Loxhore Parish Council: Support the proposal. Whilst their preference would be for dual carriageway along the route, costs would be prohibitive and it is felt that improvements to this very dangerous stretch of road, where many traffic accidents and fatalities have occurred, are absolutely necessary.
- 3.8 Shirwell Parish Council: Support the application and comment that the Parish Council and the local community feel strongly that the improvements are vital in the overall aim of opening North Devon to growth. Lowered journey times and improved journey safety are a vital part of the commitment to growth and, when this is allied to reduced congestion, it helps sets the picture of an area that is 'open' and eager for growth.
- 3.9 West Down Parish Council: Support this proposal and hope that it will be concluded quickly and with minimum disruption. They recognise the importance that their area is safely accessible and that the improvements to the junctions are particularly necessary.
- 3.10 Mortehoe Parish Council: Support the proposal on the grounds that the NDLR is vital route into their area for all users and the proposal will reduce delays and improve access and safety for all users, including visitors to North Devon.
- 3.11 Bratton Fleming Parish Council: Support the proposed improvements as car ownership has increased dramatically since the road was built and it is now unable to cope. They highlight that it is essential to have good transport links into the area to support the local economy.
- 3.12 Arlington Parish Council: Support the application as an increase in traffic will result in the road not being fit for purpose. They suggest that without the proposed improvements there will be detrimental impact on the region's economy, both to the local traders and the important holiday industry.
- 3.13 Ashford Parish Council: Support this application as a wider carriageway and the proposed safety features will enable better journey times which will have an

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advantageous economic benefit to the area, not only in terms of business and commercial trading but the equally important tourism industry on which many people rely for their livelihood and employment.

- 3.14 Historic England: No objection. The mitigation package proposed, including advanced planting of vegetative screening and bridge location and design at West Buckland Junction, will serve to minimise harm on the historic environment.

A number of designated heritage assets were identified within the study area including the deserted medieval settlement (DMV), at Welcombe Farm, Swimbridge, a scheduled monument, and the Grade I registered landscape around Castle Hill, Filleigh. Having viewed the supporting information HE concludes that the majority of these assets would see no, or very limited, impacts from the scheme and any increased visibility from or to the Welcombe DMV would be minimal and restricted to the period between the loss of existing corridor screening and the maturity of the proposed early planting replacement screening.

- 3.15 Natural England: No objection in relation to nationally designated sites i.e. the Taw Torridge Estuary Site of Special Scientific Interest (SSSI) subject to the mitigation described in the proposal being implemented. With regards to European designated sites, i.e. the Culm Grasslands Special Area of Conservation (SAC) and the Exmoor and Quantock Oakwoods SAC, it is considered that the County Council is able to conclude that the proposals will not result in adverse effects on the integrity of the sites.

- 3.16 Environment Agency: No objection, subject to the inclusion of conditions regarding the implementation of the proposed design of otter fencing and compensatory habitat.

- 3.17 Highways England: No objection.

- 3.18 Devon Gardens Trust: No comment.

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 26 letters/emails of representation have been received:

- 4.2 15 letters were in support of the proposal on the following grounds:

- the North Devon Link Road is the major artery and life line for North Devon both in respect of tourism and business, and acts as a lifeline to many businesses in the area;
- the Link Road is vital for the economy of North Devon and improvements are needed urgently in order to boost business and tourism;
- the safety benefits of the West Buckland Junction;
- improved traffic flow along the only main vehicular route to our major town and beyond;
- improved safety at a number of junctions and roundabouts;
- necessary to account for housing increases over the years;
- essential for local business both in terms of customers and employees;
- essential for tourism including people visiting for short breaks and long weekends, bringing valuable revenue to the tourist towns and villages.

4.3 Four letters object to the proposal on the following grounds:

- noise and air pollution impacting on business adjacent to proposal;
- lack of provision for measures to reduce the impact of noise on local businesses;
- the need for traffic calming measures to prevent speeding and accidents;
- lack of provision made for additional water runoff and increased potential for flooding near properties;
- the need for a service plan to 'look after' silt traps;
- preferred option of a roundabout at West Buckland Junction to slow traffic down;
- visual impact of the proposal from affected properties;
- the proposal contradicts strategic and local policy by adversely affecting the walking and cycling environment on local roads, particularly the B3138;
- the proposal encourages additional traffic onto the B3138;
- the proposal fails to assist pedestrian and cycle movements in the urban area and will increase motorised traffic flows on residential streets; and
- the proposal does not promote sustainable alternatives.

4.4 An additional letter of comments/objections was also received from Councillor Caroline Leaver, district ward member for Barnstaple (Newport), on behalf of residents. Councillor Leaver does state that:

'It is emphasised that these comments are intended to promote a review of the scheme so that it is not determined on the basis of any misunderstandings and instead is able to demonstrate that it aligns with legitimate community expectations and priorities so as to take into account those households that will be directly affected by the proposed scheme and the views of those affected, as well as the North Devon District Council and its elected members, views that should be central to the decision making process.'

4.5 The comments/objections to the proposal are on the following grounds:

- the primary purpose of increasing highway capacity is not a sustainable transport strategy, and simply shifts the problem to other areas;
- removal of already established mature trees;
- discrepancies with regards to the impacts of Greenhouse Gas emissions, air quality and noise;
- the misconception that building more roads leads to economic growth – this scheme is not required to support the growth ambitions of the Local Plan;
- The Inspector's report into the adopted North Devon and Torridge Local Plan makes clear that the employment and housing allocations to 2031 detailed in the Development Plan are able to be delivered and funded without the need for major improvements to the A361;
- there is a widely held misconception of poor safety on the current A361;
- the potential damage to local communities of the scheme; and
- lack of appropriate public consultation.

4.6 Councillor Leaver also raises concerns with regards to how the application will be determined against policy:

- the increased traffic, higher carbon emissions, long term environmental damage and lower quality of life to local residents will be contrary to national and local planning policies including Policy ST03;
- it is questioned whether the '*significant negative*' impacts associated with the scheme are outweighed by the advantages;

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- the statement of intent with regards to biodiversity and net biodiversity gain provides insufficient detail to be in accordance with the requirements of the NPPF, and Policies DM08: Biodiversity; and DM09: Safeguarding Green Infrastructure;
- the proposal is not in accordance with Local Plan Policy ST01: Sustainable Development, as it will significantly worsen environmental conditions in the area, and cause irreversible loss of mature, established landscaping and associated biodiversity;
- the proposal is not in accordance with Local Plan Policy ST10: Transport Strategy and does not meet the requirement of 'protecting the landscape character and ecological interest along the main and minor route(s);
- The proposal does not meet Policy ST14 as there is no guaranteed delivery mechanism for 'offsetting';
- the proposal is not in accordance with Policy DM05: Highways which states that *'(2) All development shall protect and enhance existing public rights of way, footways, cycleways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so;*
- the proposal conflicts with the allocated land at Westacott (Policy BAR01), and Savills' consultation response is highlighted.

4.7 Six letters make general comments relating to the following:

- questioning the retention of the Landkey Junction and suggesting an alternative proposal;
- questioning the addition of more roundabouts along the route;
- raising concerns about where some of the overtaking lanes are ending and in increased potential for accidents;
- concern relating to construction works pushing traffic into the village of Goodleigh as a "rat run" to avoid the works and re-joining the A361 at Aller Cross;
- questioning the implementation of traffic calming measures;
- raising concerns in relation to the West Buckland Junction and that the design of the junctions does not include acceleration and deceleration lanes for leaving or entering the link road for safety reasons;
- enquiring as to the possibility of improving the section of road between West Buckland village and West Buckland junction;
- stating that the inclusion of variable speed cameras can cheaply and safely reduce stress and speed for all the road users; and
- suggesting roundabouts at North Molton, West Buckland and Landkey will result in less delays and accidents.

4.8 Comments were also received on behalf of Barwood Land, the developer of land east of Barnstaple allocated through Policy BAR01 of the North Devon and Torridge Local Plan, stating that they support the prioritisation of the Landkey Junction scheme but request that clarification of the extent of the works and submission of a detailed plan in relation to the northern arm of the roundabout and that delivery is secured via a s106 legal agreement to provide certainty between Barwood Land and DCC that their proposals are in alignment. They go on to argue that if this is not secured then it would prejudice the delivery of the BAR01 Local Plan allocation. Comments are also made on the relationship between ecological mitigation for the NDLR and Barwood Land schemes and the reduction in extent of allocated employment land that would occur on construction of the proposed roundabout.

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 referred to in more detail in Section 6.

North Devon and Torrington Local Plan 2011-2031 (Adopted 29 October 2018)
Policies BAR (Barnstaple Spatial Vision and Development Strategy); BAR01 (Westacott Strategic Extension); BAR21 (Flood Management Strategy); ST01 (Principles of Sustainable Development); ST02 (Mitigating Climate Change); ST03 (Adapting to Climate Change and Strengthening Resilience); ST06 (Spatial Development Strategy for Northern Devon's Sub-regional, Strategic and Main Centres), ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST10 (Transport Strategy); ST14 (Enhancing Environmental Assets); ST15 (Conserving Heritage Assets); ST21 (Managing the Delivery of Housing); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM03 (Construction and Environmental Management); DM05 (Highways); DM07 (Historic Environment); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM09 (Safeguarding Green Infrastructure) and DM10 (Green Infrastructure Provision).

Devon Waste Plan 2011-2031 (Adopted December 2014)
Policies W4 (Waste Prevention) and W21 (Making Provision for Waste Management).

National Planning Policy Framework (July 2018)

6. Comments/Issues

- 6.1 The material planning considerations in the determination of this application are discussed below.

Policy Context

- 6.2 The principle of this development is clearly established and supported by North Devon Council through the recently adopted North Devon and Torrington Joint Local Plan. Policy ST01: Principles of Sustainable Development identifies the mutually dependent economic, environmental and social roles when considering development and states that '*...To achieve sustainable development, economic, social and environmental gains will be sought jointly and concurrently wherever possible.*' The Planning Inspector holds the view that in conjunction with the Infrastructure Delivery Plan, '*...the plan provides for infrastructure requirements in a positive and sustainable manner.*' Policy ST06 of the Plan identifies Barnstaple as the 'Sub-regional Centre' for Northern Devon and, as such, the town is the major destination in the area, serves as a transport hub, and is the focus for much future growth. The spatial development strategy for Barnstaple set out in Policy BAR, also specifically refers to improving capacity at existing road junctions along the A361 in part (n).
- 6.3 The proposal also supports the delivery of Local Plan Policy ST10: Transport Strategy, in particular with regards to ensuring the operational effectiveness of the strategic road network (including the A361); maintaining and enhancing the function and connectivity of the public rights of way network; protecting and enhancing the function and safety of the road network; and maximising safety on transport networks

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through improvements to physical infrastructure design whilst conserving historic environment assets.

6.4 The NDLR is identified in the Devon and Torbay Local Transport Plan 3 (2011-2026) as a strategic road and contributes to a number of the key objectives of this plan, namely those associated with delivering and supporting new development and economic growth and by opening up development sites in North Devon and Torridge; making the best use of the transport network and protecting the existing transport asset by prioritising maintenance; strengthen and improve the public transport network by reducing delay on the NDLR for coach services such as National Express; and improving public rights of way connectivity, to more safely cross the carriageways of the NDLR.

