

PTE/19/23

Development Management Committee
5 June 2019

County Council Development

West Devon Borough: Construction of a Trail, Land south of the C491 Friars Hele to Petrockstowe Lane, Friars Hele Cross, Meeth, Okehampton

Applicant: Devon County Council

Application No: 2318/16/DCC

Date application received by Devon County Council: 26 July 2016

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 planning permission be granted subject to the conditions contained in Appendix I of this report (with any subsequent minor changes to the conditions being agreed in consultation with the Chair and Local Member).

1. Summary

- 1.1 This Report relates to a planning application for the construction of a section of an off-road multi-use trail as an extension to the Tarka Trail, forming the southern part of a proposed link between Meeth and Hatherleigh.
- 1.2 The main material planning considerations in the determination of the proposed development are the consideration of alternative routes; ecological impacts; landscape and visual impacts; and flooding.
- 1.3 The planning application, representations received, and consultation responses are available to view on the Council website under reference DCC/3904/2016 or by clicking on the following link:
<https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/3884/2016>

2. The Proposal/Background

- 2.1 This application is the second (southern section) of two proposals to provide an off-road multi-use trail linking the Tarka Trail to Hatherleigh. The planning application for the northern section, at land to the north of the C491 near Friar's Hele Cross running towards Meeth, was the subject of Report PTE/17/54 to this committee on 6 September 2017 and it was resolved that planning permission be granted (Minute *27 refers).
- 2.2 The section of proposed trail subject of this report runs generally in a north to south direction from the C491 to the River Torridge, close to Madewell Café. At the northern part of the section, traffic calming measures will be provided on the C491 to allow safe crossing of the road, consisting of a build-out on the northern part of the road and a new path in the verge on the southern side. Leaving the C491, the route would then follow the edge of fields to reach the woodland at Parker's Copse. The application proposes the construction of a 'zigzag' to avoid gradient problems in the wood allowing for a maximum gradient of 1 in 15 throughout. South of the wood, the trail would follow a field for a short distance before joining onto the dismantled

railway. The trail would utilise the dismantled railway to the boundary of the application site close to the River Torridge. Generally, the path will be 3.0m wide with 0.5m verges with some widening at bends. New stock proof fences would be provided in the areas where the trail runs through fields in agricultural production.

- 2.3 In terms of construction of the trail, within Parker's Copse it would involve 'no excavation' clearance then placement of a root protection membrane material and a cellular confinement surface. In the other areas the construction would be of a geotextile material topped with recycled aggregate and surfaced with bitumen.
- 2.4 The proposal would result in the loss of about 0.19ha of woodland and associated ground flora and about 126m² of hedgebank. As mitigation the applicant notes that additional woodland planting and hedgebank provision is to be provided as part of the northern section of the trail which would result in a net gain of 0.14ha of woodland and a net gain of 1,257m² of hedgebank. Some additional tree planting is proposed in field corners within this southern section.
- 2.5 From the River Torridge, the trail would then continue towards Hatherleigh and this part of the link has the benefit of planning permission (reference DCC/3683/2014) but, to date, only the section between the Madewell Café and Hatherleigh has been constructed.
- 2.6 At the 12 July 2017 Development Management Committee, Members resolved to carry out a site visit prior to the determination of the two applications on either side of the C491. The site visit took place on 3 August 2017 and was attended by Councillors Brook, Sanders, Hosking and Slade who were accompanied by officers. At the site visit, Members viewed the northern application site and the crossing of the C491, then viewed the trail route looking south from the road (looking towards Parker's Copse) before travelling to Madewell Café to view the trail route looking north towards Parker's Copse.

