

**County Council Development**

**Teignbridge District: Provision of a new link road connecting the A382 to West Golds Way, Land between the A382 and West Golds Way near the Newton Abbot Hospital, Newton Abbot**

**Applicant: Devon County Council**

**Application No: 19/01210/DCC**

**Date application received by Devon County Council: 14 June 2019**

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 minor changes to the conditions being agreed in consultation with the Chair and Local Members).**

**1. Summary**

- 1.1 This report relates to the provision of a new link road, including pedestrian and cycle facilities and associated landscaping, between West Golds Way and the already permitted Whitehill Cross roundabout on the A382.
- 1.2 The main material planning considerations in the determination of the proposed development are: compliance with relevant planning policy; traffic and transportation considerations; impact on the landscape and visual amenity; impact on nature conservation/habitats; impact on flood risk; impact on residential amenity; climate change and sustainability considerations; and impact on the historic environment and archaeology.
- 1.3 The planning application, representations received and consultation responses are available to view on the Council website under reference DCC/4131/2019 or by clicking on the following link: <https://planning.devon.gov.uk/PlanDisp.aspx?AppNo=DCC/4131/2019> .

**2. The Proposal/Background**

- 2.1 In 2017, a planning application (DCC/3851/2016 / 16/01336/DCR3) was approved for *'Alterations to widen, as well as straighten the horizontal and vertical alignment of the A382. Including provision of dual carriageway between Drumbridges and Trago Roundabout; widening of the carriageway to 10m from Trago Mills Roundabout to White Hills Cross; provision of a 3.0m wide pedestrian and cycle way alongside the widened road; and provision of a new route connecting the A382 to West Golds Way near the new Newton Abbot Hospital site (Jetty Marsh II)'*.
- 2.2 The approved alignment for the proposed link road between the A382 and West Golds Way encroaches on public open space, north of the Orleigh Cross housing development.

- 2.3 This new proposal allows for the realignment (to the north/east) of the previously approved link road, avoiding the loss of the aforementioned public open space. The scheme forms part of the overall A382 highway corridor improvements, which are intended to increase network capacity and provide facilities for cyclists.
- 2.4 The link between the A382 and West Golds Way aims to mitigate the impact of development traffic on Churchill's roundabout, reducing congestion and increasing capacity for traffic accessing Newton Abbot town centre. The proposed development will contribute to the objectives of the previously approved A382 scheme, which are to:
- deliver development to the west of Newton Abbot;
  - improve journey times to the west of Newton Abbot;
  - improve safety on the A382; and
  - encourage the use of sustainable modes of transport.
- 2.5 This proposal is comprised of the construction of approximately 380 metres of highway, the vertical and horizontal alignment of which is based on upon a 30mph speed limit with a setting defined as urban rather than rural.
- 2.6 The proposed highway is designed to be 6.5 metres wide with a 3.0 metres wide footway/cycleway adjacent and associated verges. The carriageway and footway/cycleway will be constructed on an embankment where it passes through the functional floodplain of the River Teign. In order to raise the carriageway above the predicted flood level, providing a safe/dry route to the community hospital in the event of an extreme flood, the embankment is constructed 4.5m above natural ground level with slopes of 1 in 2.5.
- 2.7 The alignment of the highway has been designed to minimise the impact on the functional floodplain, whilst maximising the offset from the residential properties at Orleigh Cross. The height of the embankment has been set at 0.6m above the predicted flood levels, with its overall height minimised as far as possible, given the need to tie in with existing road levels at each end of the link road.
- 2.8 The footway/cycleway is proposed to be located to the south/west of the highway in order to link in to the existing footway/cycleway at West Golds Way, and the proposed footway/cycleway alongside the A382. The previously approved footway/cycleway was designed at a lower elevation to the proposed highway; however, this proposal has amended this, proposing the footway/cycleway to be located at the same level as the highway but with a 0.5m offset from the carriageway. This provides continuity to the design of the existing facilities at West Golds Way; increases the resilience of the route to flooding; and improves the perception of personal safety for route users.
- 2.9 Existing field access points are proposed to be closed and replaced with new access points created from the northern and southern roundabout arms serving Old Exeter Road.
- 2.10 To mitigate for the loss of flood storage associated with the embankment footprint, the historically filled area adjacent to West Golds Way will be reduced in height and serve as compensatory flood storage. Where suitable, the excavated material will be used for construction of the embankment to reduce the need for offsite disposal and import of fill materials. Surface water runoff generated by the proposed development will be managed with use of Sustainable Drainage Systems (SuDS) with flows

discharged at a restricted rate to the Blatchford Brook and excess surface water stored within a detention basin, providing long term storage. Water quality will be managed by a series of sediment traps and bioretention areas.

- 2.11 Proposed lighting is comprised of 8m lighting columns on the north-east side of the road, tying in with existing lighting on West Golds Way.
- 2.12 Comprehensive landscape and ecological mitigation is proposed including:
- deciduous woodland and woodland edge planting on the proposed embankments to integrate the road in to the landscape; screen moving traffic; and provide replacement ecological habitat;
  - tree planting to replace Poplars protected by Tree Preservation Orders;
  - marshy grassland to replace the habitat lost at the edge of the functional floodplain;
  - enhancement of the SuDS pond and flood compensation area with ponds containing permanent water; a native species-rich grassland mix; wet woodland; native marginal planting and willow scrub; and
  - seeding of verges with a native wildflower mix.
- 2.13 The application is Environmental Impact Assessment (EIA) development and is accompanied by an Environmental Statement (ES).