6.5 The Northern Devon Economic Strategy (2014-2020) states that: *'The key task to attract inward investing businesses to locate in northern Devon is the need to encourage employers to turn right at Junction 27 of the M5, and for Northern Devon's employment sites to actively compete with more expensive locations in the M5 corridor, Exeter and in Plymouth. In the longer term there is an ambition therefore to significantly improve the A361/A39 link road from Tiverton to Barnstaple and Bideford and improve road links to Ilfracombe.'*

6.6 The strategy also identifies a number of priorities amongst which is P1A – Provision of effective infrastructure to stimulate economic investment and growth in productivity and employment and in particular P1A4. Priority P1A4 identifies Road improvements to strategic links as its key objective with one key action to achieve this stated as *'Pursue capacity upgrades to A361 from Tiverton to Bideford, phased to South Molton, Barnstaple, Bideford.'*

6.7 With regards to the point raised by an objector to achieving biodiversity net gain, Paragraph 170 (d) of the NPPF states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

(d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

The applicant has committed to achieve a 10% habitat biodiversity gain which is discussed in greater detail below.

6.8 With regards to infrastructure and viability, the North Devon and Torridge Local Plan, Inspector's report (September 2018) states that:

'The pattern of development proposed in the NDTLP has been determined alongside the consideration of the availability of and need for infrastructure to support the development. Infrastructure relating to overall population increase is intended to be financed through Community Infrastructure Levy (CIL), whilst s106 obligations will be sought to fund infrastructure to support particular development schemes.

An Infrastructure Delivery Plan (IDP) (CE12) identifies what is required to enable the delivery of the NDTLP; and funding will be provided through s106 undertakings, CIL receipts and external funding for strategic items. The impact on the viability of those developments required to fund infrastructure has been assessed, together with the financial implications of the other requirements of the Plan such as design standards, affordable housing provision and highway improvements (CE24).

I am satisfied that the Plan provides for infrastructure requirements in a positive and sustainable manner.'

- 6.9 The IDP referred to above identifies that: *'Allowance has to be made for a range of options in some cases. The most substantial examples are the junctions onto and sections of the A361/A39 corridor.'* In addition, infrastructure requirements including those proposals being considered in this report are also identified.

Highway Benefits

- 6.10 The submitted Transport Assessment (TA) states that:

'The NDLR connects northern Devon and northern Cornwall to the rest of the UK. The road is predominantly single carriageway between South Molton and Barnstaple, with just 10% overtaking opportunity over the 16km'.

It should also be noted that, recently, a higher than average number of killed or seriously injured (KSI) accidents have occurred along the route which have created a perception of poor safety.

- 6.11 It is considered that the NDLR:

- provides inadequate connection from the area to the strategic road and rail network;
- provides inadequate connection for the future development proposals of the area (17,000 dwellings and 70 hectares of employment land) as allocated in the North Devon and Torridge Local Plan and submitted via planning applications;
- experiences slow traffic speeds (below the speed limit of 60mph), in certain sections, as a result of congestion caused by the existing junctions and limited overtaking opportunities; and
- accords with the public's perception that there is an accident issue along the route because of the high number of killed or seriously injured (KSI) collisions.

- 6.12 For the purpose of this proposal a comparison has been made over the period 2015 to 2039 between a 'Do Minimum' scenario, i.e. assuming that predicted housing developments occur but no upgrades are made to the NDLR, and a 'Do Something' scenario, i.e. assuming that predicted housing developments and the proposed changes to the NDLR occur.

- 6.13 The transport assessment has concluded that, whilst construction of the road itself is estimated to increase traffic on the NDLR by 2.5%, the majority of the future growth of traffic on the NDLR, i.e. an increase of 27%, will be attributed to the proposed developments in the area as detailed in the North Devon and Torridge Local Plan.

- 6.14 Overall, it is predicted that the flow of traffic will increase over the coming years regardless of whether the NDLR improvements are approved or not, and the proposal will allow for an improvement in the flow with the additional lengths of third lane likely to aid in breaking up convoys of slower moving vehicles.

- 6.15 It is believed that the scheme will have an overall positive impact on the highway network through reducing congestion and, therefore, journey times and improving safety through the introduction of measures such as average speed cameras. The scheme will also provide the potential for additional capacity given the residential and employment allocation proposals of the Local Plan.

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- 6.16 A package of infrastructure schemes to improve journey time reliability, junction safety, in particular at the proposed junctions including the West Buckland Junction, should reduce potential collisions through the removal of right turning lanes, and capacity has been devised and is in accordance with the relevant design standards and guidance.
- 6.17 This package also includes, the provision of a new footbridge over the A361 between Portmore Roundabout and the Landkey Junction to provide a safe route over the widened A361 for users of the PROW. The bridge will be linked on the north side of the A361 to future housing development. The onward path to the south of the A361 is a mostly metalled single-track old road continuing south to Mount Sandford Road. There is a short section of unmetalled path between the southern end of the proposed new bridge and the northern end of the metalled path. Mount Sandford Road is expected to have a footway added along it as part of a planning approval at Venn Quarry for a holiday park. There is thus scope in the future for the footpath between the southern end of the proposed bridge and the northern end of the metalled path to also be metalled to provide adequate facility for the future users of the path.

Highway Safety and Access

- 6.18 A number of letters of representation provide support for the scheme in relation to improving safety for road users and, in particular, mention the provision of average speed cameras as a way of reducing excessive speeds and potentially accidents.
- 6.19 Whilst it is reasonable to suggest that the behaviour of car drivers who choose to exceed the speed limit is not a material planning consideration, comparison with roads in Wales and Scotland, which are constructed with average speed cameras as standard, and existing roads in Somerset and the NDLR show a marked difference in collision rate/billion vkms (vehicle kilometres). The proposal is for average speed cameras be introduced as part of the proposed development and, whilst exact locations are yet to be agreed, it is envisaged that to meet the requirements for such cameras, their spacing will not exceed 5km, and would be located near to the beginning and end of the improvement works and near junctions, including an additional pair between Landkey and West Buckland junctions.
- 6.20 A significant factor in road safety considerations is the spacing of junctions and accesses (including laybys), and some concerns have been raised as to the safety implications of the proposed reduction in frequency of laybys along the NDLR route.
- 6.21 Currently there are five laybys in each direction with a travel time between laybys of between 30 seconds and three minutes. An assessment of the current demand for these laybys was carried out to inform the application and concluded that *existing laybys are never full.* It also advises that the only instances where the standard for recommended spacing (between 2km and 5km) for this type of road and level of traffic flow is exceeded will be for westbound traffic, between the proposed new layby on the Harford to Swimbridge section, and the existing layby between Lake Roundabout and Roundswell Roundabout. However, there are four junctions (Landkey, Portmore, Bishops Tawton and Lake) between these two laybys, which give plenty of opportunity for drivers to leave the main road.
- 6.22 The proposed WS2+1 overtaking provision is also aimed at reducing the frustration related to overtaking slower vehicles and increasing the separation between oncoming vehicles through the introduction of a 1m wide hatched area. In addition, it is suggested that the widening of the road and associated vegetation clearance and additional planting will help to reduce the current perceived 'tunnel effect' along

stretches of the NDLR and provide a more open aspect to the road. It is believed that these improvements will go some way in mitigating against the effects of fatigue, thereby improving safety along the proposed route.

- 6.23 With regard to the objections concerning impacts on the B3138 within Barnstaple, the scheme under consideration does not have any direct link with that road which is an urban street some distance away. While the Devon Forecasting Model referred to does show an increase in traffic on the B3138 this is not, as suggested, a consequence of these improvements. This increase will happen as a result of the development taking place in the Barnstaple area and will occur with or without the proposed NDLR scheme. The objections also do not recognise that, where the scheme does impact directly on non-motorised users, it seeks to provide bridges and safe passage e.g. the footbridge at PROW no. 4.

Alternatives Considered

- 6.24 The Environmental Statement states that, following public consultation exercises which began in 2014, four broad options were investigated:

- (a) public transport;
- (b) road junction only improvements;
- (c) road junction and road link improvements; and
- (d) dual carriageway.

- 6.25 It was concluded that, due to the inability of the public transport option to achieve the connectivity necessary to support economic growth, it would not be pursued. The dual carriageway option, whilst being considered as the having the greatest benefits, was considered to be financially costly and most likely unaffordable in the context of the Department for Transport's funding, as well as having a '*large adverse impact*' on the local environment in terms of the additional land required to build it.

The West Buckland Junction Roundabout Option

- 6.26 The option of a 'do nothing' approach at the West Buckland Junction was ruled out as the junction had already been raised as a safety concern prior to the NDLR Project starting.
- 6.27 The roundabout option at West Buckland was subsequently ruled out as a result of a modelled imbalance of flows between minor and major roads which was considered to be a safety concern. It was also considered that the required lighting and earthworks, on both sides of the road, would have a greater impact on the Castle Hill Historic Park and Garden. As a result, a grade separated junction was opted for.
- 6.28 Options relating to the route between the A361 and West Buckland village were also investigated, but it was concluded that any widening to this route would change the character of the road leading to the village and change driver behaviour and driving speed which could have a negative impact upon village buildings, pedestrians and the village centre itself.

Alternatives to the Footbridge at Landkey

- 6.29 At both locations where the Landkey Footpaths 4 and 37 crossed the A361, three options were considered:

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- (a) Do nothing;
- (b) Provide a safe crossing point; or
- (c) Close the footpath.

- 6.30 To progress option 3, and issue a stopping up order for each footpath, it had to be demonstrated that options 1 and 2 were unviable in terms of safety, environmental protection or constructability. In both cases a do-nothing approach was considered to be unacceptable on safety grounds due to the proposed widening works.
- 6.31 In the case of footpath 4 an at-grade crossing point can be provided at the Landkey junction with only a small diversion to the existing path, but the inclusion of an underpass was viewed as being impractical due to the adjacent water course and the level of the water table.
- 6.32 A diversion of Landkey Footpath 37, which sits midway between the Portmore and Landkey junctions, was also considered as was the provision of a central reserve between two lanes in one direction and one in the opposite. It was concluded that the diversion would involve substantial works and that users would not utilise it, while a central reserve would be unsafe to both vehicles and pedestrians, and unlikely to be delivered in terms of a Road Safety Audit.
- 6.33 Consideration was finally given to underpass and footbridge options, and it was concluded that the footprint for the underpass would severely impact on the established landscape either side of the A361. A footbridge would provide the best option to minimise such impacts whilst still providing the desired connectivity, and it was therefore concluded that a footbridge is the most viable and deliverable option.

Alternatives to the Roundabout at Landkey

- 6.34 A number of alternatives were looked at for the Landkey junction to improve the existing layout but also accommodate an additional road from the north. Consideration was also given to the provision of signals and a roundabout and grade separation including a new bridge, as well as looking at utilising the bridge at Acland.
- 6.35 The use of Acland bridge was ruled out due to it requiring significant improvement to the associated lanes, and the alternative of a grade separated junction was also rejected due to costs, land take and the impact on the existing and proposed land uses (cutting through the golf course and size of the footprint on development land).
- 6.36 It was concluded that the roundabout is deliverable in terms of costs and land take, has a moderate/low impact on the environment and, importantly, it is possible to deliver a junction that has capacity way beyond the design date of 2039. It was also considered as a feature which would bring speed down and vehicles back to a single carriageway width.