3. Consultation Responses

- 3.1 West Devon Borough Council: No objection.
- 3.2 Meeth Parish Council: Objects to the total proposed new route through the parish on the grounds that the previously approved original route through the village along the old rail track-bed:
 - (a) supports the fragile economy of the village, both now and in the future;
 - (b) is already partly owned by DCC;
 - (c) is much more level and therefore more suitable as a footpath and cycle way for leisure users;
 - (d) takes up no rural land apart from the already well-defined track; and
 - (e) the current applications have not been put to the local parish councils as consultees and parishioners for consultation in the prescribed method, and the applications should be suspended pending a thorough review of local opinion.
- 3.3 Petrockstowe Parish Council: Fails to understand why the natural extension to the trail, in the form of the continuation of the disused railway line, is not being used. The gradients are much more level and it is believed that the costs must be similar. The new route is not likely to be user friendly with the gradient and zig zag.
- 3.4 Natural England: The proposal is unlikely to affect any statutorily protected sites or landscapes.

- 3.5 Environment Agency: Recommends that the applicant installs flood notices at the edge of the flood risk area to inform users of the route that it might on occasion be flooded. The notice should advise users about flood risks and advise against walking and cycling through this flood water.
- 3.6 Devon Countryside Access Forum: Welcomes the extension of off-road sections of the Tarka Trail and NCN 27 route between Ilfracombe and Plymouth. The provision of an off-road link between Meeth and Hatherleigh has been an aspiration for a long time and would enable access users to safely negotiate this route and avoid a twisty, hilly stretch of the A386. The improvement would enable a greater number of access users to use this trail, particularly children, horse-riders and disabled access users.

The Forum recognises the need to provide greater access for wheelchairs and mobility scooters. Currently Class 3 electric mobility scooters have a legal unladen weight of 150 Kg, are a maximum of 85cm wide and can vary in length from 1.5m to 2m. They have a maximum speed of between 4mph and 8mph, limited to 4mph on footpaths and bridleways, and a range of 20 to 40 miles. Landowners should be made aware that this type of electric scooter may be used on public rights of way and trails. Design engineers and other Devon County Council officers should consider these sizes, particularly in construction details for gates and access, and when negotiation with landowners takes place. Equally, the DCAF advises that sympathetic surfacing, suitable for all users and in keeping with the landscape, should be utilised.

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. Following these procedures, 26 representations were received, of which seven objected to the proposal or questioned aspects of it, while 19 supported it.
- 4.2 The comments in support of the development include:
- the A386 which provides a link between Hatherleigh and Meeth is too dangerous to cycle on;
 - the existing on-road signed route is hilly and not suitable for children;
 - the provision of the trail would have benefits for local users;
 - the provision of the trail would encourage the uptake of sport and have community health benefits;
 - the route would provide access to Meeth Nature Reserve and thereby improve education opportunities; and
 - the route would provide for disabled access.
- 4.3 The objections raised include the following concerns:
- the impacts on trees and wildlife within Parkers Copse and other habitats on the route;
 - the inadequate consideration of wildlife impacts in the application and consultation responses;
 - effect on wildlife and stock in neighbouring fields from dogs;
 - exacerbation of local flooding to land and highways;
 - the availability of a route with a gentler gradient using the former rail line, rather than the steep route proposed in the application;
 - the scheme will not provide economic benefit for Meeth;

- there would be an adverse impact on the local landscape character;
- impacts on nearby listed building; and
- impact on the privacy of nearby properties.

4.4 A letter of representation has also been received from the National Farmers Union who write on behalf of two of its members who own land which forms part of the former railway which was considered as an alternative route to the one proposed in this application. This letter confirms that the two landowners are in full support of this application but opposes any alternative route on the grounds of the impact on farming activities.

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 considered in more detail in section 6.

Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted March 2019)

Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT9 (Strategic principles for transport planning and strategy); SPT10 (Balanced transport strategy for growth and healthy and sustainable communities); SPT12 (Strategic approach to the natural environment); TTV2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area); TTV26 (Development in the countryside); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise, land and light); DEV3 (Sport and recreation); DEV23 (Landscape character); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV28 (Trees, woodlands and hedgerows); and DEV35 (Managing flood risk and water quality impacts).

6. Comments/Issues

6.1 The main material planning considerations in the determination of the proposed development are the consideration of alternative routes; ecological impacts; landscape and visual impacts; and flooding.