### **3. Consultation Responses**

- 3.1 Teignbridge District Council (Planning): No objection.
- 3.2 Teignbridge District Council Environmental Health Officer: No response received, however it is noted in the Teignbridge District Council planning response that the Environmental Health Officer has not raised any objections.
- 3.3 Dartmoor National Park Authority: No objection.
- 3.4 Newton Abbot Town Council: No objection.
- 3.5 Teigngrace Parish Council: Object to the application, as there is no provision for traffic management through the village of Teigngrace and for Greycoat Lane during the works. The road through Teigngrace is heavily used by cyclists, pedestrians and horses, which do not mix well with heavy traffic. This road is also prone to flooding and used for cattle movements. The junction with Greycoat Lane is being eroded by large vehicles and the Parish Council have received complaints about the size of vehicles using this junction and eroding the banks, which support the properties on either side. Teigngrace Parish Council would like a speed limit imposed through the village and restrictions on vehicle size both through the village and on Greycoat Lane, and need assurances that the traffic will be managed correctly throughout the works and discouraged from coming through the village of Teigngrace.
- 3.6 Historic England: No comments to make on this application.
- 3.7 Natural England: No comments to make on this application.
- 3.8 Environment Agency: No objection subject to the inclusion of planning conditions to secure:
- implementation of the submitted Flood Risk Assessment (FRA);

- detailed design of the box culvert to retain passage for otters;
- creation of new habitat to compensate for habitat loss; and
- submission and agreement of a Construction Environment Management Plan (CEMP)

3.9 DCC Highways Development Management: No objection.

3.10 DCC Ecology: No objection subject to the inclusion of a planning conditions requiring an update of the Landscape & Ecology Management Plan (LEMP) and Construction Environment Management Plan (CEMP), undertaking of pre-construction surveys, securing the provision of offsite mitigation and the implementation of the lighting scheme.

3.11 DCC Landscape: The proposals are acceptable on landscape grounds subject to conditions covering:

- protection of trees and hedgerows prior to, during, and after construction;
- submission of detailed landscape proposals, specifications and an associated Landscape & Ecology Management Plan (LEMP); and
- submission of detailed sustainable drainage features for approval.

3.12 DCC Historic Environment: No objections subject to a planning condition requiring the submission of a programme of archaeological mitigation.

3.13 DCC Flood Risk: No objection subject to the inclusion of planning condition covering submission of:

- the detailed design of the proposed permanent surface water drainage management system;
- the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction; and
- details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system.

3.14 DCC Minerals Policy: The application site falls within the Mineral Safeguarding Area for the ball clay resource, with Policy M2 of the Devon Minerals Plan presuming against development that would sterilise or constrain the mineral resource.

However, the Bovey Basin ROMP (99/2080/01/9DCC) includes the application site within the West Golds 'area of no further mineral working' which is subject to Condition 8: "No mineral workings or ancillary operations shall be carried out within the areas edged and shaded red identified on Approved Plan BB/2/98." This reflects the previous history of underground working beneath the application site.

Given the prohibition on further working beneath the application site, it can be concluded that the underlying mineral resource is not economic, and the proposed development is therefore consistent with Policy M2.

3.15 Local Member (Bovey Rural): No objection.

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

4.1 The application was advertised in accordance with the statutory publicity arrangements by means of a site notice, notice in the press and notification of

neighbours by letter. As a result of these procedures, nine letters/emails of representation have been received:

4.2 Six responses object to the proposal on the following grounds:

- additional pollution caused by the development;
- increased impact of the development on air quality;
- increased noise impact on properties in Orleigh Cross;
- destruction of woodland/green areas;
- increased risk of flooding/the location of the development in the floodplain;
- cost/use of public funds;
- congestion (which will be displaced to elsewhere in Newton Abbot); and
- increased likelihood of accidents/fatalities.

4.3 Three responses make general comments relating to the following:

- difficulties for merging traffic (turning right) from the hospital and Orleigh Cross joining the new road without traffic lights;
- the scheme will not alleviate the main traffic issue at Balls Corner roundabout;
- there may be tailbacks at busy times and
- provision of a footpath between the Orleigh Cross estate and Newton Abbot town centre.

## 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 summarised below and the most relevant are referred to in more detail in Section 6.

5.2 **Teignbridge Local Plan 2013-2033 (Adopted May 2014):**

<b>Policy</b>	<b>Description</b>
S1A	Presumption in favour of Sustainable Development
S1	Sustainable Development Criteria
S2	Quality Development
S5	Infrastructure
S6	Resilience
S7	Carbon Emission Targets
S9	Sustainable Transport
S10	Transport Networks
S11	Pollution
S14	Newton Abbot
S22	Countryside
WE11	Green Infrastructure
WE13	Protection of Recreational Land and Buildings
EN1	Strategic Open Breaks
EN2A	Landscape Protection and Enhancement
EN3	Carbon Reduction Plans

EN4	Flood Risk
EN5	Heritage Assets
EN6	Air Quality
EN7	Contaminated Land
EN8	Biodiversity Protection and Enhancement
EN9	Important Habitats and Features
EN11	Legally Protected and Priority Species
EN12	Woodlands, Trees and Hedgerows (previously Trees and Hedgerows)
HT1	Heart of Teignbridge – Movement
HT3	Heart of Teignbridge – Green Infrastructure
NA2	Whitehill

5.3 **Devon Waste Plan 2011-2031 (Adopted December 2014):**

Policy	Description
W4	Waste Prevention

5.4 **Devon Minerals Plan 2011-2033 (Adopted February 2017)**

Policy	Description
M2	Mineral Safeguarding Areas

5.5 Other material considerations are the **National Planning Policy Framework** (February 2019) and **Planning Practice Guidance**.

**6. Comments/Issues**

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

Policy Context

6.2 The Teignbridge Local Plan sets out the policies, proposals and actions to meet the environmental, social and economic challenges facing the area between 2013 and 2033 and provides a strategy for the distribution and level of development and supporting infrastructure.

6.3 Policy HT1 (Heart of Teignbridge – Movement) of the Teignbridge Local Plan supports the improvement of connectivity and accessibility within the Heart of Teignbridge. In particular, this policy promotes the delivery of comprehensive walking and cycle routes that connect within the Heart of Teignbridge and to nearby towns and villages; and the Jetty Marsh Phase 2 link road, subject to proposals demonstrating that there will be no adverse effect on the integrity of the South Hams SAC.

6.4 Policy S14 (Newton Abbot) broadly supports the improvement of the existing road network and provision new road infrastructure where necessary, supported by investment to create comprehensive, connected walking and cycling routes and public transport services.

6.5 The scheme contributes to the five key objectives set out in the Devon and Torbay Local Transport Plan 3 (2011 - 2026) to achieve the vision for a low carbon transport system that offers choice and encourages sustainable travel behaviour:

- deliver and support new development and economic growth – bringing forward around 2,500 new houses and employment land at Forches Cross, Whitehill and Newton Abbot town centre and 800 new houses to the west of Kingsteignton;
- make the best use of the transport network and protect the existing transport asset by prioritising maintenance – making better use of available road space and increasing capacity;
- work with communities to provide safe, sustainable and low carbon choices – by delivering cycle and pedestrian facilities between new developments and Newton Abbot, giving residents a viable choice to use sustainable modes of transport;
- strengthen and improve the public transport network – by reducing delay on principle County Bus Routes towards Newton Abbot; and
- make Devon the ‘place to be naturally active’ – by improving pedestrian and cycle facilities which will build on existing walking and cycle network and encourage access between Heathfield, Newton Abbot and proposed housing developments.

6.6 In the determination of this application members should balance this high level of strategic policy support against any adverse impacts of the proposed development (discussed in more detail below).

#### Traffic and Transportation Considerations

- 6.7 Policy S10 (Transport Networks) of the Teignbridge Local Plan states that the function of the existing transport network and facilities will be protected, including the locally important road network, part of which is the A382.
- 6.8 Teignbridge District Council's adopted Local Plan (2013-2033) features a large amount of development (2,300 homes) to the West of Newton Abbot. This development will have direct access onto the A382 and the A383 with a Link Road connecting the two through the development. Also included in the Local Plan is 18 hectares of land for employment, part of which is allocated at Forches Cross which will be accessed from the A382. These developments will significantly increase the growth along the corridor, from vehicles traveling to and from Newton Abbot as well as vehicles traveling further via the A38 to Exeter and Plymouth.
- 6.9 The construction of the Jetty Marsh link would help alleviate future congestion, and without this link, the additional traffic generated by widening the A382 would get held up at Churchill's Roundabout, Impeding traffic flows on the A382.
- 6.10 It is considered that the scheme will have an overall positive impact on the highway network by reducing journey times (including for public transport) and providing a safe off-road shared path for pedestrians and cyclists, linking in with existing and planned infrastructure from Newton Abbot to Drumbridges. This path will enable walking and cycling journeys to be made to key sites such as Heathfield and Newton Abbot, in addition to future developments at Forches Cross, Houghton Barton and Whitehill.
- 6.11 Teigngrace Parish Council have objected to the application, as there is no provision for traffic management through the village of Teigngrace and for Greycoat Lane during the works. Whilst this is noted, the construction of the roundabout at the Exeter Road junction is already approved under the main A382 planning permission (DCC/3851/2016). Consequently, the works proposed under the current application can be constructed ‘offline’ from the existing public highway without affecting any existing traffic flows or causing additional traffic through the village of Teigngrace.

- 6.12 In conclusion the proposed development will deliver the new road connection (Jetty Marsh II) which is identified in the adopted local plan and facilitate planned residential and employment development, also identified in the local plan. The proposed provides comprehensive new facilities for pedestrians and cyclists, linking in to existing and planned infrastructure. The new route will protect the function of the A382 and improve the resilience of this route. Consequently, it is considered that the proposed development is in accordance with Policy S10 (Transport Networks), Policy S14 (Newton Abbot) and Policy HT1 (Heart of Teignbridge – Movement) of the Teignbridge Local Plan.

#### Impact on Landscape and Visual Amenity

- 6.13 The proposals would result in the loss of trees and woodland within the sparsely settled farmed valley floors of the wider Bovey Basin landscape. No ancient woodland or veteran trees would be affected (in accordance with Policy EN12: Woodlands, Trees and Hedgerows). The woodland is, however, valued for forming a rural setting to Orleigh Cross residential area and adjoining a public open space on the edge of Newton Abbot. The trees to be removed include 14 trees protected by a Tree Preservation Order. However, these and other trees within the woodland affected already have consent for removal following approval of the consented A382 road scheme (planning application reference DCC/3851/2016). Given the importance of the trees and woodland in this locality, it is appropriate to impose conditions that allow the protection of the trees not scheduled for removal to be retained prior to, during and following construction.
- 6.14 The proposals represent a revised road alignment of the consented scheme further to the north away from Orleigh Cross. The most significant adverse visual impacts would be experienced by residents of Orleigh Cross, who would see views of moving traffic and street lighting on the top of the road embankment above the acoustic fence, filtered by intervening trees, as illustrated by viewpoint 2 and associated photomontage. Such effects would be worse in winter, although it is noted that the proposed woodland on the embankments includes evergreen species (privet and holly), which will increase screening if placed high up the embankment. The revised road alignment would allow the retention of a wider belt of woodland between the proposed road and the residential properties, which would provide a more substantial depth of woodland screening than the consented scheme. As a result, the adverse visual impacts of the proposed scheme would be reduced from day one, in comparison with the consented scheme. The proposed realignment would also retain the existing play area and public open space to the north of Orleigh Cross intact - whereas the consented scheme would slightly change the topography of part of this area. The proposed scheme would also introduce a large artificial earthwork embankment into an area characterised by flat or very gently sloping low-lying topography, and therefore would not respect the character of LCT3C: sparsely settled farmed valley floors. However, this was also the case with the consented scheme, therefore it has already been decided that the benefits of the scheme would outweigh such harm in the planning balance.
- 6.15 The likely effects of the proposals upon visual amenity and the character, features and condition of the local landscape have been identified and taken into account in the resulting sensitive siting and design proposals. These incorporate mitigation measures to integrate the road and embankment into the landscape setting whilst respecting local landscape character and minimising significant adverse visual impacts on nearby sensitive receptors. The proposed use of stone-faced hedgebanks and hedgerow trees along the western road frontage have been informed through consultation with Teignbridge District Council's landscape officer.

Overall, it is considered that the impact of the proposals on landscape character and visual amenity are acceptable and in accordance with Policy EN2A (Landscape Protection and Enhancement) of the Teignbridge Local Plan.

- 6.16 The landscape proposals and plant schedules are broadly appropriate for the location and purposes of landscape integration, and the species selected are appropriate to the likely ground conditions (noting the soils are slightly acid loamy and clayey soils with impeded drainage or freely draining slightly acid loamy soils). However, it is recommended that the imposition of conditions that would allow minor revisions and additions to the landscape and ecological mitigation proposals to take further opportunities to enhance biodiversity and amenity, address inconsistencies and omissions, reduce ongoing maintenance requirements for DCC and ensure the proposals are able to be sustained into the future, including proposed wetland habitats and SuDS features.

#### Impact on Nature Conservation/Habitats

- 6.17 Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan requires the protection, enhancement and restoration of the areas biodiversity. The proposed development has been designed to avoid or reduce the potential for likely significant effects, specifically by minimising land-take of key habitats for sensitive species and maintaining habitat connectivity. Policy EN8 also requires that decisions must be informed by sufficient/proportionate biodiversity information. In this case it is considered that the submitted Environmental Statement is based upon proportionate biodiversity information and assessments
- 6.18 In respect of habitats, the proposed development will result in the loss of: 1.1ha of broadleaved woodland; an approximate 10m section of narrow watercourse; 0.38ha of willow carr/scrub; 0.84ha marshy grassland; and 0.19ha of species-poor semi improved grassland. In mitigation for this loss of habitat the proposal will deliver a 10% net gain in biodiversity through habitat enhancement and creation / appropriate biodiversity offsetting measures. This includes within the redline boundary: 1.0ha of broadleaved woodland habitat; 0.22ha of willow carr habitat, 0.51ha of marshy grassland and 0.51 ha of species rich grassland. Mitigation/compensation outside of the redline boundary will include: 9.9ha broadleaved woodland; 3.88ha willow carr; and 0.49ha of marshy grassland. In accordance with Policy EN9 (Important Habitats and Features) of the Teignbridge Local Plan, the proposals have taken account of the importance of affected habitats and designated sites; in particular the internationally important South Hams Special Area of Conservation (SAC). Linkages for wildlife movement have been secured and all ecological effects have been avoided, mitigated or where this is not possible, compensated. The secured 10% net gain is in accordance with paragraph 170 of the National Planning Policy Framework.
- 6.19 There are five County Wildlife Sites linked hydrologically to the proposed development. Whilst there is the potential for pollution impacts both during construction and operation of the road, it is considered that these have be prevented with the implementation of pollution control measures which will be submitted under the Construction Environment Management Plan (CEMP) required by condition.
- 6.20 Policy EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan states that to protect and expand the presence of legally protected and priority species, development which would be likely to directly or indirectly harm such a species will not be permitted unless:
- (a) *sufficient up to date information is available on which to base a decision;*

- (b) *the public benefits of the development outweigh the harm;*
- (c) *these benefits cannot be provided through an alternative, less harmful location, design or form of development;*
- (d) *appropriate mitigation and compensation is provided to offset any harm to the species and their habitats; and*
- (e) *for legally protected species favourable conservation status is maintained.*

Where appropriate, proposals should consider including opportunities for species within the built environment, for example bird, bat and invertebrate boxes.

- 6.21 The proposed development has the potential to impact on a number of European Protected Species including Dormice, Otter, Greater Horseshoe Bats and Great Crested Newts. In addition to European Protected Species, the proposed development has the potential to impact on a number of other protected species including: Reptiles (Grass Snake/ Slow-worm/ Common Lizard); Nesting Birds; and Badgers.
- 6.22 It is considered that the submitted assessments and information within the Environmental Statement are sufficient to conclude that appropriate mitigation and compensation is proposed to offset any harm to these species and their habitats. The public benefits of the proposed development are outlined extensively (in section 6.7 - 6.12) and it is accepted that these benefits cannot be provided in an alternative (less harmful) location due to other constraints such as the public open space at Orleigh Cross and the presence of the functional floodplain. Overall, it is considered that the outlined public benefits of the proposed development outweigh the limited potential harm to species and their habitats, and the proposed development is therefore in accordance with Policy EN11. The proposed mitigation/ compensation will be secured by planning condition.
- 6.23 The proposed development site lies 2.1km south of the edge of the Sustenance Zone for the Chudleigh roost; 110m west of the edge of a Strategic Flight Route associated with the SAC, and within a SAC Landscape Connectivity Zone. In 2017, an Appropriate Assessment was prepared for the wider A382 Improvement scheme (Jennings, 2017) which concluded that there would be no Likely Significant Effect on the SAC as a result of the (then) proposed development, which included a section at Jetty Marsh with the same orientation but a different alignment. Prior to the submission of this planning application, a meeting was held between the Devon County Council Ecologist, the applicant and Natural England on 15 January 2019 to discuss the need for further bat survey data in relation to these proposals and any subsequent HRA required. Natural England made the following comments:

“In summary, we agreed no further greater horseshoe bat survey is necessary. The site of the amended section under consideration is in an area that has limited habitat connectivity and is within an area that is relatively developed. The focus of permeability is located in other more suitable locations along the length of the A382 road widening scheme. We advise that the proposals represent low risk to commuting greater horseshoe bats, and it is likely that the proposals can be screened out within the context of the SAC.”

Therefore, these proposals are deemed to not have a likely significant effect on the South Hams SAC Greater Horseshoe Bat population alone or in-combination with other projects and has been screened out of further assessment.

### Impact on Flood Risk

- 6.24 In accordance with Policy EN4 (Flood Risk) of the Teignbridge Local Plan, it is required to undertake a sequential test so as to avoid, where possible, flood risk to people and property. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Paragraph 158 of the National Planning Policy Framework states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 6.25 In this case it is considered that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Given that the link road is required to link the A382 to West Golds Way, there is limited scope to alter the location of the road. The road cannot be located any further to the south/west as this would mean it encroaches on public open space at Orleigh Cross. Locating the road any further to the north/east would cause it to encroach further in to Flood Zone 3.
- 6.26 In cases such as this, where it is not possible to locate the development in zones with a lower risk of flooding, the exception test should be applied. For the exception test to be passed, it should be demonstrated that:
- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.27 In this instance the scheme is considered to pass the first criteria of the Exceptions Test as it provides wider sustainability benefits to the community via the provision of a 'dry' route to the Community Hospital and a Cycleway which links the proposed Local Plan allocated sites to Newton Abbot whilst removing an existing pinch point on the road network which will aid in the reduction of traffic congestion and therefore improvement of air quality. To fulfil the second aspect of the Exceptions Test, the scheme incorporates an area of compensatory flood storage which negates the impact of the embankment on the flood storage associated with the functional flood plain and provides a betterment in the form of additional storage volume. It is not considered that the development will increase flood risk elsewhere.
- 6.28 It is noted that the applicant has proposed a feasible surface water drainage strategy which follows the principles set out in the surface water management hierarchy. The surface water runoff will be attenuated in a detention basin which also incorporates long term storage requirements in line with best practice. The strategy also encompasses a swale, trapped gullies and a bioretention area which will all offer treatment of the surface water runoff. An outline maintenance strategy for all components of the proposed surface water drainage system has been submitted. Consequently, it is considered that the proposed development is in accordance with Policy EN4 (Flood Risk) of the Teignbridge Local Plan.

### Impact on Residential Amenity

- 6.29 The proposed new alignment moves the link road further away from residential properties at Orleigh Cross. This will result in a reduction of the impact on the residential amenity of these existing dwellings with regards to privacy, security,

outlook and natural light in accordance with Policy S1 (Sustainable Development Criteria) of the Teignbridge Local Plan.

- 6.30 With regards to noise, during the daytime period there is a slight increase in the number of dwellings that are subject to a substantial adverse impact in comparison to the originally approved scheme (from 38 to 42). However, this slight increase is offset by the increase in the number of dwellings subject to a minor decrease in noise level in comparison to the originally approved scheme (from 21 to 42). Overall, the proposed development offers an improvement in terms of the noise impacts on residential amenity in comparison to the A382 consented scheme as there is a general reduction in the number of dwellings adversely effected by the scheme. There will be temporary significant adverse effects from noise during the construction period, however it is considered that these adverse effects can be suitably managed through the submission of a Construction Environment Management Plan (CEMP) required by condition. Consequently, it is considered that the impact of noise on residential amenity resulting for the proposed development is acceptable and in accordance with Policies S1 (Sustainable Development Criteria), S9 (Sustainable Transport) and S11 (Pollution) of the Teignbridge Local Plan.
- 6.31 An 'air quality addendum' to the air quality chapter of the Environmental Statement covering the previously approved alignment as part of the consented A382 scheme has been submitted in support of this application. The proposed development does not result in any significant traffic emissions changes compared to the approved A382 improvement scheme and the magnitude of impacts will remain negligible. As such the overall effect is still considered to be 'not significant'. It is therefore considered that the proposed development will not have an unacceptable impact on air quality and is in accordance with Policies EN6 (Air Quality), HT1 (Heart of Teignbridge – Movement), S1 (Sustainable Development Criteria) and S11 (Pollution) of the Teignbridge Local Plan.

#### Climate Change and Sustainability Considerations

- 6.32 Devon County Council has declared a climate emergency and aims to facilitate the decarbonisation of Devon by 2050 at the latest.
- 6.33 The proposals have incorporated a variety of sustainable design and climate mitigation measures including:
- the re-use of excavated material from the flood compensation area in construction of the embankment - whilst it may not be possible to re-use all of this material, any re-use will reduce the need for haulage of the waste material and the waste disposal capacity required;
  - use of locally sourced aggregates subject to local supply and demand; with several large-scale schemes running in parallel there is the potential that they would need to be sourced further afield;
  - the road level has been set 0.6 m higher than the modelled flood level to account for climate change;
  - the proposed surface water design has considered all rainfall events up to and including the 1 in 100yr +40% climate change allowance;
  - the bituminous layers of the road will be constructed from proprietary products with an appropriate design life;
  - the risk of plant failure has been minimised by selecting locally occurring native species;
  - a commitment has been made to secure a 10% net gain in biodiversity offsets.

- 6.34 Whilst it is acknowledged that the weight that should be given to climate change and sustainability in decision making is increasing, this still needs to be balanced against other material considerations and the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 that determination shall be in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.35 In this case it is considered that the need for the proposed development in delivering developments identified in the adopted local plan is not outweighed by the climate change impacts. The reasoning for this is that the proposed development is in part driven by the aims to deliver cycle and pedestrian facilities between new developments and Newton Abbot, giving residents a viable choice to use sustainable modes of transport; as well as strengthening and improving the public transport network by reducing delay on principle County Bus Routes. Given the sustainable design and climate mitigation measures discussed above that have been incorporated in to the design, it is considered that the proposed development is in accordance with Policies S6 (Resilience), S7 (Carbon Emission Targets) and EN3 (Carbon Reduction Plans).

#### Impact on the Historic Environment and Archaeology

- 6.36 The proposed development is located within a historic landscape with a large number of nearby non-designated heritage assets. The National Planning Policy Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.37 The heritage significance of non-designated heritage assets within the application site varies between low and medium, and it is considered that the benefits of undertaking the proposed archaeological mitigation measures would result in negligible beneficial effects. Devon County Council Historic Environment service was consulted on this application and confirmed that it had no objections subject to a planning condition requiring the submission of a programme of archaeological mitigation.
- 6.38 Whilst there are Listed Buildings in the vicinity, the closest of these is over 500 metres away and it is considered that the proposed development will have no impact upon these buildings/structures or their setting. Overall, it is therefore considered that the proposed development is in accordance with Policy EN5 (Heritage Assets) of the Teignbridge Local Plan.

#### Other Matters

- 6.39 The proposed development bisects an area of land included in the NA2 (Whitehill) allocation of the Teignbridge Local Plan, allocated for employment land. The Whitehill, Newton Abbot (NA2) Development Framework Plan SPD (April 2016) states that, since the adoption of the Local Plan, draft proposals for improving the A382 route have been produced by Devon County Council. The currently approved alignment of the improvements to the A382 includes a major new roundabout connecting the A382 to Jetty Marsh Road that will be constructed within the area allocated for employment development. If implemented, this would preclude the development of this land for employment uses. Given the uncertainty over the employment land allocation, it is proposed that development at NA2 Whitehill should,

through s106 planning obligations fund the delivery of equivalent employment land provision (which is not infrastructure), elsewhere at NA2 or within a reasonable commuting distance from this allocation. The proposed development would not result in any additional impact on the employment land in the NA2 allocation.

6.40 The proposed development is located within the Bovey Basin Mineral Safeguarding Area identified for Industrial Minerals (Ball Clay) but does not form part of a long-term working area. As the affected area is located within functional flood plain any quarry workings would require extensive compensatory flood storage earthworks to prevent an increase in flood risk to the surrounding urban area. It is unlikely that this would become financially viable when the resource has already been partially worked by audit in the past and the options for compensatory earthworks are limited due to the topography of the site and close proximity to existing housing and infrastructure. For this reason, the submitted Environmental Statement has assessed the magnitude of impact of impact upon the minerals resource as 'negligible'. Additionally, it should be noted that minerals industry stakeholders were consulted on this application and have not raised any objections. DCC Minerals Policy stated in their consultation response that 'given the prohibition on further working beneath the application site, it can be concluded that the underlying mineral resource is not economic, and the proposed development is therefore consistent with Policy M2'.

6.41 Policy EN7 (Contaminated Land) of the Teignbridge Local Plan states that, where a contaminated land assessment identifies an adverse environmental or health impact, appropriate and sufficient remedial measures for its intended use will be required, to ensure the site is not harmful to human health, the environment or property in the short or long term. In this case, the submitted contaminated land assessment has found that impacts relating to soil contamination are negligible as ground investigations to date have not identified contamination within soils to be re-used in the development. Should any soils be encountered which are unacceptable for re-use, these are to be removed off-Site in accordance with the relevant waste legislation.

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

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

7.2 It is considered that the proposed development would provide a significant improvement on the previously approved alignment of the Jetty Marsh link road by avoiding public open space at Orleigh Cross. Additionally, the proposal will lead to substantial public benefit in terms of infrastructure provision that would help facilitate the delivery of planned development in the Teignbridge Local Plan; greatly improve resilience of the local road network; and provide improved pedestrian/cycle facilities. It is considered that these benefits outweigh the less than substantial environmental impacts that have been identified.

7.3 In this case it is recommended that the proposed development be approved in accordance with the recommendations of the report.

Mike Deaton  
Chief Planner

**Electoral Divisions: Newton Abbot North and Bovey Rural**

Local Government Act 1972: List of Background Papers

Contact for enquiries: Stephen Boundy

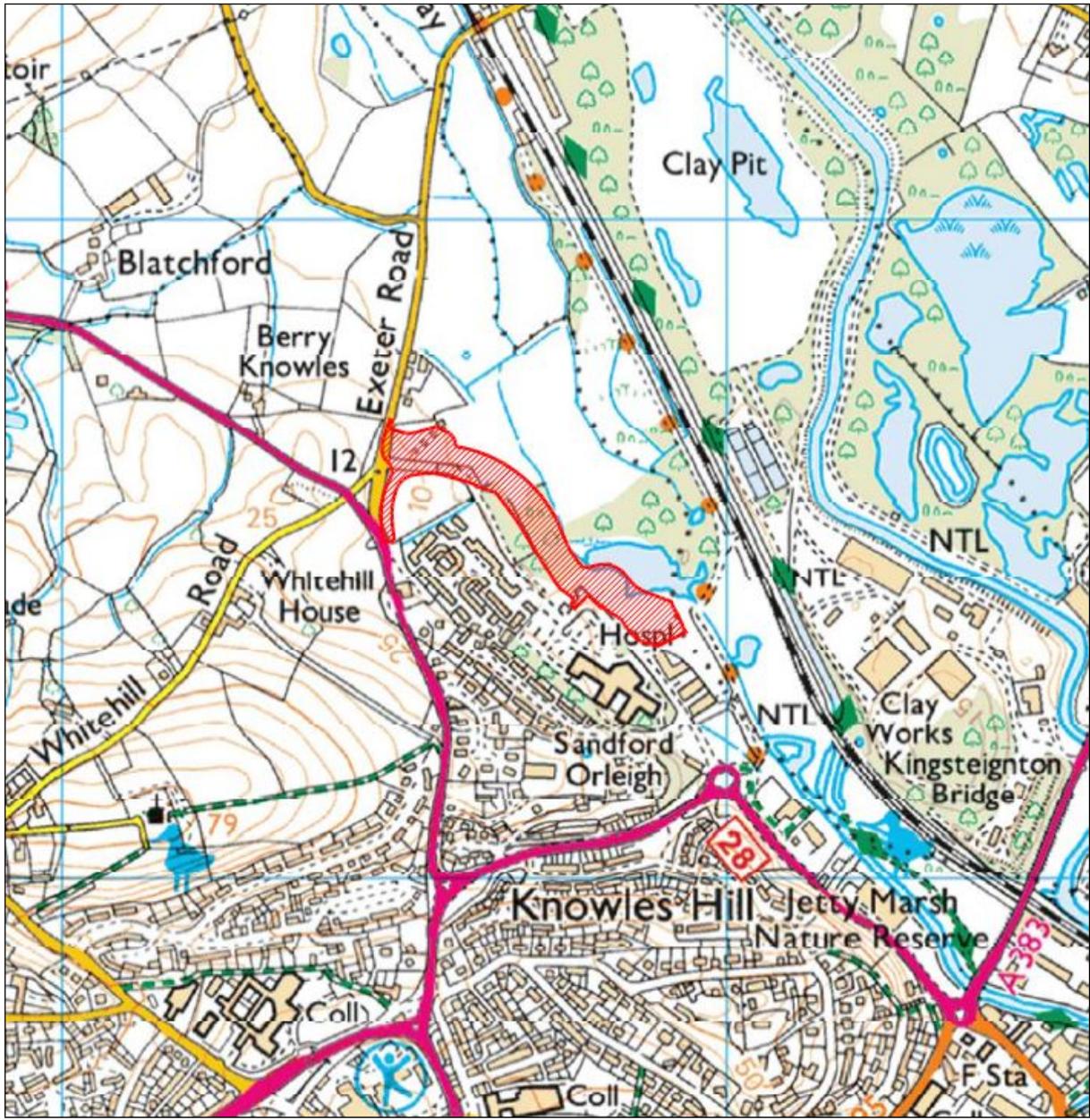
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Tel No: 01392 383000

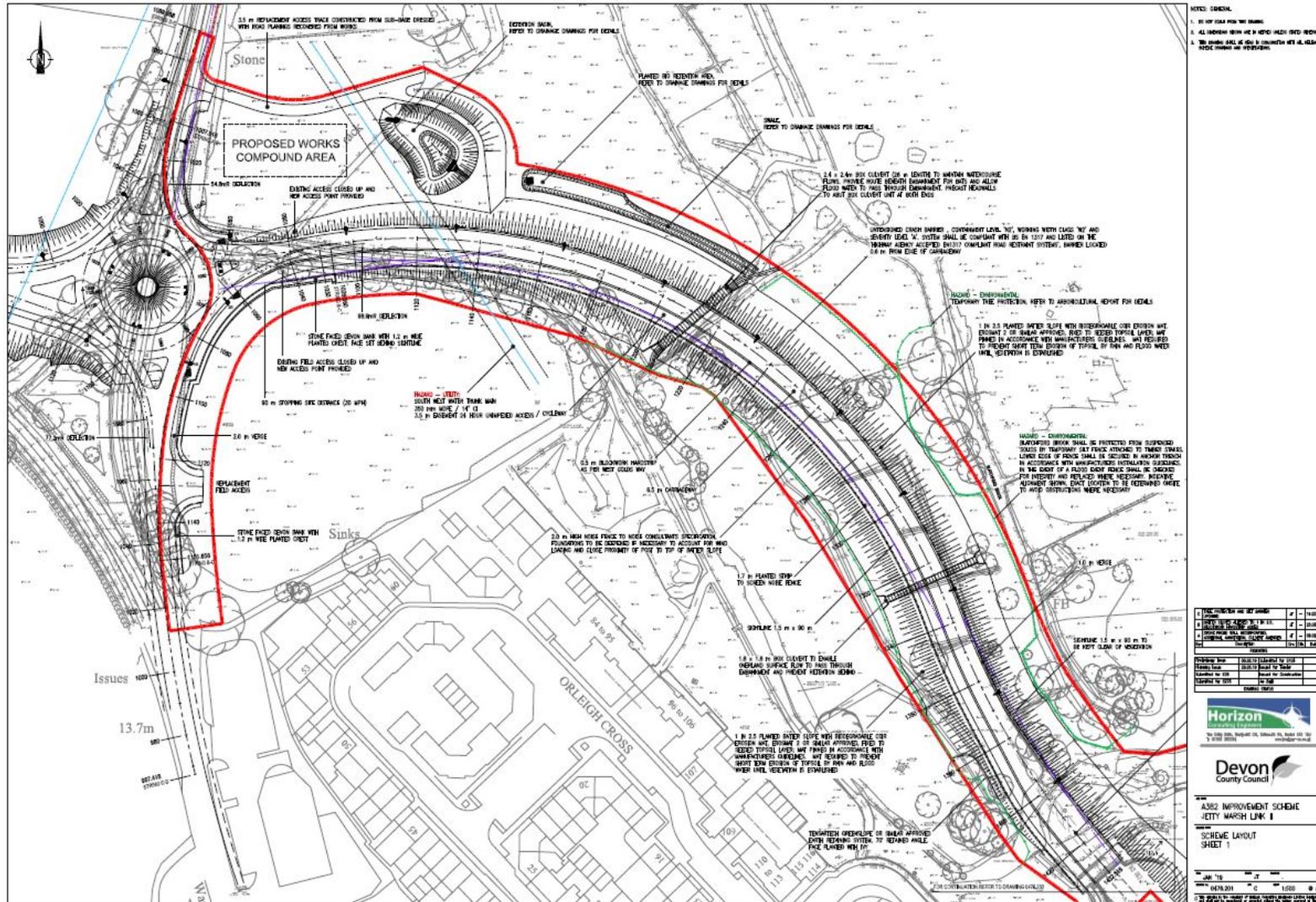
<b>Background Paper</b>	<b>Date</b>	<b>File Ref.</b>
Casework File	Current	DCC/4131/2019

sb220819dma  
sc/cr/provision of a new link road connecting the A382 to West Golds Way  
02 090919

Location Plan  
To PTE/19/32



# Site Plan 1 of 2 To PTE/19/32



- NOTES: GENERAL
1. BY THE ROAD FROM THE ROAD
  2. ALL WORKS SHALL BE IN ACCORDANCE WITH THE ROAD ACT 1993 AND THE ROAD REGULATIONS 1993
  3. THE WORKS SHALL BE IN ACCORDANCE WITH THE ROAD ACT 1993 AND THE ROAD REGULATIONS 1993

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR TENDERS	17/01/2018	...
2	REVISED FOR TENDERS	17/01/2018	...
3	REVISED FOR TENDERS	17/01/2018	...
4	REVISED FOR TENDERS	17/01/2018	...
5	REVISED FOR TENDERS	17/01/2018	...

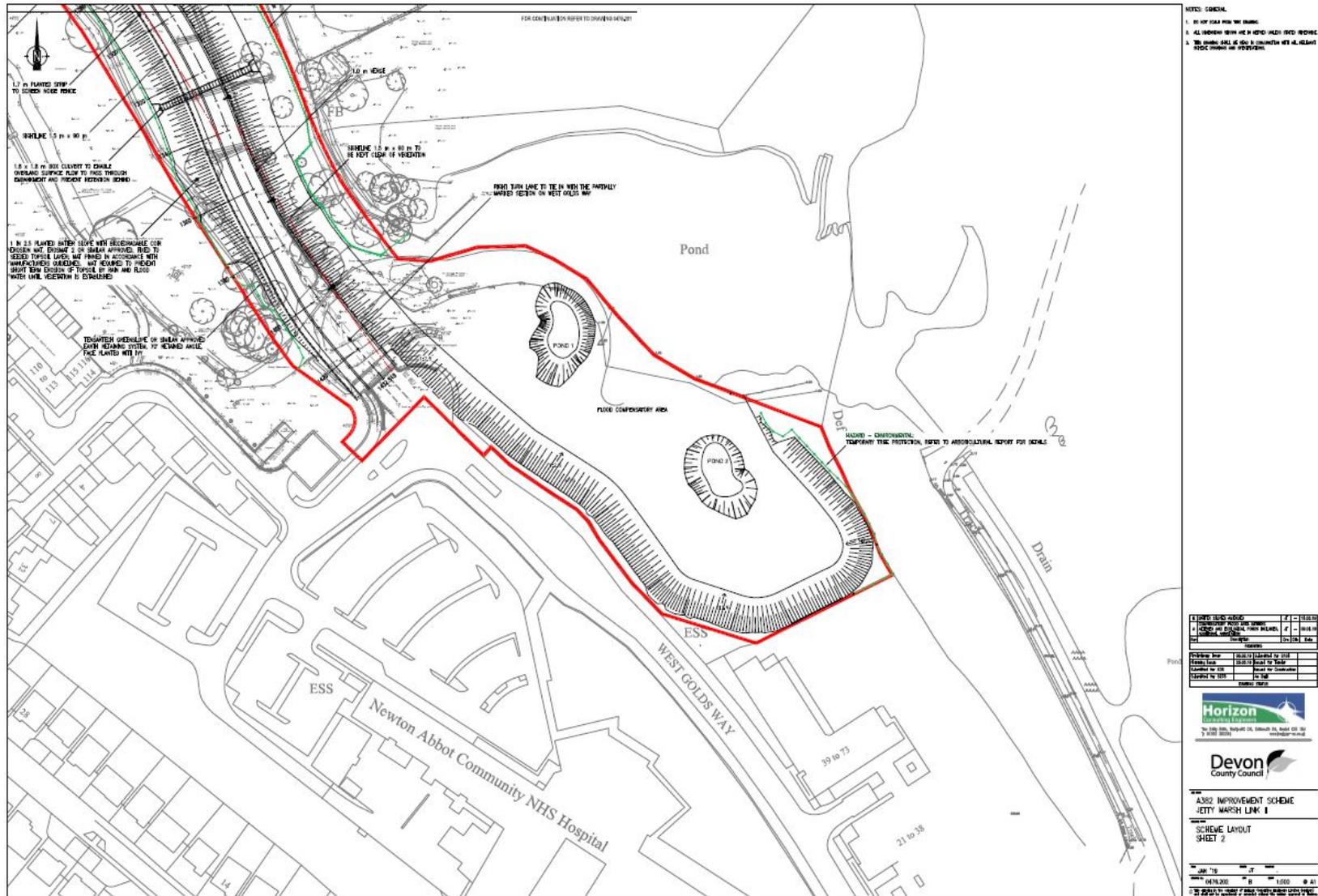
Planning No: A382/19/32  
 Planning No: A382/19/32  
 Planning No: A382/19/32  
 Planning No: A382/19/32



A382 IMPROVEMENT SCHEME  
 JETTY MARSH LINK II  
 SCHEME LAYOUT  
 SHEET 1

JAN 19  
 04/10/2018  
 1:500

## Site Plan 2 of 2 To PTE/19/32



## Planning Conditions

### STANDARD COMMENCEMENT

1. The development shall commence within ten 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/DOCUMENTS

2. The development shall be carried out in strict accordance with the details shown on the approved drawings and documents numbered/titled; 0476.LP1 (Location Plan); 0476.200 (Scheme Layout Key Plan); 0476.201 Revision C (Scheme Layout Sheet 1); 0476.202 Revision B (Scheme Layout Sheet 2); 0476.203 Revision B (Vertical Profile Sheet 1); 0476.204 (Vertical Profile Sheet 2); 0476.205 (Contours and Levels Sheet 1); 0476.206 (Contours and Levels Sheet 2); 0476.207 Revision A (Highway Drainage Sheet 1); 0476.208 Revision A (Flood Compensatory Area Proposed Earthworks); 0476.209 (Highway Drainage Detention Basin); 0476.210 (Box Culvert 1 Combined Bat Flyway & Culverted Watercourse); 0476.211 (Typical Section CH.1267 Looking South East); 416.03019.00063.29.008 Revision 3 (Landscape & Ecological Mitigation Plan); Off Site Compensation – Letter of Intent (dated 30 August 2019); Outdoor Lighting Report (Revision 2); and 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 (Cultural Heritage); 7 (Landscape); 8 (Ecology – Revision 02); 9 (Noise and Vibration); 10 (Water Environment); 11 (Geodiversity); 12 (Materials and Waste); and 13 (Climate Change Adaptation) of the Environmental Statement unless varied by the conditions below.

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

### CONDITIONS (PRE-COMMENCEMENT)

3. No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the County Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the Flood Risk Assessment March 2019 Jetty Marsh II, HCE 0476 Rev A. No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems and with Policy EN4 (Flood Risk) of the Teignbridge Local Plan 2013-2033.

4. No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been 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.

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 Policy EN4 (Flood Risk) of the Teignbridge Local Plan 2013-2033.

5. No part of the development hereby permitted shall be commenced until details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the proposed surface water drainage management system have been submitted to, and approved in writing by, the County Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the surface water runoff generated from rainfall events in excess of the design standard of the proposed surface water drainage management system is safely managed in accordance with Policy EN4 (Flood Risk) of the Teignbridge Local Plan 2013-2033.

6. No part of the development hereby permitted shall be commenced until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the County Planning Authority. The development shall be carried out at all times in accordance with the approved scheme.

Reason: To ensure, in accordance with the National Planning Policy Framework, that an appropriate record is made of archaeological evidence that may be affected by the development.

7. No part of the development hereby permitted shall be commenced until a detailed Construction Environment Management Plan has been submitted to and approved in writing by the County Planning Authority. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, the noise environment, soil and controlled waters, protect biodiversity and trees not scheduled for removal and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. Thereafter the development shall be carried out in accordance with the approved details and any subsequent amendments shall be agreed in writing with the County Planning Authority.

Reason : To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works.

8. No part of the development hereby permitted shall be commenced until the approved Landscape & Ecology Management Plan (LEMP) for the wider A382 improvement scheme has been updated to include this Jetty Marsh alignment and submitted to and approved in writing by the County Planning Authority. The LEMP should be produced in accordance with the submitted proposals and also take on board any changes in best practice relating to ecological mitigation and monitoring and any Natural England licence requirements.

An ecological clerk of works must oversee implementation of the LEMP.

Reason: To ensure the quality of Teignbridge's natural environment is conserved and enhanced in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013 - 2033.

9. No part of the development hereby permitted shall be commenced until a scheme to ensure that the habitat loss (including wet woodland, marshy grassland and swamp) is offset by the creation of new habitat in line with Natural England's biodiversity metric and 10% Biodiversity Net Gain, as detailed in Environmental Statement Volume 2 Chapter 8 Ecology has been submitted to and approved in writing by the County Planning Authority.

The scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the County planning authority.

Reasons: To ensure that there is no net loss of habitat as a result of the development in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013 - 2033.

10. Prior to the commencement of vegetation clearance, details of and a timetable for the implementation of the pre-construction surveys 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 Teignbridge's natural environment is conserved and enhanced in accordance with Policy EN8 (Biodiversity Protection and Enhancement) of the Teignbridge Local Plan 2013 - 2033.

11. No part of the development hereby permitted shall be commenced until such time as the detailed design of the watercourse box culvert has been submitted to, and approved in writing by, the County Planning Authority. The design shall incorporate an animal ledge which is suitable for otters.

The culvert shall be fully implemented and subsequently maintained in accordance with the submitted details.

Reasons: To ensure that the species are able to maintain access through the culvert in accordance with Policy EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan 2013 - 2033.

12. Prior to the commencement of vegetation clearance, a detailed method statement following the reptile mitigation proposed in Chapter 8 of the Environmental Statement shall be submitted to and approved in writing by the County Planning Authority.

The reptile mitigation shall then be implemented in accordance with the approved detailed method statement.

Reason: To ensure that the proposed development will not have an unacceptable impact on protected species in accordance with Policy EN11 (Legally Protected and Priority Species) of the Teignbridge Local Plan 2013 - 2033.