Impacts upon the Historic Environment and Archaeology

- 6.37 A total of twenty-seven designated assets and forty-seven non-designated assets were considered relevant to the historic environment of the proposed development site and thus identified within the study area. It has also been concluded that there is a very low potential for encountering previously unrecorded deposits of a Prehistoric (970,000 BC - AD 43); Romano-British (AD 43 - AD 410); Early Medieval and Medieval (AD 410 - AD 1540); or Post-Medieval and Modern (AD 1540 - Present) date within the proposed development area.

- 6.38 A comprehensive Heritage Assessment was submitted in support of this planning application and the impacts of the proposed scheme upon the setting of any designated heritage assets along the route are sufficiently addressed by the landscaping mitigation set out in the application's supporting information. The proposed scheme is considered to accord with Policy DM07 of the North Devon and Torridge Local Plan.
- 6.39 With regard to any impact upon heritage assets with archaeological interest, only one area has been identified where such heritage assets will be affected by the scheme, namely the site of the West Buckland junction on the north side of the carriageway where construction of the bridge and site compound will destroy some truncated prehistoric or Romano-British boundary ditches. Mitigation for this impact has been provided and it is proposed that an appropriately worded condition is placed on the permission to require that development proceeds in accordance with this mitigation.

Impacts on Living and Working Conditions

- 6.40 The main impacts upon living and working conditions along the proposed route are considered to be noise and air quality and these impacts are likely to be at their greatest during the construction period.

Noise Impacts

- 6.41 Chapter 10 of the ES contains an assessment of potential noise impacts, which concludes that the proposed construction works show:

- *'...488 dwellings and 8 other sensitive receptors that show no change between the Do-Minimum and the Do-Something scenarios';*
- *'...142 dwellings and 3 other sensitive receptors that show there are negligible decreases (roughly in the region of 0.1 to 0.3dB) in noises impacts'; and*
- *'...1,217 dwellings and 10 other sensitive receptors that show a negligible increase (below the stated minimum 1dB value given in the DMRB) in noise impacts.'*

'Of the 2,496 residential receivers within the calculation area, 26% (649) would receive at least 1dB LA_{10, 18h} increase and as such be considered a perceptible increase in the noise level. The greatest increase in noise values at these properties is an increase of 1.6dB LA_{10, 18h}. These increases are classified as a Minor Increase in noise level following the DMRB guidelines.'

- 6.42 North Devon Council's Environmental Health Team accept these findings and conclude that potentially significant noise impacts are unlikely to arise from the construction phase provided standard good practice mitigation measures are undertaken and which shall be subject to approval of a Construction Environment Management Plan.
- 6.43 The operational phase assessment finds that some minor adverse noise and vibration impacts are likely to arise at local dwellings but that these may be considered as negligible when compared to the noise and vibration impacts associated with continued use of the existing highway.
- 6.44 Whilst the report concludes that mitigation measures such as low noise surfacing would have some benefit in reducing noise levels slightly in the short term compared to continued use of the existing highway, there would be a negligible long-term benefit. It is also proposed that a more modern asphalt, namely Stone Mastic Asphalt, will be

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used for the development which has a macro texture that reduces both spray and noise more commonly associated with the current surfacing of hot rolled asphalt and surface dressing.

- 6.45 It should also be noted that the current surfacing is approximately 30 years old and comprises hot rolled asphalt which has been surfaced dressed in most places, and these types of surfacing are perceived as being noisy.
- 6.46 In summary, the construction phase of the project, if managed according to an approved plan, should not breach suggested construction noise limits. In the short-term operational phase there are predicted to be only 26% of properties within the calculation area showing a perceivable, but minor, increase in noise level. During the long-term operation of the road network there is a very minimal difference between the noise models for the Do Minimum and Do Something scenarios, with both scenarios being within the negligible classification of magnitude.

Air Quality

- 6.47 Chapter 6 of the ES contains an assessment of potential impacts on air quality. The assessment of construction phase impacts finds that potentially significant dust impacts requiring mitigation may arise, but mitigation can be addressed through the inclusion of appropriate measures within a Construction Environmental Management Plan (CEMP).
- 6.48 The operational phase assessment finds that no significant adverse impacts on air quality are likely to arise as a result of the development and no specific mitigation measures are required.

Greenhouse Gas (GHG) Emissions

- 6.49 The submitted climate change report advises that: *'The total projected emissions from the scheme from the beginning of the construction period (2021) to the end of the analysis period (2039) are 19,175 tCO_{2e} with 8,759 tCO_{2e} (46%) occurring during the construction phase and 10,416 tCO_{2e} (54%) during the operation phase.'*
- 6.50 The 2017 Institute of Environmental Management and Assessment (IEMA) Guidance states that all GHG emissions are significant and as a result the GHG emissions associated with the construction phase and the 2% predicted increase in traffic flows of the 'Do Something' scenario have to be deemed as significant. However, as indicated in the submitted climate change report: *'When the total net emissions are annualised, this corresponds to an average of 1,065 CO_{2e} per annum which is equivalent to an uplift of 0.57% of transport carbon dioxide emissions in the North Devon Council area, 0.06% of transport carbon dioxide emissions in Devon (county administrative area) or 0.02% of total carbon dioxide emissions in Devon.'*

Flood Risk and Drainage

- 6.51 As indicated in Chapter 11 of the ES, most of the proposed development and associated study area is in Flood Zone 1 with a corresponding low risk of flooding from main rivers and the sea but does, in places, cross the Barnstaple East Critical Drainage Area (CDA) and localised areas of Flood Zone 2 and Flood Zone 3 (FZ3).
- 6.52 During the construction phase it is concluded that, overall, there will be a negligible magnitude of impact on baseline flood risk with the exception of the Landkey Junction proposal where it is considered there will be a minor adverse magnitude of impact.

- 6.53 The proposed development will create new impermeable areas generating higher rates and volumes of rainfall runoff, with the potential for increased surface water flood risk. During the operational phase and following the implementation of the proposed drainage design measures, however, it is considered that, where existing flood risk is low and the proposed development is not located within the CDA, there will be a negligible magnitude of impact relative to the existing situation.
- 6.54 Where the proposed development requires works in-river (such as the new culvert at Landkey Roundabout), in FZ3 or in high surface water flood risk zones (including the Barnstaple East CDA), it is considered that, following the implementation of the proposed drainage design measures, there will be a minor beneficial magnitude of impact in these areas.
- 6.55 Overall, the application demonstrates that a betterment to the existing surface water drainage situation can be achieved but this should be fully demonstrated at the detailed design stage. Therefore, the submission of detailed designs relating to temporary (during construction) and permanent surface water drainage management systems for approval by the County Planning Authority will be secured by condition.

Nature Conservation

- 6.56 The Environmental Statement concludes that the majority of impacts will occur at the construction stage, when land-take occurs, with operational stage impacts likely to be caused by noise and lighting disturbance, habitat loss/degradation due to changes to water and air quality, and species mortality as a result of increased vehicle collision.
- 6.57 It is also estimated that the proposal will lead to the loss of 9.4ha of broadleaved woodland, 0.2ha of conifer plantation, 1ha of mixed plantation woodland, 0.9ha of dense scrub, 141m of scattered scrub, 1ha of semi-improved grassland, 3.8ha of improved grassland, 1,867m of hedgerows and 0.7ha of arable habitats. Mitigation measures to reduce these losses include planting 4.4ha of broadleaved woodland, including advanced planting, and the creation of 3.1km of species rich hedgerow.
- 6.58 During the construction phase, the Environmental Statement concludes that there will be no direct habitat loss, and either no change or negligible beneficial impacts at the operational phase, on the following statutory designated sites:
- North Devon UNESCO Biosphere Reserve
 - Exmoor and Quantock Oakwoods Special Area of Conservation (SAC)
 - Culm Grassland SAC
 - Taw-Torridge Estuary Site of Special Scientific Interest (SSSI) and Marine Conservation Zone

However, more detailed consideration to potential impacts on European designated sites is provided in the following section on Habitats Regulations Assessment.

- 6.59 With regards to other habitats identified it is concluded that, during the construction phase and taking into account the proposed mitigation, there will be a temporary, minor adverse magnitude of impact at the Streamside Woodland Key Natural Feature but no change at the other sites listed below:
- Gubbs Wood Ancient Woodland Inventory Site
 - Culm Grassland

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- Part of Acland Wood Fields Biodiversity Network Site and Westacott Stream Key Network Feature
- 6.60 During the operational stage it is considered that there will be no change in terms of magnitude of impact on the above sites.
- 6.61 With regards to protected species, it is concluded that, taking into account the proposed mitigation, impacts on bats during the construction phase are considered to be permanent, negligible adverse due to the net loss of woodland habitat, with no change in such impact during the operational phase.
- 6.62 The impact on dormice at this phase is considered to be temporary, minor adverse but, in the long term, this impact is likely to be minor beneficial in magnitude as a result of the increase in species rich hedgerows and provision of nest boxes, and there will be no change during the operational phase.
- 6.63 The ES also confirms that 120m of running water habitat will be lost through land take of the proposal which is habitat of principle importance under s41 of the Natural Environment and Rural Communities (NERC) Act 2006 and is also listed in the Devon Biodiversity Action Plan. This Act states that local planning authorities must consider these habitats in their decision-making, and it is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.
- 6.64 It is considered that in most cases appropriate mitigation has been included for the scheme to be consistent with the NPPF, but the Landkey Roundabout section will culvert an existing watercourse with loss of associated running water habitat, and further details relating to the mitigation or compensation for this loss are required.
- 6.65 In order to secure the appropriate protection and mitigation as set out in the ES and as required elsewhere, it is recommended that a planning condition is attached to the permission ensuring the submission of detailed landscape and ecological mitigation measures as well as adhering to the mitigation measures already proposed within the application submission. A condition requiring a detailed Construction Environment Management Plan (CEMP) will also ensure nature conservation impacts during construction will be minimised.
- 6.66 Additional offsite mitigation commitments have also been drafted by the applicant using the North Devon Biosphere Reserve Biodiversity Offsetting Metric to quantify biodiversity loss/gain for the proposed development based on those habitats to be lost, created and enhanced. A monetary contribution of a sum to be agreed following further discussion with the relevant parties, will subsequently provide compensation to offset this calculated loss. The applicant has confirmed their commitment to achieving a net gain in biodiversity offsets of 10%, based on this metric, and compensation and enhancements secured must be tangible and measurable and as such include provision for monitoring and remedial actions if necessary.
- 6.67 It is therefore concluded that with these measures in place any impact upon nature conservation interests will be appropriately mitigated and that the proposal accords with Policy DM08 of the North Devon and Torridge Local Plan.

Habitats Regulations Assessment

- 6.68 Construction and operation of the improved NDLR has the potential to impact upon two European nature conservation sites: the Exmoor and Quantock Woodlands SAC, designated for its woodland habitats, bat species and otters; and the Culm Grasslands SAC, designated for its molinia and wet heath habitats and marsh fritillary butterfly. The County Council as 'competent authority' has undertaken Habitats Regulations Assessment (HRA) in liaison with Natural England to identify whether the NDLR scheme is likely to have a significant effect on either of these sites.
- 6.69 The HRA concludes that the proposed scheme is unlikely to have a significant effect on the Exmoor and Quantock Woodlands SAC, either alone or in combination with other plans or projects. However, a likely significant effect on the Culm Grassland SAC through nitrogen deposition could not be ruled out based on the in-combination effect with development proposed in the North Devon and Torridge Local Plan. It has therefore been necessary for the Council to proceed to Appropriate Assessment to assess these potential effects in more detail and ascertain whether there would be an adverse effect on the integrity of the SAC.
- 6.70 The Appropriate Assessment had regard to the North Devon and Torridge Local Plan HRA, which indicated that the anticipated impacts of the Plan (which included aspects of the current project) were deemed unlikely to impact on the integrity of the interest features of the Culm Grassland SAC. 0.86% of the change in Annual Average Daily Traffic threshold in 2039 will be attributed to the North Devon Link Road improvements and the small increases attributed to the aspects of this scheme not covered within the Local Plan are not expected to result in significant changes to the NOx concentrations and N deposition.
- 6.71 Based on the project specific assessment of air quality impacts on the SAC and the Appropriate Assessment contained within the North Devon and Torridge Local Plan, the County Council concludes that there would not be an adverse effect on the integrity of the Culm Grassland SAC, either 'alone' or 'in-combination' with other plans or projects and Natural England concur with this conclusion. The HRA is available through the following link:
<https://planning.devon.gov.uk/DisplayImage.aspx?doc=cmVjb3JkX251bWJlcj0xNTYwNDIqZmlsZW5hbWU9XFxkczJjaGwxMDMuZHMylmRldm9uLmdvdi51a1xEb2N1bWVudHNMSVZFxEF0dGFjaG1lbnRzTEIWRVxQbGFubmluZ1xEQ0MtNDA5MS0yMDE4XE5vcnRoIERldm9uIExpbmsgUm9hZCBIUkEgRGV2b24gQ291bnR5IENvdW5jaWwgRENDNDA5MTlwMTggSmFudWFyeSAyMDE5LmBkZippbWFnZV9udW1iZXI9MTg4LjAwbMDAqaW1hZ2VfdHlwZT1wbGFubmluZyYpYXN0X21vZGlmaWVkaXZyY21fZGlzaz0xNS8wMS8yMDE5IDEwOjU5OjA5.>

Landscape and Visual Impacts

- 6.72 It is considered that the greatest landscape impacts will arise during construction as a result of the removal of roadside vegetation that currently helps screen traffic in sensitive views, integrate the road in its setting, and contributes to the wooded character of the area (amongst other environmental benefits). Such adverse landscape and visual impacts have been minimised in general by widening on the side of the road that would result, on balance, in the least environmental harm.
- 6.73 One objection to the proposals has been received from a resident on the grounds that the removal of vegetation would have an unacceptable adverse effect on their residential amenity by exposing views of traffic. However, in reviewing details, the

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road would be widened and vegetation lost on the far side of the road from this property, not the near side, therefore no significant visual change would result.

- 6.74 The largest visual change would be perceived from a short section of the Tarka Trail near Harford junction. However, the 'large' or 'moderate' adverse landscape and visual impacts predicted in the Landscape and Visual Impact Assessment (LVIA) would be mitigated to slight adverse or neutral impacts in the medium to long term if carried out in accordance with the plans and recommended mitigation measures proposed in Chapter 8 (LVIA) and Appendix 8 (Arboricultural Impact Assessment) of the ES.
- 6.75 The most notable permanent visual change would be the introduction of two new overbridges as distinct new landscape elements (Portmore and West Buckland). These are considered of good design that responds to the local contexts as far as possible. Options for the West Buckland junction and bridge design have been extensively assessed and refined during pre-application stages and this has been highly beneficial resulting in a sensitive design solution that takes advantage of existing woodland to screen the bridge and abutments in historic designed views, and a sensitive bridge design that respects the traditional rural and historic landscape character. The design of the Portmore overbridge has taken into account its position at the gateway into Barnstaple, and final design will be secured through a condition. It is noted that the proposals stay largely within the existing highway boundary, and that no noticeable change to levels of rural tranquillity are predicted once the widened road is operational.
- 6.76 The proposed scheme design includes appropriate measures to mitigate potential adverse landscape and visual impacts, and the most notable of these measures in addition to those already described include the proposals to carry out management operations to improve the physical structure and biodiversity value of existing highway woodlands that have suffered from neglect for many years; and retention of existing vegetation as far as possible, and replanting of hedges and woodland plantations to restore screening functions where needed, to ensure the widened road fits into the landscape setting and to maintain wildlife corridors.
- 6.77 Consideration has also been given to the existing wooded character of the road as experienced by A361 road users and how the visual experience of the landscape when passing through could be enhanced, for example by reducing the woodland 'tunnel' effect and managing the height of hedges and other vegetation to provide views to the surrounding countryside where the woodland is not required for visual screening. Opportunity has also been taken to enhance the character and quality of the area, as perceived from the Tarka Trail, Macmillan Way West and Landkey Footpath 13 in the vicinity of Harford Bridge.
- 6.78 It is considered that the landscape character of the area as a whole offers capacity to accommodate this proposal especially when considered with the mitigation measures proposed and accords with Policy DM08A of the North Devon and Torridge Local Plan. To support this conclusion, it is recommended that additional information is submitted within a detailed Construction Environment Management Plan (CEMP), required by condition, including details relating to tree and hedge protection, and waste management procedures. It is the responsibility of Devon County Council as the Highway Authority to manage planting in the long term, to ensure that this provides permanent mitigation against the impacts upon the setting of heritage assets and the overall landscape, and this will be secured through submission of a Handover Environmental management Plan as required through a planning condition.

Relationship with the Westacott Site

- 6.79 Paragraph 4.2 outlines an objection made by the developer of land north of the A361 at Westacott that is allocated in the North Devon and Torridge Local Plan. A current planning application by the developer, which includes construction of a new roundabout at the Landkey junction, is awaiting determination by North Devon Council.
- 6.80 The developer advises that funding for the proposed roundabout has been secured through the Housing Infrastructure Fund subject to work being completed by March 2021, and concern is expressed that a delay in delivering the County Council's scheme, including a roundabout at Landkey, may result in the funding being lost. It is therefore requested by the developer that a more detailed plan of the northern arm of the roundabout be provided and that its delivery is secured through a s106 Agreement to provide certainty that the two proposals will align.
- 6.81 The proposals forming the NDLR scheme indicate that, although the roundabout will be constructed in a manner that will facilitate addition of the fourth, northern, arm to serve the Westacott development, construction of that arm will be the responsibility of the developer. It is therefore considered that an appropriate level of detail has been provided with the application, and that it is unnecessary to secure delivery of the northern arm through a legal agreement.
- 6.82 The developer also highlights the future need to remove some of the mitigation planting proposed to the north of the Landkey roundabout in the event of the northern arm subsequently being constructed and suggests that this be explicitly provided for in any planning permission. It is agreed that it would be helpful to clarify this through a planning condition, recognising that the developer will be providing alternative mitigation planting alongside their new access road.
- 6.83 Finally, the developer highlights that the larger footprint of the Landkey roundabout proposed by the County Council in comparison with the design submitted by the developer will result in a reduction of the extent of employment land allocated in the Local Plan that can be delivered. North Devon Council have been consulted on this issue, and they provide the following comments:

“The planning application for this site has yet to be approved. Policy BAR01 sets out the quantum of land uses that should be accommodated on the site but does not dictate their location across the allocation. Whilst the land use parameter plan that has been submitted with the application does show 1.3 hectares of employment land close to the access to the site, this has not been agreed and indeed the Design Review Panel have questioned the acceptability of this. It has also been pointed out that the quantum of employment space across the site is significantly short of the 5 hectares required by policy and it is clear that the quantum of housing exceeds the policy requirement and if necessary this could be redressed. There are likely to be other ways of accommodating the employment space across the site as suggested by the Design Review Panel – there is no policy requirement wedding it to the small area of land that could be required for the link road project. As such, I do not believe there is a direct correlation with the land required for the link road project and a loss of employment land.”

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.

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- 7.2 The proposed improvements will support and are attributable to a number of policies within the newly adopted North Devon and Torridge Adopted Local Plan in relation to Barnstaple as a 'sub-regional centre' and future centre for housing growth. This report demonstrates that the proposal is compliant with the Habitats Regulations requirements, and that full regard has been given to the importance of assets and the setting of assets of heritage and landscape importance, in line with North Devon and Torridge requirements. In this case, it is considered that the overriding public benefit of the road, (particularly in improving highway safety and traffic flow) outweigh the less than substantial harm associated with the local landscape, ecological assets and the setting of heritage assets. It is also considered that the mitigation proposals put forward, as set out in the report and through the attached conditions, will ensure that any impacts are minimised and that the road proposal fits within its surroundings; wildlife is protected and enhanced, the proposal does not add to surface water flooding or flood risk and the living conditions of surrounding residents are protected as much as possible.
- 7.3 In this case it is recommended that the development be approved in accordance with the recommendations of the report.

Mike Deaton
Chief Planner

Electoral Divisions: Barnstaple South, Chulmleigh & Landkey, South Molton

Local Government Act 1972: List of Background Papers

Contact for enquiries: Barnaby Grubb

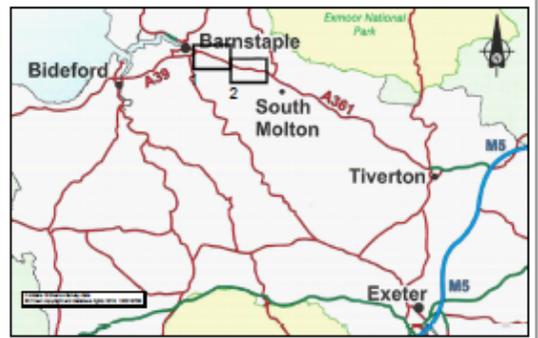
Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

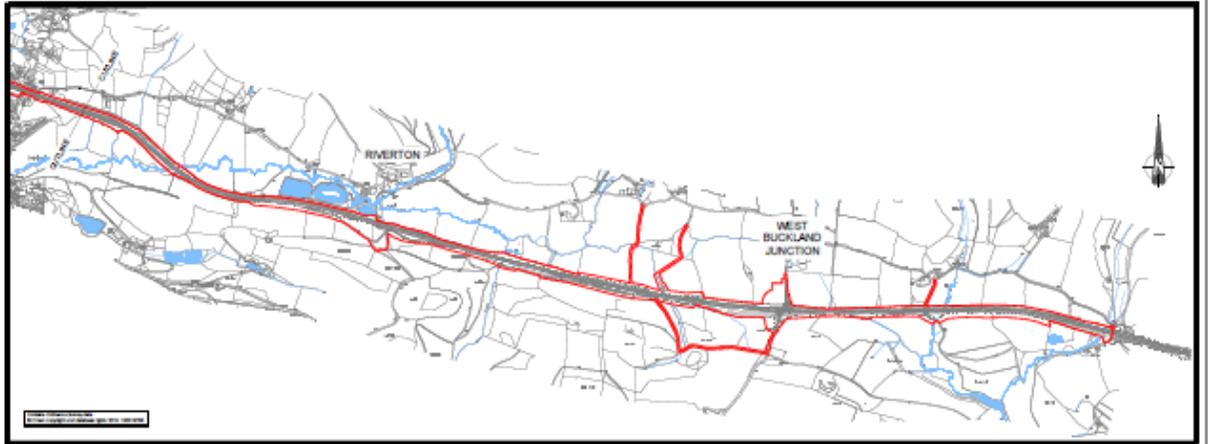
Background Paper	Date	File Ref.
Casework File	Current	

bg211218dma
sc/cr/Proposed widening Landkey and West Buckland A361 between Portmore Roundabout and Filleigh Cutting
02 220119

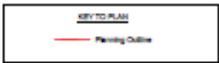
Location Plan



Insert 1



Insert 2



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Appendix I To PTE/19/5

Planning Conditions

STANDARD COMMENCEMENT

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

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

STRICT ACCORDANCE WITH PLANS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered P_00_EN_03 Rev A; P_02_EN_09 Rev C; P_02_EN_10 Rev C; P_02_EN_11 Rev A; P_03_EN_04 Rev C; P_03_EN_05 Rev C; P_04_EN_08 Rev B; P_04_EN_09 Rev B; P_04_EN_10 Rev B; P_04_EN_11 Rev B; P_04_EN_12 Rev B; P_02_XS_01 Rev E; P_03_XS_01 Rev E; P_04_XS_01 Rev E; P_00_XS_01 Rev E; P_00_XS_02 Rev A; P_02_ST_02 Rev E; P_10_ST_02 Rev C; P_00_EN_12 Rev 0; P_02_EN_13 Rev 0; P_03_EN_08 Rev 0; P_04_EN_13 Rev 0; P_04_EN_14 Rev 0; P_04_EN_15 Rev 0; P_02_EN_07 Rev A; P_02_EN_08 Rev A; P_03_EN_02 Rev A; P_03_EN_03 Rev A; P_04_EN_03 Rev A; P_04_EN_04 Rev A; P_04_EN_05 Rev A; P_04_EN_06 Rev A; P_04_EN_07 Rev A; P_02_SU_03, 04, 05, 06, 07 & 08 Rev 0; P_03_SU_01, 02 & 03 Rev 0; P_04_SU_01, 02, 03 & 04 Rev 0; P_02_PP_03 Rev G; P_02_PP_04 Rev G; P_02_PP_05 Rev G; P_02_PP_06 Rev G; P_03_PP_03 Rev F; P_03_PP_04 Rev F; P_03_PP_05 Rev F; P_03_PP_06 Rev F; P_03_PP_07 Rev F; P_04_PP_03 Rev E; P_04_PP_04 Rev E; P_04_PP_05 Rev E; P_04_PP_06 Rev E; P_04_PP_07 Rev E; P_04_PP_08 Rev E; P_04_PP_09 Rev E; P_04_PP_10 Rev E; P_04_PP_11 Rev E; P_04_PP_12 Rev E; P_04_PP_13 Rev E; P_10_PP_02 Rev J; P_09_PP_02 Rev H; Lighting Plan - OP106678LD11013-A; the 25-Year Landscape & Ecology Management Plan reference B2300391/LEMP/R001 (dated 26 October 2018); the details (including the relevant technical appendices and supporting documents where applicable) as set out in the 'Design, Mitigation and Enhancement Measures, including Monitoring requirements' section of Chapters 6 (Air Quality), 7 (Cultural Heritage), 8 (Landscape and Visual), 9 (Biodiversity), 10 (Noise and Vibration), 11 (Road Drainage and the Water Environment), 12 (Geodiversity (Geology, Soils & Land Contamination), 14 (People, Communities and Health), and 15 (Climate Change), and the 'Design and Construction Mitigation Measures' section of Chapter 13 (Materials and Waste) of the Environmental Statement; the Flood Risk Assessment (Ref. 10015808-UU41-R-01; Rev. 04; dated 22nd October 2018); Portmore to Landkey Drainage Plan Sheets 1 to 5 (drawing numbers: P_02_PP_13, P_02_PP_14, P_02_PP_15, P_02_PP_16 and P_02_PP_17; revisions A); Harford to Swimbridge Drainage Plan Sheets 1 to 5 (drawing numbers: P_03_PP_16, P_03_PP_17, P_03_PP_18, P_03_PP_19 and P_03_PP_20; revisions A); Swimbridge to Filleigh Drainage Plan Sheets 1 to 11 (drawing numbers: P_04_PP_31, P_04_PP_32, P_04_PP_33, P_04_PP_34, P_04_PP_35, P_04_PP_36, P_04_PP_37, P_04_PP_38, P_04_PP_39, P_04_PP_40, P_04_PP_41; revisions A), Lighting Statement and Lighting Plan OP106678LD11013-A (dated 14 September 2018) **unless as varied by the conditions below.**

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

PROGRAMME OF ARCHAEOLOGICAL WORK

3. The development shall proceed in accordance with the programme of archaeological work as set out in the written scheme of investigation prepared by Cotswold Archaeology that has been submitted in support of the planning application in Appendix 7.6 (West Buckland

Junction - Written Scheme of Investigation for an Archaeological SMS Excavation, CA Project ref: 880347 and dated 19th October 2018). The development shall be carried out at all times in accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the County Planning Authority.

REASON: To ensure that an appropriate record is made of the archaeological evidence that will be affected by the development in accordance with paragraph 199 of the National Planning Policy Framework and Policy ST15 of the North Devon and Torridge Local Plan 2011-2031.

ADVANCE PLANTING

4. Prior to the commencement of advance planting, details of the following shall be submitted to and approved in writing by the County Planning Authority:
- (a) proposal plans at a scale of 1:250 at A1;
 - (b) specifications and schedules of all advance planting;
 - (c) clearly marked landscape and ecological features within and close to the application site;
 - (d) the design and location of all fencing including badger fencing associated with the advance planting;
 - (e) the location and method of construction of any temporary access tracks required in connection with the advance planting
 - (f) any proposed hedgebanks associated with the advance planting, including their construction, bank ends and transitions to adjoining hedges; and
 - (g) a timetable for implementation of the advance planting works.

The advance planting shall be implemented in accordance with the approved timescale and details and shall be maintained for a period of five years. Any trees, plants or grassed areas, or replacement of it, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To ensure the quality of northern Devon's natural environment is conserved and enhanced, that detail design respects the locally distinctive landscape character, that green infrastructure is safeguarded to ensure that the mitigation measures identified in the Environmental Statement are technically achievable, practically deliverable, and able to be sustained into the future in accordance with Policies ST14, DM04, DM 08A and DM09 of the North Devon and Torridge Local Plan 2011-2031 and Paragraphs 8, 38, 102, 127, 170 of the National Planning Policy Framework.

LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

5. Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, an updated Landscape and Ecological Management and Monitoring Plan (LEMP) shall be submitted to and approved in writing by the County Planning Authority. The updated LEMP shall include the following:
- (a) descriptions of the intended structure/composition and objective/function of each Landscape Element at the end of the establishment maintenance period and intended ultimate size once mature, including any location-specific functions and composition targets;
 - (b) description and evaluation of landscape and ecological features to be managed;
 - (c) details of the ecological trends and constraints on site that might influence management;

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- (d) details of the key maintenance/aftercare tasks including measures to control invasive scrub and commitments to replacing failed planting in the following planting season;
- (e) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- (f) details of the body or organization responsible for implementation of the plan;
- (g) ongoing monitoring, maintenance and remedial measures to guide actions at key project stages, including pre-construction, during construction, for five years establishment maintenance for soft landscape works, and ongoing site management. This shall identify the timing, frequency and nature of management and monitoring of the works, and the anticipated maintenance schedules for each vegetation type. Any restrictions on timing of operations should be clearly stated e.g. no vegetation clearance during bird nesting season, responsibilities for necessary permissions/licences, and restrictions on use of chemical weed control;
- (h) details of the mechanisms by which the long-term implementation of the plan will be secured by the developer with the management bodies responsible for its delivery;
- (i) details (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) of how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and other environmental objectives of the originally approved scheme;
- (j) confirmation that all new planting shall be native indigenous species sourced and grown in the UK, compliant with Defra requirements, and appropriate to the prevailing conditions, environmental functions, and likely management constraints;
- (k) confirmation that planting will be implemented in the planting season following substantial completion of construction of each phase of the scheme; and
- (l) details of any mitigation and compensation measures proposed, to include those measures relating to the loss of 'Running Water Habitat' and a timetable for these works to be implemented.

The approved LEMP shall be implemented in accordance with the approved details. Any trees, plants or grassed areas, or replacement of it, that are removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

REASON: To ensure the quality of northern Devon's natural environment is conserved and enhanced, that detail design respects the locally distinctive landscape character, that green infrastructure is safeguarded to ensure that the mitigation measures identified in the Environmental Statement are technically achievable, practically deliverable, and able to be sustained into the future in accordance with Policies ST14, DM04, DM 08A and DM09 of the North Devon and Torridge Local Plan 2011-2031 and Paragraphs 8, 38, 102, 127, 170 of the National Planning Policy Framework.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- 6. Prior to commencement of any earthworks, drainage works, carriageway construction or other road construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority. The CEMP shall provide:
 - (a) a timetable/programme of works;
 - (b) a timetable for the implementation of the construction and operational ecological mitigation measures as set out in Chapter 9 - Biodiversity of the Environmental Statement;
 - (c) measures for traffic management including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles and proposed on-site parking

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- for vehicles associated with the construction works including site personnel, operatives and visitors and the provision made for access thereto;
- (d) detail for proposals to promote car sharing amongst construction traffic staff;
 - (e) the details of days and hours for deliveries and the times within which traffic associated with construction can enter and leave the site; 6. details of any proposed night- time operations and/ or working and hours for noisy operations taking place on site, to include piling and breaking up of hard materials;
 - (f) details of any significant importation, exportation or movement of spoil and soil on site;
 - (g) details of the measures for soil management, including identifying locations of separate topsoil and subsoil storage heaps and method statements detailing how the quality of topsoil would be conserved through best industry practice (Defra (2009 - <https://www.gov.uk/government/publications/code-of-practice-for-the-sustainable-use-of-soils-on-construction-sites>) for re-use within planting/ seeding areas;
 - (h) details of measures to prevent mud from vehicles leaving the site/wheel-washing facilities;
 - (i) details for the control and/or suppression of fugitive dust from demolition, earthworks and construction activities;
 - (j) details of a noise control plan which details hours of operation and proposed management procedures and mitigation measures;
 - (k) details of measures to prevent disturbance from temporary light sources associated with all stages of the construction process;
 - (l) details for site waste management disposal procedures and processes for all waste types including waste derived from vegetation clearance and other green waste operations. This should also include:
 - (i) measures for the management of any waste generated through the construction process, as required by Policy W4 of the Devon Waste Plan;
 - (ii) methods to reduce the amount of waste material;
 - (iii) methods to re-use the waste, including soil and vegetation, within the development;
 - (iv) methods for the reprocessing and/or final disposal of excavated materials, including locations (which should hold appropriate planning permission, Environment Agency licences and exemptions) where such activities will take place;
 - (v) estimated quantities of excavated/demolition materials arising from the site;
 - (vi) evidence that all alternative methods of waste management have been considered;
 - (vii) evidence that the distance travelled when transporting waste material to its final disposal point has been kept to a minimum.
 - (m) details of a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed;
 - (n) the location and details of any boundary fencing and/ or hoarding associated with the contractor compounds/ facilities and areas for loading, unloading and storage of plant; and
 - (o) the measures to protect existing trees, woodland and hedges prior to, during and after construction and should be based on the Arboricultural Impact Assessment submitted with the application. It should include an Arboricultural Method Statement for working in the Root Protection Areas of trees and be accompanied by detailed plans showing the location and type of protective fencing and be in accordance with BS5837:2012.

Development shall be implemented in accordance with the approved CEMP.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction activities on nearby residents, the landscape, ecology and the local highway network in accordance with

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Policies ST02, DM01, DM02, and DM03 of the North Devon and Torridge Local Plan 2011-2031 and Policy W4 of the Devon Waste Plan 2011-2031.

HANDOVER ENVIRONMENTAL MANAGEMENT PLAN

7. Prior to the certified completion of the scheme a Handover Environmental Management Plan (HEMP) shall be submitted to and approved in writing by the County Planning Authority. The HEMP shall provide details of the proposed strategy for the future maintenance and management of all environmental mitigation, especially the planting schemes, and provide the relevant information on existing and future environmental commitments that will need to be honoured and ongoing actions and risks that need to continue to be managed.

REASON: To ensure that mitigation objectives are achieved in the long-term in accordance with Policies ST14, DM04, DM 08A and DM09 of the North Devon and Torridge Local Plan 2011-2031 and Paragraphs 8, 38, 102, 127, 170 of the National Planning Policy Framework.

Advisory note: The indicative contents of a HEMP are shown in Annex C of IAN 183/14 (<http://www.standardsforhighways.co.uk/ha/standards/ians/pdfs/ian183.pdf>). The HEMP shall include as built information and other details in a form that can be utilised by the body responsible for long term management so they can update their environmental management plans for the operational phase.

DETAILED LANDSCAPE AND ECOLOGICAL DESIGN SCHEME

8. Prior to the commencement of landscaping works for each phase of the development a detailed landscape and ecological design scheme shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be in accordance with the Environmental Master Plans and the approved LEMP and include:
- (a) detailed landscape proposal plans at a scale of 1:250 at A1;
 - (b) specifications and schedules of all proposed planting;
 - (c) clearly marked landscape and ecological features within and close to the application site;
 - (d) details of woodland management to enhance physical structure and biodiversity of dense plantations in need of thinning;
 - (e) proposals for thinning and/or coppicing along woodland edges exposed through construction clearance works;
 - (f) any infill planting required to restore a well-structured broadleaved woodland edge to existing woodlands exposed through site clearance works;
 - (g) the design and location of all proposed fencing including badger fencing;
 - (h) details of any proposed hedgebanks including their construction, bank ends and transitions to adjoining hedges;
 - (i) details of any proposed hedgerow or other green infrastructure reinstatement works previously removed for temporary access tracks or other construction works;
 - (j) details of any retaining structures/ steepened earthworks;
 - (k) detailed landform and vegetation design of sustainable drainage features;
 - (l) details of the colour and finish of proposed lighting columns;
 - (m) details of surfaces and edgings footways/footpaths;
 - (n) detailed proposals for above ground Sustainable Drainage System features to include plans at 1:200 and cross sections; and
 - (o) details of bridge design not included on drawing P_10_ST_02 REV C and P_02_ST_02 REV E including proposed steps, surfacing, handrails, pointing and stonework where applicable; and

The approved scheme shall be carried out at seasonally appropriate times and implemented according to a timetable to be approved by the County Planning Authority.

All new planting shall be native indigenous species sourced and grown in the UK, compliant with Defra requirements, and appropriate to the prevailing conditions, environmental functions, and likely management constraints. Planting to be implemented in the planting season following substantial completion of construction of each phase of the scheme.

REASON: To ensure the quality of northern Devon's natural environment is conserved and enhanced, that detail design respects the locally distinctive landscape character, that green infrastructure is safeguarded to ensure that the mitigation measures identified in the Environmental Statement are technically achievable, practically deliverable, and able to be sustained into the future in accordance with Policies ST14, DM04, DM08A and DM09 of the North Devon and Torridge Local Plan 2011-2031 and Paragraphs 8, 38, 102, 127, 170 and 175 of the National Planning Policy Framework.

9. Prior to the commencement of vegetation clearance, details of and a timetable for the implementation of the pre-construction surveys as set out in Chapter 9 - Biodiversity of the Environmental Statement shall be submitted to and approved in writing by the County Planning Authority.

The pre-construction surveys shall be implemented in accordance with the approved details and timetable.

REASON: To ensure the quality of northern Devon's natural environment is conserved and enhanced in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2011 - 2031.

10. All proposed Otter fencing included in the proposed development shall comply with the Design Manual for Roads and Bridges Volume 10, Section 4, Part 4 and is required to mitigate for a potential adverse impact on Otters.

REASON: To ensure the protection of wildlife and supporting habitat in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2011 - 2031.

11. Vegetation clearance shall be in strict accordance with the approved plans as varied by these conditions. No vegetation clearance shall take place during the bird nesting season (01 March to 31 August inclusive) unless the developer has been advised by a suitably qualified ecologist that clearance will not disturb nesting birds and a record of this is kept. Such checks shall be carried out in the 14 days prior to clearance works commencing.

REASON: To minimise impacts on nesting wild birds and ensure that no birds take up residence in the intervening period in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2011 - 2031.

DETAILED DESIGN OF THE PROPOSED SURFACE WATER DRAINAGE MANAGEMENT SYSTEM TO SERVE THE DEVELOPMENT SITE DURING CONSTRUCTION

12. Prior to road construction works commencing a detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction must be submitted to, and approved in writing by, the County Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

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REASON: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area in accordance with Paragraphs 163 and 165 of the National Planning Policy Framework and Policy ST03 of the North Devon and Torridge Local Plan 2011-2031.

Advisory note: An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

DETAILED DESIGN OF PERMANENT SURFACE WATER DRAINAGE MANAGEMENT SYSTEM

13. Prior to road construction works commencing a detailed design of the proposed permanent surface water drainage management system must be submitted to, and approved in writing by, the County Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The detailed design scheme shall include details of the following:
- (a) clarification as to whether the proposed surface water storage features for each catchment are to be permanently wet or usually dry;
 - (b) clarification of the dimensions of the proposed surface water storage features. The dimensions of each surface water storage feature should be noted on the Drainage Plans for clarity;
 - (c) clarification of the areas used in the MicroDrainage model outputs for each catchment of the proposed A361 works;
 - (d) clarification as to whether the existing culverts are to remain in situ or are to be re-constructed due to the works;
 - (e) clarification as to whether the existing ditches associated with the A361 are to remain in place and be directly used, remain in place but not be directly used or are to be infilled;
 - (f) details of how each storage feature is to be constructed, such as side slopes, materials, vegetation, erosion control, headwalls and check dams.

The design of this permanent surface water drainage management system shall also be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment (Ref. 10015808-UU41-R-01; Rev. 04; dated 22nd October 2018) as well as: Portmore to Landkey Drainage Plan Sheets 1 to 5 (drawing numbers: P_02_PP_13, P_02_PP_14, P_02_PP_15, P_02_PP_16 and P_02_PP_17; revisions A); Harford to Swimbridge Drainage Plan Sheets 1 to 5 (drawing numbers: P_03_PP_16, P_03_PP_17, P_03_PP_18, P_03_PP_19 and P_03_PP_20; revisions A); Swimbridge to Filleigh Drainage Plan Sheets 1 to 11 (drawing numbers: P_04_PP_31, P_04_PP_32, P_04_PP_33, P_04_PP_34, P_04_PP_35, P_04_PP_36, P_04_PP_37, P_04_PP_38, P_04_PP_39, P_04_PP_40, P_04_PP_41; revisions A).

REASON: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with paragraphs 163 and 165 of the National Planning Policy Framework and Policy ST03 of the North Devon and Torridge Local Plan 2011-2031.

Advisory note: An ordinary watercourse runs through this site, so if any temporary or permanent works need to take place within this watercourse to facilitate the proposed development (such as an access culvert or bridge), Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at: <https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

CONTAMINATION

14. Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the County Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the County Planning Authority or other regulating bodies.

REASON: To ensure that any contamination existing and exposed during the development is identified and remediated in accordance with Paragraphs 179 of the National Planning Policy Framework (2018) and Policy DM02 of the North Devon and Torridge Local Plan 2011 - 2031.

PTE/19/6

Development Management Committee
30 January 2019

County Council Development

Teignbridge District: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow, Newton Abbot

Applicant: Devon County Council

Application No: 18/02305/DCR3

Date application received by Devon County Council: 7 November 2018

Report of the Chief Planner

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

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

1. Summary

- 1.1 The application proposes a 3 metres wide cycleway/pedestrian path from the end of Beverley Way to Steppes Meadow to help link the Ogwell Cross area with Newton Abbot town centre.
- 1.2 The main planning considerations for the determination of this application are the impacts on the historic character of the area, loss of vegetation and ecological impacts, and highway safety.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/4093/2018 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4093/2018>

2. The Proposal/Background

- 2.1 The proposal is for construction of a cycleway and pedestrian footpath, which will begin at the end of the cul-de-sac Beverley Way, and continue through the old West End Nursery site adjacent to Beverley Way. The path will then cross the National Trust access track leading to Bradley Manor and then into Bakers Park, beyond which it will connect to existing paths. The application site is situated to the south of Newton Abbot's town centre, and north of Ogwell Cross and Wolborough.
- 2.2 The aim of the proposal is to create an off-road cycle route that will avoid the A381 corridor and connect to the centre of Newton Abbot, with future plans to create a route that will connect to housing around Ogwell Cross from Beverley Way. Land on the north west side of Beverley Way is allocated for residential development in the Teignbridge Local Plan.
- 2.3 As a result of the cycleway, there will be a loss of some vegetation, with construction of timber fencing and the installation of a wheeling ramp within Bakers Park. New sections of path will be 3.0 metres in width and surfaced in bound bituminous material.

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2.4 In June 2010 Devon County Council and Teignbridge District Council entered into a Section 106 agreement with Midas Homes relating to their housing development at the end of Reynell Road, Ogwell, to the south of Beverley Way. This agreement required the developer to make a financial contribution towards the cost of a cycleway connecting Ogwell Cross and Bakers Park, and this funding has been allocated towards the cycleway proposed in this application. This proposal delivers a key link across three parcels of land – the former West End Nursery, the National Trust at Bradley Manor, and Bakers Park which is in the ownership of Teignbridge District Council.

3. Consultation Responses

3.1 Teignbridge District Council: No Planning response received. The Council's Biodiversity Officer has no objection, subject to the safeguards to prevent threat of harm to protected species being put in place (especially section 3.2.3 – 3.2.4 of the ecological appraisal).

3.2 Newton Abbot Town Council: No objection. However, note the potential safety hazard for cyclists at the top of Steppes Meadow where there is restricted visibility at the junction with the Totnes Road.

3.3 Ogwell Parish Council: No adverse comment on the detail of the application, but make the following points:

- the Planning Statement indicates that the proposed path provides a cycle route between Ogwell Village and Newton Abbot Town Centre, but this isn't strictly true as it is only within Newton Abbot;
- we are mindful that the overall intention is that the path should ultimately form a key section of a longer route fulfilling the brief, warranting release of the S106 funding;
- an issue to be addressed is how to facilitate the cycle access from Ogwell since the only ways to approach the proposed path are down the busy A381 or along a narrow footpath from Bunting Close that exits onto the pavement running alongside the A381; and
- provision will need to be made to accommodate shared use by cyclists and pedestrians to ensure their safety when adjacent to vehicular traffic.

3.4 National Trust: No objection. It is not considered that the proposal would adversely impact the National Trust's assets.

3.5 South West Water: No objections, subject to existing ground levels being retained where the cycleway/path crosses the public water main shown on the utilities plan.

3.6 Historic England: No comments.

3.7 Natural England: No comments.

4. Advertisement/Representations

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice and notification of neighbours by letter. As a result of these procedures, six objections, two letters providing comments and two messages of support were received. It was noted that three representations were also received via Teignbridge District Council, two from members of the public and the third from Newton Abbot Civic Society, all of which were objections. The objections and comments make reference to the following matters:

- the need for the application as, at present cyclists are able to avoid Totnes Road (A381) by going through Bakers Park;
- the application doesn't include consultation with local cyclists to explore whether there is a demand for the cycle route;
- it is not clear how the application will connect to Ogwell Village;
- the cycle path will cause extra traffic in the cul-de-sac (Beverley Way), which may lead to potential accidents for cyclists, the residents and their families;
- a lack of lighting along the path will encourage anti-social behaviour and discourage use of the path by cyclists and walkers;
- the current tarmac path along Totnes Road is wide enough to accommodate cyclists, is lit by street lights, and is also a quicker route than diverting down through Beverley Way;
- concerns regarding the wildlife on site, and how the scheme would impact them through the removal of vegetation or potential installation of lighting;
- the proposal will run through National Trust land, and effectively split the land;
- no lighting is proposed, which will deter people from using the route;
- concerns have been raised regarding the legal ownership of the hedge which runs through the former nursery site, and an area of land that is protected by restrictive building covenants; and
- additional concerns have been raised with regards to members of the public having rights of privacy under the articles of the Human Rights Act;
- new gates need to be sympathetic to the needs of cyclists, and the dimensions of the wheeling ramp to be provided at the steps are insufficient.

5. Planning Policy Considerations

- 5.1 In considering this application the County Council, as a 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 summarised below and the most relevant are referred to in more detail in Section 6.

Devon Minerals Plan 2011-2033 (adopted February 2017)
Policy M2 (Mineral Safeguarding Areas).

Teignbridge Local Plan 2013-2033 (Adopted May 2014)
Policies S2 (Quality Development), S5 (Infrastructure), S9 (Sustainable Transport), S14 (Newton Abbot), EN3 (Carbon Reduction), EN12 (Woodlands, Trees and Hedgerows), S1A (Presumption in favour of Sustainable Development), EN2A (Landscape Protection and Enhancement), EN5 (Heritage Assets), S1 (Sustainable Development Criteria), EN8 (Biodiversity Protection and Enhancement) and NA3A (Beverley Way).

Newton Abbot Neighbourhood Plan (Made June 2016)
Policies NANDP3 (Enrichment of the Local Environment) and NANDP4 (Provision of Cycle/Walkways).

Ogwell Neighbourhood Plan (made April 2018)
Policies E02 (Greater connection to the countryside and Green Infrastructure improvements) and TP01 (Footpaths and cycleways).

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6. Comments/Issues

- 6.1 It is considered that the main planning considerations for the determination of this application are the need for the development, impacts on the historic character of the area, loss of vegetation and any ecological impacts, and highway safety.

The Need for the Development

- 6.2 Concerns have been raised by local residents regarding the purpose of the scheme, and the need for a cycle/pedestrian route when members of the public are able to use Bakers Park and/or a footway alongside the A381. However, the existing pavements along the A381 Totnes Road are too narrow to support cyclists, while the carriageway is of insufficient width to provide cycle lanes. At one location, an uphill section of the A381 is less than 5.5 metres wide, on a bend and adjacent to a rock face, making the ascent challenging for cyclists.
- 6.3 In terms of planning policy, Policies S9 (Sustainable Transport), S5 (Infrastructure) and S14 (Newton Abbot) of the Teignbridge Local Plan look for development to improve existing road networks and provide new infrastructure, as well as promoting cycling and walking as alternative transport modes to cars. The Local Plan policies are supported by policies in the Newton Abbot and Ogwell Neighbourhood Plans that seek development of cycle routes between the two settlements. It is considered that the proposal meets these policies and is therefore acceptable in principle.

Impact on the historic character of the area

- 6.4 The proposed cycleway/footpath lies approximately 35 metres to the east of a Grade II Listed Building, known as The Lodge, which belongs to the National Trust and is situated at the entrance to the driveway that leads to Bradley Manor, a Grade I Listed Building which is approximately 450 metres to the west of the proposal site. Following a request from the National Trust, the applicant has submitted a heritage statement that assesses the scheme's impact on the Bradley Manor estate. Given the scale, design and situation of the development, it is considered that the scheme will not harm the setting of The Lodge or the Bradley Manor estate in general and is therefore in accordance with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan.
- 6.5 The path is proposed to be surfaced with bituminous surface from the old Nursery Site to the eastern side of the Bradley Manor access track, beyond which the path will be surfaced with Cellweb for the remainder of the National Trust land due to the root protection area of existing trees. No lighting would be provided alongside the new path within the National Trust's land.
- 6.6 The proposal includes installation of two sets of narrow timber five-bar gates on either side of the access track that leads to Bradley Manor, to slow cyclists down before crossing the track. A timber five-bar field gate is proposed immediately north of the cycle/pedestrian path to enable the National Trust to keep livestock in the future. It is not considered that these gates would have a detrimental impact of the historic character of the site.
- 6.7 The design of the development is considered to be acceptable in principle given its rural setting and is in accordance with Policy S2 (Quality Development) of the Teignbridge Local Plan as development designs are specific to the place and are based on a clear process which analyses and responds to the characteristics of the site.

Ecology and Landscape

- 6.8 The application proposes removal of seven individual trees and some shrubbery from the site in order to accommodate the scheme, including T19, T20 (semi mature and mature wild cherries), G22 (semi mature Lawson's cypress) and G23 (a group including holly, hazel, elm and cherry). Vegetation will be removed from the east of the old West End Nursery site and to the west of Baker's Park immediately adjacent to the National Trust site. The submitted Arboricultural Statement shows that all seven trees are low quality (Category C), and the proposal includes replacement planting (wild cherry, holly and hazel) as close to the removed vegetation as possible.
- 6.9 The retained trees on site will be protected, with tree protection barriers erected around the root protection areas. 'Cellweb' needs to be installed within some of the tree protection barriers, but this will be carried out on foot and with no machinery, under arboricultural supervision.
- 6.10 Policy EN12 (Woodlands, Trees and Hedgerows) of the Teignbridge Local Plan requires development to protect and enhance woodlands, trees and hedgerows in the area, and the proposal is considered acceptable and in accordance with this policy.
- 6.11 The replacement planting will help to restore the wooded character of the local area following the construction of the scheme, and it is considered that the proposals could be accommodated without harming the distinctive character, special qualities and valued features of the landscape setting. The scheme is therefore consistent with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan.

Highway Safety

- 6.12 The concerns that have been raised in representations focus on both the cul-de-sac and the A381, with residents of Beverley Way being worried about the impact the cycleway would have on them. In particular, the potential for accidents to happen due to the increase in cycle traffic that will be generated through the cul-de-sac is highlighted.
- 6.13 The proposal has been the subject of road safety audit through its design process, which concludes that the route through a quiet cul-de-sac and Bakers Park is seen as an improvement for cyclists and pedestrians.
- 6.14 The scheme seeks to encourage cyclists and pedestrians to take an alternative route to Totnes Road (the A381). Questions have been raised by members of the public asking why cyclists/pedestrians can't use the existing kerbside that runs along Totnes Road and then divert into Bakers Park, and why the pathway is deemed to be unsafe for pedestrians and cyclists. The Planning Statement that has been submitted as part of the application notes that the existing pavements along the Totnes Road corridor are not wide enough to support cyclists, and the Totnes Road carriageway is of insufficient width to provide cycle lanes.
- 6.15 The scheme does not include the provision of lighting, although it is understood that Teignbridge District Council are considering funding for lighting within Bakers Park. In the event that lighting is to be proposed for parts of the route, the proposed Condition 6 in Appendix I requires submission of details to enable impacts on amenity and wildlife to be considered.

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- 6.16 Given the above, it is considered that the proposal will offer individuals safe and sustainable transport choice, and the scheme is therefore considered acceptable and in accordance with Policy S9 Sustainable Transport of the Teignbridge Local Plan.

Other Matters

- 6.17 Part of the route of the cycle path is within the Mineral Consultation Area for the nearby limestone resource. However, development of a route that is largely using existing paths will not place any constraint on the mineral resource, and the proposal is therefore consistent with Policy M2 of the Devon Minerals Plan.
- 6.18 Concerns have been raised regarding the legal ownership of the hedge which runs through the former Nursery Site, and an area of land that is protected by restrictive building covenants. These concerns are not planning matters, and therefore are not relevant to the determination of this planning application.
- 6.19 A concern has been raised regarding members of the public having rights of privacy under the articles of the Human Rights Act. Beverley Way is an existing public highway and, while the scheme may increase public movement past the properties, it is not considered this would have an adverse impact upon their privacy or human rights.

Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 In conclusion it is considered that there is strong policy support for the provision of a cycleway/pedestrian pathway linking Ogwell Cross and Newton Abbot town centre, and any potential adverse impacts of the development have been considered and can be adequately mitigated by the imposition of the planning conditions set out in Appendix I. Taking all material considerations into account, it is considered that planning permission should be granted in accordance with the recommendation of this report.

Mike Deaton
Chief Planner

Electoral Division: Newton Abbot South

Local Government Act 1972: List of Background Papers

Contact for enquiries: Rowan Hodgson

Room No: AB2, Lucombe House, County Hall

Tel No: 01392 383000

Background Paper

Casework File

Date

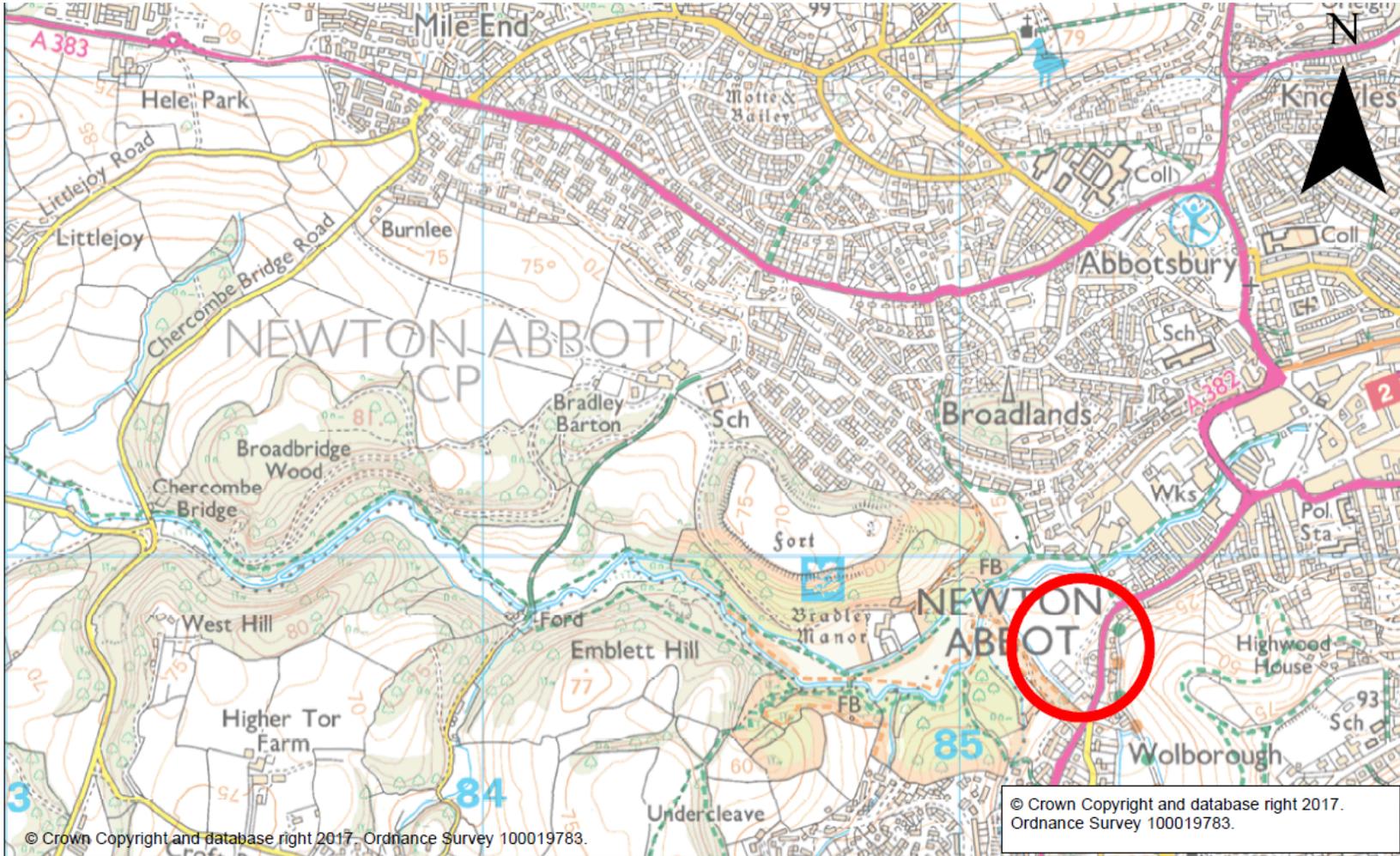
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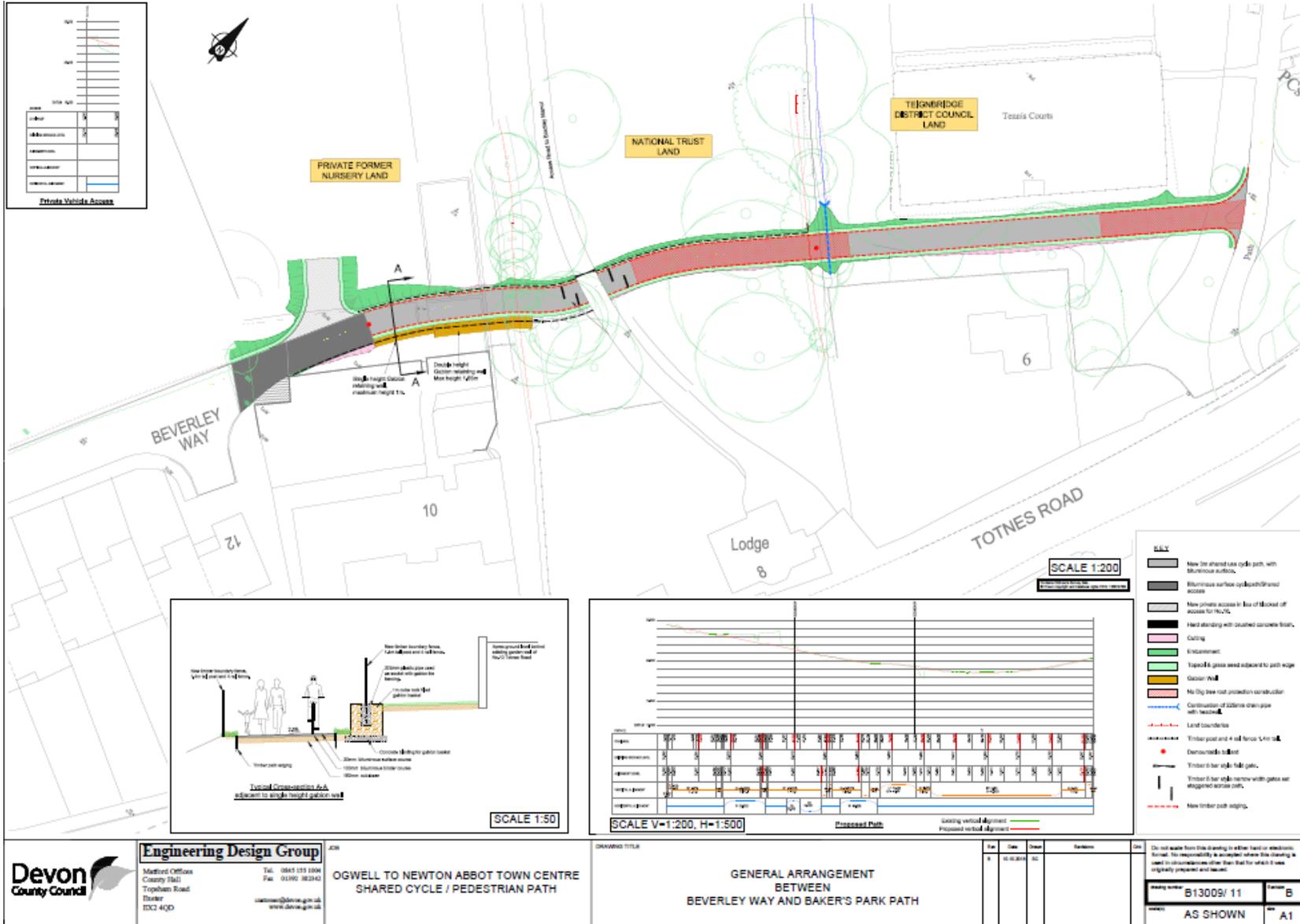
sc/cr/creation cycleway pedestrian path Beverley Way through to Steppes Meadow Newton Abbot
02 210119

Location Plan



	Head of Planning, Transportation and Environment	Development Management Committee	date January 2019	scale 1:10,000
		County Council Development Teignbridge District Council: Creation of a cycleway/pedestrian path 330m in length from the end of Beverley Way through to Steppes Meadow Beverley Way to Steppes Meadow, Newton Abbot, TQ12 1LX		Application No: 18/02305/DCR3

Site Plan



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Appendix I To PTE/19/6

Planning Conditions

1. The development shall commence within three 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/titled: Construction Management Plan, Design & Access Statement, Arboricultural Method Statement, Phase One Habitat Survey, Tree Protection Plan – 18.45.1.TPP, B13009/11, B13009/15, B13009/17, B13009/18, B13009/20 & SD/53 except as varied by the conditions below.

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

3. 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.

REASON: To minimise impacts on nesting birds and ensure that no birds take up residence in the intervening period in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

4. During development, trenches or excavations should be covered overnight to prevent entrapment of wildlife, such as badgers and hedgehogs. Where this is not possible, a strategically placed plank should be used to provide a means of escape.

REASON: To protect and enhance the biodiversity in the area, in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

5. Detailed proposals for tree and shrub planting as outlined in sections 4.4 to 4.6 of the Arboricultural Method Statement shall be submitted and approved prior to opening of the new route and shall be implemented in the following planting season and maintained for five years until established. The submitted details shall include a location plan, details of planting, stock root condition, and proposals for establishment maintenance that would ensure these trees are well established and growing healthily after five years from planting.

REASON: To protect and enhance the areas landscape, and to ensure its successfully established and maintained in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

6. No lighting associated with the proposed cycleway/pedestrian path shall be installed until a lighting scheme, to include consideration of any nature conservation and amenity impacts, has been submitted to and approved in writing by the County Planning Authority.

REASON: To achieve quality design, protect residential amenity in accordance with Policies S2 (Quality Design), S1 (Sustainable Development Criteria) and EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013-2033.

Delegated Schedule – 30 January 2019 - Summary

District	Location	Application Number	Proposal	Electoral Division	Decision
East Devon District Council	Mouth of the River Sid, Sidmouth (OSGR SY 312866, 87367 to SY 312894, 87375)	DCC/4073/2018	Proposed pedestrian footbridge over the River Sid linking The Ham recreational ground to footpath leading to Beatlands Road/Cliff Road, including associated approach ramps, retaining walls, sandstone deposition, planting and lighting, and the demolition of Alma Bridge	Sidmouth	Conditional Approval
South Hams District Council	Land adjacent Barton Pines, Blagdon Lane, Blagdon, TQ3 3YG	DCC/4080/2018	Remodelling of field ground profiles to reposition spoil heap	Dartmouth & Marldon	Conditional Approval
South Hams District Council	Halsworthy Farm Cottage, Halsworthy Service Road, Ashburton, TQ13 7NG	DCC/4086/2018	Permanent planning consent sought for on-farm composting of garden waste, with the finished compost used on the farm holding as a soil fertiliser & general improver	Totnes & Dartington	Conditional Approval
South Hams District Council	Channer Wood, Marley Head, South Brent, Devon, TQ10 9LW	DCC/4088/2018	Extension of building to serve established waste recycling business for agricultural waste	South Brent & Yealmpton	Conditional Approval

District	Location	Application Number	Proposal	Electoral Division	Decision
Mid Devon District Council	Cullompton Community College, Exeter Road, Cullompton, EX15 1DX	DCC/4092/2018	Conversion of existing central courtyard into additional covered space for dining and exams, along with associated landscape works	Cullompton & Bradninch	Conditional Approval
West Devon Borough Council	Hatherleigh Primary School, South Street, Hatherleigh, EX20 3JB	DCC/4094/2018	Erection of timber garden room	Hatherleigh & Chagford	Conditional Approval
Torrige District Council	St Georges School, Jackets Lane, Northam, EX39 1HT	DCC/4099/2018	Removal of Condition 3 of 1/0349/2015/CPO to allow the permanent retention of the modular classroom block constructed under 1/0349/2015/CPO	Northam	Conditional Approval