Consideration of Alternative Routes

6.2 The trail currently follows an interim on road route via Sheepwash, which is circuitous and hilly, thus not achieving the benefits of an off-road trail. Connecting the Tarka Trail to the existing path at Madewell and on to Hatherleigh would link this market town to the strategic cycle network.

6.3 The County Council has constructed a route from Hatherleigh as far as the Madewell Café and has acquired land to enable construction as far as the north bank of the River Torridge. Although planning permission was granted in 2002 to construct a trail along the former rail line between Hatherleigh and Meeth, and a short section of this route was purchased by the Council some years ago, it has not proved possible to

reach agreement with the remaining landowners that would be needed to utilise the rail line northwards to Meeth to connect with the existing Tarka Trail.

- 6.4 The current proposal has therefore been pursued as it offers a viable alternative to use of the former rail line. This route offers scenic views as far as Dartmoor, is more direct for many users and avoids two crossings of the A386 that would be required if the route were to be limited to the former rail line. It must climb steeper gradients than a railway path, but these can be accommodated using graded zig-zags in the path.
- 6.5 The village of Meeth would be connected by a spur from the Tarka Trail, rather than being close to the main route if the use of the former rail line were able to be achieved, and the Parish Council has raised concern at the effect on the village's economy. However, access for both walkers and cyclists from where this spur meets the A386 into the centre of the village is along the public highway which is shared with motor vehicles and has no footways. The landlord of the public house in Meeth has indicated that he has no objection to the proposal and asks for a suitable sign to be erected to direct users of the rail to his establishment.
- 6.6 The proposed route is considered to be a more deliverable option than the route following the dismantled railway and will provide a direct link between the sections of the trail already approved to the north and south that in accordance with Policies SPT2, SPT9, SPT10 and TTV2 of the Joint Local Plan.

Ecological Impacts

- 6.7 While no part of the application site is subject to any statutory or non-statutory nature conservation designation, Parkers Copse is identified as Priority Habitat (deciduous woodland) but is not classified as ancient woodland. Since the Committee site visit in 2017, further ecological and arboricultural assessment, including surveys for bats and dormice, has been undertaken to enable consideration of any adverse effects and necessary mitigation measures.
- 6.8 Within Parker's Copse the construction works would involve identifying and removing 61 trees along the chosen route, of which two fall within category A. The path would be 3m in width throughout, and a root protection membrane would be installed to minimise ground disturbance with the path surfaced with a suitable porous asphalt. The sides of the path would be dressed with site-won material to remove any vertical drop to the side of the path, and boundary fences may be installed in places.
- 6.9 Along the disused railway line, trees would be pruned along the chosen route and, for parts of the route through the fields, sections of hedgerow totalling 126m² would be removed and topsoil from the existing ground would be stripped (much of this will be taken north of the C491 to aid with that section of path).
- 6.10 While approximately 1,700m² of broadleaved woodland will be lost to the proposed trail, almost 2,800m² of new woodland will be planted in combination with the new trail to the north as mitigation, with 319m² of woodland and 353m² of ground flora being replanted within this site using site-won topsoil. Hedgebank creation will take place to the north of this site with a net gain of 1,257m² across the two sections of trail.
- 6.11 The ecological appraisal identifies potential impacts on some species including reptiles, breeding birds, bats and badgers, but these are capable of being addressed through suitable construction management measures that can be secured through

planning conditions. Although woodland and species-rich hedgerows can be suitable habitat, surveys found no evidence of dormice within the application site.

- 6.12 The ecological appraisal and arboricultural assessment suggest development of a ride habitat along the trail route within Parkers Copse, which would diversify the conditions available within the woodland, which currently has a fairly uniform structure, and would create a new corridor that bats can use for commuting. However, such an approach is not achievable within the application site as it is currently defined, and renegotiation of the arrangements for purchase of the woodland required for the trail to accommodate a wider corridor is likely to delay delivery of the cycle route. Some additional tree planting in field corners alongside the new trail to the north of Parkers Copse will also assist in offsetting the loss of trees within the woodland.
- 6.13 While construction of this length of trail will have some adverse impacts on habitats and species, it is considered that mitigation measures to be secured through the planning conditions, which will achieve net gain of habitat, and the recreational and health benefits of the trail offset these impacts, and that the proposals are consistent with Policies DEV26 and DEV28 of the Joint Local Plan.

Landscape and Visual Impact Impacts

- 6.14 The landscape context of the application site is rural, agricultural and tranquil in character. Outside Parkers Copse, the proposed trail alignment would respect the landscape character by following existing field boundaries and part of the disused rail line, subject to protection of hedgerows during construction and the reinstatement with stone fencing of the ends of severed hedgebanks where the trail cuts through an existing bank.
- 6.15 Within Parkers Copse, the removal of trees would result in moderate adverse effects to the woodland structure, which could be reduced to an acceptable level through the creation of a ride. However, as indicated in 6.11 above, this option would be difficult to deliver.
- 6.16 Overall, the proposed trail can be accommodated without resulting in significant harm to the area's landscape character and scenic quality, and the moderate adverse impact on Parkers Copse is balanced by the recreational and health benefits of the trail. Subject to suitable conditions to ensure appropriate implementation of the scheme, including submission of a Landscape and Ecological Management Plan, the proposals are consistent with Policies TTV26 and DEV23 of the Joint Local Plan.

Flooding and Drainage

- 6.17 At its lowest point, close to the River Torridge on the dismantled railway line, there is a possibility that the trail could flood during a storm event (1 in 100 year). Given the low-lying nature of this section it is likely that any flooded sections would be visible from some distance and the trail to the north and south would provide safe refuge opportunities for escape from rising flood waters. To ensure the safety of users the Environment Agency has recommended that flood notices be installed on the route to inform users of the flood risk associated with the route, and this will be secured by an appropriately worded planning condition.
- 6.18 It is proposed that drainage from the trail would be directed into new ditches and culverts where current drainage systems are crossed. Where no formal drainage is proposed it is recommended that appropriate sustainable drainage is provided. In the

event that planning permission is granted there will a planning condition imposed requiring the submission and approval of a sustainable drainage scheme for the development.

Other Matters

- 6.19 An objection has been raised on the impact of dogs being exercised on the trail. Experience with other trails shows that disturbance of wildlife by path users is not a major issue, and signs will recommend that dogs are kept on leads through the woodland. The path will be fenced along its length to protect any stock in neighbouring fields, and the detailed design of this will be the subject of discussions with the affected landowners.
- 6.20 Concerns have also been raised about impact on residential amenity and impact on listed buildings but, given the nature of the use of the trail and the distances from residential properties and listed buildings, it is not anticipated that there would be any adverse impact.

7. Reasons for Recommendation/Alternatives Options Considered

- 7.1 The Committee has the option of approving, deferring or refusing this planning application.
- 7.2 The current proposal will enable delivery of the missing link between the existing Tarka Trail and Hatherleigh, providing a further off-road section allowing people to enjoy the Devon countryside. With regard to the planning balance it is considered that the benefits of the trail in terms in recreation, health and the local economy outweigh the negative short-term impacts on ecology and landscape. It is therefore considered that conditional planning permission be granted in accordance with the recommendation to this report.

Mike Deaton
Chief Planner

Electoral Division: Hatherleigh & Chagford

Local Government Act 1972: List of Background Papers

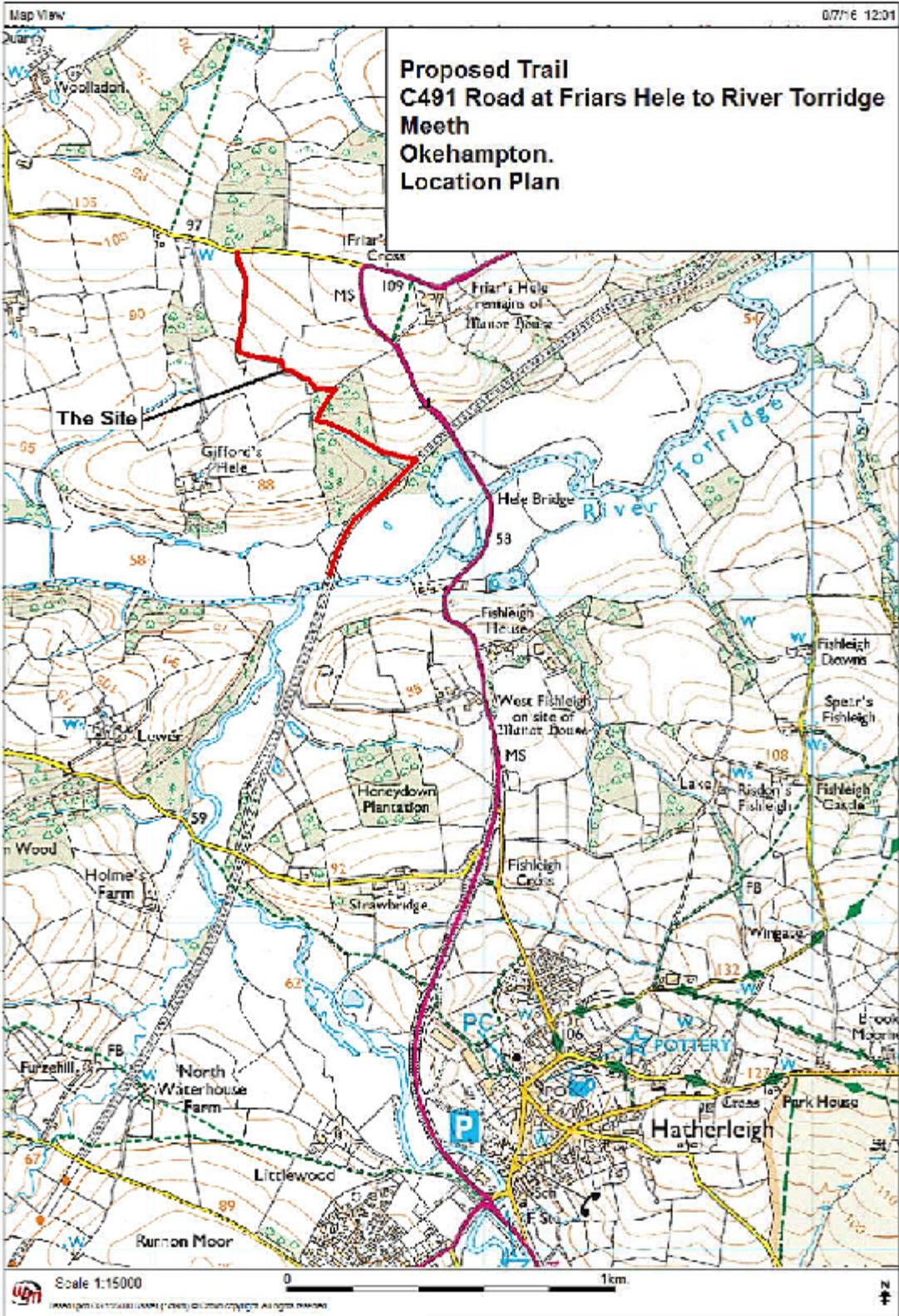
Contact for enquiries: Andy Bowman

Room No: AB2, Lucombe House, County Hall

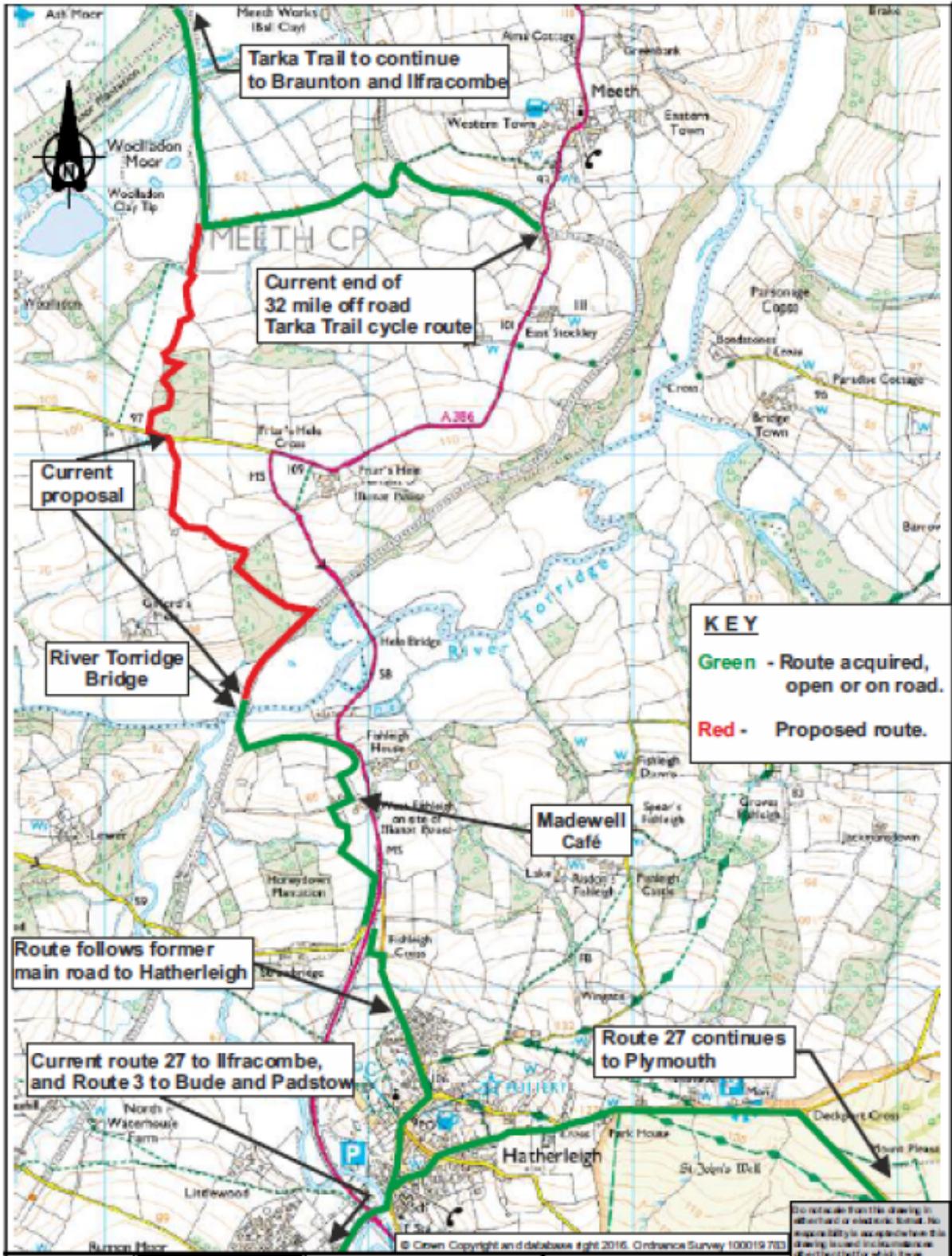
Tel No: 01392 383000

Background Paper	Date	File Ref.
Casework File	Current	DCC/3884./2016

ab080519dma
sc/cr/Construction of Trail Land south of the C491 Friars Hele to Petrockstowe Lane Friars Hele Cross Meeth
Okehampton
02 240519



Context Plan
To PTE/19/23



	Engineering Design Group Michael Collins Tel: 01842 333333 Group Head Fax: 01842 333333 Stephen Bond Steve Tel: 01842 333333 01842 333333	Tarka Trail Meeth to Hatherleigh	Context Plan	Do not scale from this drawing to other than A1 scale. Some responsibility is accepted for this drawing issued in accordance with the conditions which were originally proposed and issued. Project Number: June 2016 Rev: 1 of 1 GRCMH
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Planning Conditions

1. The development shall commence within seven 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 T14003/P1 B; T14003/P2 B; T14003/P3 B; Planning Statement; Flood Risk Assessment; Extended Phase 1 Survey (PLANeco); Meeth South to Parker's Copse Wildlife Report (Jacobs, December 2018); and Arboricultural Impact Assessment (Hi-Line, March 2018) except as varied by the conditions below.

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

3. No development shall take place until a Construction Management Scheme has been submitted to and approved in writing by the County Planning Authority. The statement shall provide details of:
 - (a) timetable/programme of works;
 - (b) measures for traffic management [including routing of vehicles to and from the site, details of the number/frequency and sizes of vehicles];
 - (c) days and hours of building operations and deliveries;
 - (d) location of loading, unloading and storage of plant and materials;
 - (e) location of contractor compound and facilities;
 - (f) provision of boundary fencing/hoarding;
 - (g) parking of vehicles of site personnel, operatives and visitors;
 - (h) wheel washing arrangements;
 - (i) dust control measures; and
 - (j) recycling of waste during construction.

The development shall be implemented in accordance with the approved scheme.

REASON: To ensure adequate access and associated facilities are available for the construction traffic and to minimise the impact of construction on nearby residents/local highway network in accordance with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan.

4. No development shall take place until a Landscaping and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the County Planning Authority. The LEMP shall include the following:
 - (a) aims and objectives of the Management Plan for the completion of the development of the trail and subsequent 5-year aftercare;
 - (b) a plan showing management compartments for each habitat or landscape type;
 - (c) methods for the protection of vegetation not scheduled for removal;
 - (d) description and evaluation of features including any new planting;
 - (e) any constraints on site that may influence management;
 - (f) any specific management measures aimed at enhancing habitat quality or specific species;
 - (g) detailed prescriptions for management actions including mitigation, enhancement;

- (h) vegetation removal and vegetation replacement;
- (i) details of the proposed cell-web tree protection surfacing and temporary fencing to be erected during construction to protect trees and hedges; and
- (j) detailed proposals for the construction of stone-faced ends of severed hedgebanks.

The approved LEMP shall be implemented in the first planting and seeding season after completion of development and shall be maintained for a period of five years. Any tree, plant or grassed area, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting or seeding shall be replaced with the same or similar species in the same location.

REASON: To protect the character and appearance of the local rural landscape in accordance with Policies SPT12, DEV23 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

5. No development shall take place until a scheme to safeguard all trees, hedgerows/hedgebanks, shrubs and other natural features not scheduled for removal during site works and building operations has been submitted to and approved in writing by the County Planning Authority. The scheme shall be in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations.' The development shall be carried out in accordance with the approved scheme.

REASON: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage throughout the construction period, in the interests of visual amenity and nature conservation in accordance with Policies SPT12 and DEV28 of the Plymouth and South West Devon Joint Local Plan.

6. 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 is kept.

REASON: To ensure no disturbance of nesting birds in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

7. No lighting shall be installed on any part of the proposed trail.

REASON: To ensure no disturbance of wildlife in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

8. Development shall be carried out in accordance with the recommendations/actions relating to protected species set out in Section 5 and Appendix E of the Wildlife Report dated December 2018.

REASON: To ensure that protected species are conserved in accordance with Policy DEV26 of the Plymouth and South West Devon Joint Local Plan.

9. The trail hereby approved shall not be brought into use until flood warning notices have been installed on the route to inform users of the flood risks associated with the route. The flood notices shall be permanently retained unless otherwise agreed in writing by the County Planning Authority.

Reason: To raise awareness of the flood risks to ensure the safety of users of the access route in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.

10. No development shall take place until a sustainable drainage scheme has been submitted to and approved in writing by the County Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.

REASON: To protect water quality and minimise flood risk in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan.