

APPENDICES

- Appendix 1 - Appeal Decision 3282449 – Soham
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Appendix 1
Appeal Decision 3282449



Appeal Decision

Inquiry held on 11-14 January 2022

Site visit made on 14 January 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2022

Appeal Ref: APP/V0510/W/21/3282449

Land to the North East of Broad Piece, Soham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes East Midlands against the decision of East Cambridgeshire District Council.
 - The application Ref 19/00717/OUM, dated 16 May 2019, was refused by notice dated 8 March 2021.
 - The development proposed is up to 175 dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for up to 175 dwellings and associated infrastructure at Land to the North East of Broad Piece, Soham in accordance with the terms of the application, Ref 19/00717/OUM, dated 16 May 2019, subject to the conditions contained in the attached Schedule.

Applications for costs

2. At the Inquiry applications for costs were made by East Cambridgeshire District Council against Persimmon Homes East Midlands and by Persimmon Homes East Midlands against East Cambridgeshire District Council. These applications are the subject of separate Decisions.

Preliminary Matters

3. The application is submitted in outline with all matters reserved for subsequent consideration except for the access into the site. This is the basis upon which I have considered the appeal.
4. Before the exchange of evidence, the Council confirmed that it no longer had concerns about transport and highways; flooding and drainage; or the effect on the character and appearance of the area. As such, it did not provide evidence on these topics and opted not to defend its second, third and fourth reasons for refusal.
5. At the case management conference preceding the Inquiry, the main issue in this case was identified. However, in addition to addressing this matter, the appellant provided written evidence dealing with affordable housing; custom/self-build; design; drainage; and transport. Witnesses were made available at the Inquiry by the appellant but none of this evidence was challenged by the Council and it did not seek to cross examine on these topics,

nor did any interested parties opt to ask questions. As such, it was not necessary to call these witnesses for oral evidence and the unchallenged written evidence has been taken into account.

6. The Government published its 2021 Housing Delivery Test (HDT) results on 14 January 2022, to be applied from the following day. As these results had not been known before the Inquiry closed, the parties were given the opportunity to comment in writing and their responses have been taken into account.
7. A signed and executed version of the S106 agreement securing planning obligations was received after the Inquiry, in accordance with an agreed timetable. I deal with this later in my decision.

Main Issue

8. The main issue is whether the site is a suitable location for the proposed residential development, having regard to planning policy.

Reasons

9. The development plan, so far as it is relevant to the appeal proposal, comprises the East Cambridgeshire Local Plan (April 2015) (ECLP) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (July 2021) (M&WLP). Policy GROWTH 1 of the ECLP expects the delivery of some 11,500 dwellings in East Cambridgeshire during the plan period, with the balance of the need (some 1,500) being met by neighbouring authorities under the duty to cooperate.
10. ECLP Policy GROWTH 2 provides the locational strategy for delivering the expected growth in the district. The majority of development is to be focused on the market towns of Ely, Soham and Littleport. Development is supported within defined development envelopes and strictly controlled outside of these envelopes, having regard to the need to protect the countryside and setting of towns and villages.
11. Policy GROWTH 4 of the ECLP explains that sites will be allocated for the delivery of approximately 6,500 dwellings on the edge of towns and villages and includes a list of allocations for Soham. The supporting text refers to broad locations on the edge of key settlements as potential sources of housing supply. These are identified in a key diagram and there is no disagreement between the parties that the appeal site falls within one such area.
12. Although broad locations are said to be indicative, supply is anticipated from these areas in the later part of the plan period. Indeed, some 1,800 dwellings contributing to the supply identified in the ECLP is expected at the broad locations. Therefore, the supporting text is an important consideration in this case that assists with interpretation of the policy. It is intended that the specific site boundaries will be identified through the next Local Plan review but this is yet to occur and the Council abandoned its last attempt to prepare a new Local Plan during the latter part of the examination process.
13. It is agreed between the parties that policy GROWTH 1 is out of date since the plan is now more than five years old and the identified housing requirement can no longer be relied upon. The Council is now pursuing a Single Issue

- Review of the ECLP but this is at a relatively early stage of preparation and the Council accepts that it should attract very little weight at this time.
14. There was much debate during the Inquiry as to whether policies GROWTH 2 and GROWTH 4 should also be considered out of date for the purposes of this appeal. Based on the evidence put to me there is little doubt in my mind that they should. Policy GROWTH 2 is a locational strategy predicated on delivering the housing requirement contained in out-of-date policy GROWTH 1. This requirement cannot be relied upon and the amount of housing now needed in the district within this plan period to 2031 is uncertain, as is the question of whether the need can be accommodated within existing settlement envelopes and/or whether sufficient housing allocations exist. The Council's planning witness accepted during cross examination that it would be wrong to assume what the locational strategy should be without knowing the new housing requirement and I agree.
 15. What is known, is that the balance of the need identified at the plan making stage will no longer be accommodated by adjoining authorities. In addition to that balance of 1,500 homes that the plan does not seek to deliver, there has been a significant shortfall against the ECLP housing requirement to date, meaning that the plan cannot be said to have been effective in delivering the anticipated housing need to date.
 16. Whilst there is no dispute that for the purposes of calculating housing land supply, the standard method should now be used and that this seeks to address past shortfalls, that does not make the hefty shortfalls against the ECLP requirement immaterial. It is, in my view, an important indication that the ECLP has not been effective in meeting housing needs since the beginning of the plan period and casts further doubt as to whether the Council's locational strategy can be relied upon to significantly boost housing delivery in line with the National Planning Policy Framework (the Framework). The latest HDT results, whilst showing an improved position in the district, still indicate that sufficient housing has not been delivered over the past three years, as has been the case in this district against previous HDT results published by the Government.
 17. Continued strict application of policy GROWTH 2 would be likely to worsen this situation. Whilst the general objectives of the policy to manage patterns of growth and protect the setting of towns and villages are good ones that are consistent with the Framework, the policy can no longer be considered up to date because it can no longer be said that sufficient housing can and will be accommodated within the defined settlement envelopes. This is particularly so when the plan itself anticipated that development outside of the envelopes would at some point be needed within the plan period, at the broad locations identified. This must reduce the amount of weight that is placed on conflict with the policy.
 18. Similarly, policy GROWTH 4 only makes allocations with the objective of delivering against the out-of-date housing requirement. The past shortfalls in delivery against the plan requirement are indicative that the allocations are not meeting housing needs and may be insufficient. Even if the Council can currently demonstrate a deliverable housing land supply in the region it suggests against its Local Housing Need, that does not make the long-term strategy of the ECLP any more reliable when it comes to housing delivery.

19. The parties agree that there are a large number of policies relevant to this appeal but there is great disparity about which policies are most important for determining the application, or the appeal in this case. There is, in my view, an important distinction between a policy being relevant and a policy being 'most important' in the context of the Framework.
20. In this case, there are a number of general policies in the development plan that are applicable to proposals involving housing and that should be taken into account. However, the real question in this case is whether the proposed housing development is acceptable in principle. That is a question that can only be answered by reference to the policies discussed above, albeit within the context of considering the development plan as a whole, with its many other relevant policies. For this particular proposal, policies GROWTH 1, GROWTH 2 and GROWTH 4 are the most important for determining the case in that they together set out the amount and locational strategy for the delivery of housing, including restricting development outside settlement envelopes. They are all out of date for the reasons I have set out and so the Framework's presumption in favour of sustainable development applies.
21. I recognise that previous Inspectors have concluded differently, finding that policies GROWTH 2 and GROWTH 4 are not out of date. I have no doubt that this was the case at the time they considered them and in the context of the cases they were dealing with, which were not at a market town. However, the decisions highlighted by the parties were now some time ago and I must consider circumstances as I find them now¹. I do not know what evidence was presented to the Inspectors in those cases but it can be expected that the pertinent issues were tested to a greater degree through this Inquiry than would have been the case as part of the hearings procedure followed there. In this case, I have been presented with evidence from the appellant seeking to persuade me to take a different view, including detail of the very small number of houses granted planning permission as exceptions to Policy GROWTH 2 in recent years. Based on the evidence that I have seen and having considered this appeal proposal on its own merits, a different conclusion is now warranted.
22. The only policy with which the Council suggests a conflict is GROWTH 2 and the appellant accepts that to be the case. There can be no other conclusion, given that the appeal site is located outside of the development envelope and the proposed housing scheme does not fall within the defined list of exceptions. I will come on to consider this policy conflict in the round, later in this decision.

Other Matters

Housing land supply

23. Much time was taken up at the Inquiry discussing the potential contribution of individual sites to the Council's housing land supply but given the small deficit identified by the appellant against the requisite five-year requirement it is not necessary for me to consider more than a couple of matters in my decision.
24. I do not accept the appellants argument that a windfall allowance should only be made at years four and five of the Council's supply. The evidence available to the Inquiry clearly demonstrates a healthy past provision of windfall sites in the district, far exceeding the 50dpa that the Council seeks to include at years

¹ APP/V0510/W/20/3245551, APP/V0510/W/18/3213834 and APP/V0510/W/19/3227487

three, four and five². No provision is made for years one and two so as to avoid double counting, given that any schemes likely to deliver in those years would likely already have planning permission and be included in the supply on that basis. The evidence suggests that further sites could well be identified and begin to deliver by year 3 and does not indicate any likelihood of the number of windfall sites diminishing. As such, it seems to me that the windfall allowance suggested by the Council is a realistic, reasonable and robust one.

25. One of the sites in dispute between the parties is at Stanford Park, Burwell (Ref. 50028) and involves a scheme for up to 91 mobile homes. The Council expects that 64 of these will be delivered in the five-year period. The development has detailed planning permission and so, in accordance with the Framework, should be considered deliverable unless there is clear evidence that homes will not be delivered within five years. In this case, there has been clear progress on site in implementing the planning permission with works to construct an internal road. There is also up to date evidence from the developer which the Council has had regard to in concluding on the likely supply from this site. Although the developer has identified some supply issues resulting from the pandemic and acknowledges that mobile homes are generally slower to sell than traditional housing, this is allowed for in the Council's modest trajectory. Having commenced development, there is more than a realistic prospect that 64 units can be delivered in the five-year period and there is no clear evidence before me to indicate otherwise.
26. My conclusion in relation to these two matters means that 114 units should be added to the supply suggested by the appellant. Consequently, the Council can demonstrate a deliverable five-year housing land supply, whichever of the calculations put to me are applied, noting that there was some disagreement on the correct inputs. For the purposes of this appeal, it is not necessary for me to determine the exact housing land supply figure beyond the requisite five years.

Other considerations

27. Many local people raised concerns about the potential impact of the development on local highways. This is a topic addressed extensively in written evidence, including in a comprehensive Transport Assessment. It has been demonstrated that the scheme can be accommodated without material harm to highway safety or capacity, with a range of highway improvements and mitigation proposed as part of the development. As part of the works, a section of Broad Piece would be widened within the highway boundary. This would result in the loss of a small strip of land currently used by some residents for parking but would not materially impact on highway safety. Residents would continue to have sufficient space to pull clear of the carriageway and greater opportunities for on-street parking are also likely to be available after road widening. No conflict with policies COM 7 or COM 8 of the ECLP would result in so far as they seek to avoid highway safety and capacity issues.
28. I have had careful regard to concerns about flooding and drainage. The submitted Flood Risk Assessment demonstrates that the scheme can be accommodated without increasing flood risk to surrounding properties. I acknowledge the reservations of some interested parties and the past issues

² Five Year Land Supply Report

that have been experienced, but that does not mean that a suitable scheme cannot be achieved. Indeed, appropriate drainage provision that controls surface water run-off may assist in improving the current situation. The scheme is currently in outline with much of the detail yet to be designed. What is clear, having regard to the evidence submitted and the comments from the Lead Local Flood Authority, is that a suitable drainage scheme can be achieved and the subsequent detail can be secured by planning condition. The scheme would accord with policy ENV 8 of the ECLP.

29. A Landscape and Visual Impact Assessment considers the likely landscape and visual effects of the scheme and concludes that no significant harm would result. Although there would be an inherent loss of agricultural land and countryside, the site is very well contained by existing built form and I concur that the effects on the character and appearance of the area would be very small indeed. There would be no conflict with ECLP policy ENV 1.
30. The site would be close to a sewage treatment works, though the indicative masterplan indicates that houses could be sited away from this area, with intervening open space. An Odour Assessment determines that suitable living conditions would be achieved for future residents. There would be no conflict with Policy 16 of the M&WLP or ENV 9 of the ECLP.
31. Generally, as a ploughed field, there would be limited impact on biodiversity resulting from the scheme and it has been demonstrated that an overall biodiversity net gain would result from the measures to be incorporated into the scheme. The submitted wildlife surveys identify the presence of a bat in the garage building to be demolished for access to the site but improvements to hedgerows and new greens spaces would be likely to provide some mitigation for this loss of habitat. A protected species licence will need to be obtained from Natural England before any disturbance takes place.
32. Some noise and disturbance would be likely to result from the development, affecting neighbouring occupants. However, this would be a relatively short-term impact during construction. Once complete, the residential development would be compatible with the surrounding, predominantly residential land uses. Given the outline nature of the scheme the ultimate layout of the proposed houses is not yet known but it is clear from the indicative details provided that a suitable scheme could be achieved that would not unacceptably impact on neighbours living conditions.
33. Concerns that local facilities and infrastructure cannot accommodate the future residents of the proposed scheme are noted but I am mindful of the detailed evidence provided by the Council and other service providers in this regard. Subject to appropriate developer contributions, there is no evidence before me that any services or facilities would exceed their capacity. On the other hand, the additional population of the development would be likely to support local businesses and facilities through increased expenditure.
34. As set out above, the appellant submitted evidence on a range of topics and demonstrated that the proposal would contribute towards the local need for affordable housing and custom/self-build housing. It was also clear that the scheme was capable of delivering a high-quality design that would contribute positively to the character and appearance of the area. Other benefits were identified, including economic benefits during construction. Together, these matters weigh significantly in favour of the proposal, as does the delivery of

additional market housing in the context of the Framework's objective to significantly boost supply. The scheme, subject to reserved matters approval, could provide a suitable housing mix and density, as well as delivering affordable housing in accordance with policies HOU 1, HOU 2, HOU 3.

Conditions

35. The parties agreed a list of conditions considered necessary in the event that planning permission is granted. These have been attached without significant alteration but have been amended to improve their precision and otherwise ensure compliance with the appropriate tests. The conditions and the reason for imposing them are contained in the attached Schedule.
36. Condition 27 requires that works the subject of another planning permission are completed prior to any dwelling approved as part of the appeal scheme being occupied. The scheme involves the surfacing of a short section of footpath to the north of the site. Having discussed the suitability of such a condition during the condition's session, it was clarified that the works are to be carried out by the appellant and are deliverable in line with the trigger incorporated into the condition. Therefore, I am satisfied that the condition is reasonable and would ensure that suitable pedestrian access is provided to the north of the site, where a school is currently located.

Planning Obligations

37. A S106 agreement would secure a range of planning obligations to make the development acceptable in planning terms and mitigate the impact of the development on local infrastructure. The obligations include financial contributions towards local education provision, libraries, wheeled bins, necessary highway improvements and a contribution towards mitigating the impacts of the development on Soham Common. It would also secure a policy compliant provision of self and custom build housing, and the provision of a sustainable urban drainage system with future maintenance arrangements.
38. The Council provided a CIL Compliance Statement demonstrating how these obligations meet the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The appellant accepts that these obligations are necessary and otherwise in accordance with the tests. I agree with this conclusion and have taken the obligations into account.
39. I also agree that 30% affordable housing is a necessary and CIL compliant obligation having regard to ECLP policy HOU 3 and have taken this into account. The appellant refers to an enhanced affordable housing offer equating to 36% provision. Whilst additional provision is undoubtedly a good thing, particularly given the need in the district, the additional provision is not necessary to make the development acceptable in planning terms and cannot constitute a reason for granting planning permission. As such, I have not attached additional weight in favour of the proposal for provision beyond the policy requirement.

Planning Balance and Conclusion

40. I have found a conflict with a single policy of the development plan, in that the appeal site falls outside of the development envelope for Soham defined by policy GROWTH 2. That is a policy which I have determined to be out of date and for the reasons set out, reduces the weight that I attach to the conflict.

41. It is very apparent that the scheme otherwise accords with the development plan. GROWTH 2 seeks to direct housing development to Soham, one of three market towns that are a focus for development. Furthermore, the appeal site falls within a broad location specifically identified and expected to deliver a significant quantum of development during the later part of the plan period. The Council does not dispute that Soham is a sustainable location for development and made no argument that the development would cause unacceptable harm to the setting of the town, a stated purpose of policy GROWTH 2.
42. Even if the Council can currently demonstrate a housing land supply in the region it suggests (more than 6.5 years), there has been significant under delivery against the development plan requirement to date and there can be no certainty that the strategy contained in the ECLP will deliver sufficient housing in the long-term of the plan period. In fact, the evidence before me suggests that it will not. There has been a persistent failure to meet housing requirements in the area based upon published HDT results and it seems likely that the strict application of out-of-date policies is a relevant factor.
43. Despite a conflict with one important but out of date policy, I have found overwhelming compliance with other relevant policies of the development plan. Overall, I find that the appeal proposal would be in accordance with the development plan taken as a whole and material considerations indicate firmly in favour of the proposal. There would be very few adverse impacts arising from the development but so far as harm would result, for example from the loss of agricultural land or changes to the character of this previously undeveloped countryside, it is far outweighed by the significant benefits of the scheme.
44. The Council itself accepts that planning permission should be granted if the tilted balance applies, as I have determined to be the case.
45. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth of Counsel

He called:

Richard Kay BA (Hons) Strategic Planning Manager
DipTP MA

Barbara Greengrass BSc Planning Team Leader
(Hons) MSc MRTPI

FOR THE APPELLANT:

Charlie Banner QC

He called:

Cameron Austin-Fell Planning Director, RPS Consulting Services Ltd
BA (Hons) MSC MRTPI

Paul Hill BA (Hons) Senior Director, RPS Planning and Development
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James Stacey BA (Hons) Senior Director, Tetlow King Planning
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Andy Moger BA (Hons) Tetlow King Planning
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Jonathan Reynolds BA Technical Director, SLR Consulting Ltd
(Hons) DipTP MA MRTPI

Simon Parfitt MSc BA Director, David Tucker Associates
MCILT

Rob Hill BSc MCIHT Director, Infrastructure Design Ltd
GMICE

INTERESTED PERSONS:

Councillor Warner
Mike Rose
Judith Carballo

Soham Town Council
Local resident
Cambridgeshire County Council

DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Appellant's opening submissions
- 2 Council's opening submissions
- 3 Speaking notes of Cllr Warner and Mr Rose, with attachments
- 4 Transport response to Mr Rose from the appellant
- 5 Drainage response to interested parties from the appellant
- 6 Draft conditions
- 7 CIL Compliance Statement
- 8 Court judgement – Dignity Funerals v Breckland District Council...
- 9 Updated 5YHLS Position Statement
- 10 Written costs application from Council
- 11 Revised affordable housing figures from appellant
- 12 Updated CIL Compliance Statement
- 13 Final draft of S106 agreement
- 14 Revised conditions, clean version and tracked changes version
- 15 Note on condition 26 from the appellant
- 16 Appellant's costs response and application against the Council
- 17 Site visit meeting place
- 18 Closing submission of the Council
- 19 Closing submissions of the appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

- 1 Council's submission on 2021 HDT results
- 2 Appellant's submission on 2021 HDT results
- 3 Completed S106 agreement

SCHEDULE OF CONDITIONS

- 1) Save for the details of vehicular access into the site from Broad Piece, details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

Reason: In accordance with the timescale agreed between the parties to ensure prompt delivery, and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: SSS/LP/001 Rev B, 18409-02 Rev E, 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2 Rev B.

Reason: In the interests of certainty and to define the terms of the permission.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for but not be limited to:

- (i) The parking of vehicles of site operatives and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of plant and materials and site facilities;
- (iv) A dust management plan;
- (v) Measures to control the emission of noise;
- (vi) Wheel washing facilities;
- (vii) Surface, storm and waste water management and disposal including any pollution to surface and ground water bodies; and
- (viii) Lighting during construction phase.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To safeguard the living conditions of neighbouring occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 6) No above ground construction shall take place until a Foul Water Strategy has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the works have been carried out to serve that dwelling, in accordance with the Foul Water Strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the environment and prevent flooding in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 7) No above ground works shall commence until a Surface Water Drainage Scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the submitted Flood Risk Assessment prepared by Amazi Consulting Ltd (ref: AMA743 Rev A) dated 23 April 2019 and the Drainage Feasibility Layout prepared by Infrastructure Design Limited (ref: 971-00-01 Rev B) dated December 2019 and shall include:

- (i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- (ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- (iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- (iv) Full details of the proposed attenuation and flow control measures;
- (v) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- (vi) Full details of the maintenance/adoption of the surface water drainage system;
- (vii) Measures taken to prevent pollution of the receiving groundwater and/or surface water;
- (viii) Full details of measures taken to reduce the existing surface water flood risk to adjacent areas from the site.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

Reason: To prevent the risk of flooding, to improve and protect water quality, and improve habitat and amenity in accordance with the policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 8) Details of long-term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first

occupation of any of the dwellings hereby approved. The submitted details should identify run-off sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. Thereafter, maintenance shall be undertaken in accordance with the approved maintenance plan.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted and to prevent the increased risk of flooding, protect water quality and improve habitat in accordance with policies ENV 2 and ENV 8 of the East Cambridgeshire Local Plan.

- 9) As part of the first reserved matters application, an Energy and Sustainability Strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure a sustainable development in accordance with policy ENV 4 of the East Cambridgeshire Local Plan.

- 10) No development shall take place until a Phase 2 Intrusive Site Investigation and Risk Assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV 9 of the East Cambridgeshire Local Plan.

- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place within the area concerned until an investigation and risk assessment has been undertaken and submitted to and

approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken and following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the Local Planning Authority.

Reason: To minimise the risks from land contamination to the users of the land and neighbouring land, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV 9 of the East Cambridgeshire Local Plan.

- 12) No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place on land within the WSI area other than in accordance with the approved WSI which shall include:
- (i) The statement of significance and research objectives;
 - (ii) The programme and methodology of site investigation and recording;
 - (iii) The nomination of a competent person(s) or organisation to undertake the agreed works.
 - (iv) The programme for post-excavation assessment and subsequent analysis, reporting, publication and dissemination, and deposition of the resulting archive.

Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV 14 of the East Cambridgeshire Local Plan.

- 13) Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 07:30 – 18:00 each day Monday – Friday; 07:30 – 13:00 on Saturdays; and none on Sundays, Public Holidays or Bank Holidays.

Reason: To protect neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 14) As part of the first reserved matters application, a Landscape and Ecology Management Plan, setting out details of mitigation, habitat creation and long term management to achieve the target conditions for created habitats, in line with the Biodiversity Impact Assessment calculator (as set out in Appendix 2 to the Natural Environment Statement Rev B – Jan 2021), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed Management Plan and maintained in perpetuity thereafter.

Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.

- 15) The recommendations made within Section 5 of the Ecological Impact Assessment (May 2019), shall be adhered to at all times throughout the construction and operational phase of the development.
- Reason: To protect and enhance species in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan and the Natural Environment SPD.
- 16) Prior to occupation of the first dwelling, the provision and implementation of a Travel Plan shall be agreed in writing with the Local Planning Authority. The Plan shall include the provision of cycle discount vouchers and/or bus taster tickets and shall be provided to new occupiers of the development. The Plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- Reason: To encourage sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.
- 17) Prior to the occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 18) Prior to occupation of the first dwelling, the new access junction shall have been constructed in accordance with approved plan 18409-02-Rev E. The junction shall thereafter be retained in that form.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 19) Prior to occupation of the first dwelling, the visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan 18409-02- Rev E. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- Reason: In the interests of highway safety and in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan.
- 20) Prior to occupation of the first dwelling, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.
- Reason: To ensure that estate roads are managed and maintained to a suitable and safe standard in accordance with policy COM 7 of the East Cambridgeshire Local Plan.
- 21) In the event that any piling is required, a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration shall have first been submitted to and approved in writing by the Local Planning Authority. Noise and

vibration control on the development shall be carried out in accordance with the approved details.

Reason: To safeguard neighbours living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 22) As part of any reserved matters application, details of the number, type and location of electric vehicle charging points (EVCP) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. The EVCP shall be installed as approved prior to occupation of the dwelling to which it relates and retained thereafter.

Reason: To encourage and facilitate sustainable modes of transport in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 23) No development shall take place until a detailed Arboricultural Method Statement (AMS) compliant with BS 5837:2012 'Trees in relation to design, demolition and construction' has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission are required, as is the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

Reason: To ensure that the trees on site are adequately protected so as to maintain the character and appearance of the area in accordance with policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan.

- 24) As part of the first reserved matters application, a Noise Mitigation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall:
- (i) Identify noise levels from adjoining features such as the adjoining potato store, rail and public highways;
 - (ii) Demonstrate how the proposed layout and dwellings have been designed so as to ensure that non-noise sensitive frontages or rooms face noise creating areas or sources so as to achieve acceptable internal noise levels with windows open;
 - (iii) Demonstrate that private amenity space meets acceptable noise levels.

The Noise Mitigation Scheme shall be implemented as approved.

Reason: To ensure acceptable living conditions in accordance with policy ENV 2 of the East Cambridgeshire Local Plan.

- 25) Prior to the approval of reserved matters, details of a Design Code shall have been submitted to and approved in writing by the Local Planning Authority. The Design Code shall demonstrate how the objectives of the Design and Access Statement and illustrative masterplan will be met. Any

reserved matters application shall demonstrate compliance with the approved Design Code. The Design Code shall include the following:

- (i) principles for built-form strategies to include density and massing, street grain and permeability, street enclosure and active frontages, type and form of buildings including relationship to plots and vistas;
- (ii) a strategy for a hierarchy of streets and spaces;
- (iii) design principles for the public realm, areas of public open space including planted areas, and area for play, including principles for biodiversity enhancements and conservation of flora and fauna interests;
- (iv) design principles for hard and soft landscaping including the inclusion of trees and hedgerows;
- (v) design principles for sustainable drainage systems (SuDS);
- (vi) principles for determining quality, colour and texture of external materials and facing finishes for roofing and walls of buildings and structures including sustainable design and construction of the buildings;
- (vii) principles for accessibility to buildings and public spaces for those with impaired mobility;
- (viii) design principles for structures including street lighting, boundary treatments including walling, street furniture, signage, public art, and play equipment;
- (ix) principles for the alignment, width, and surface materials (quality, colour and texture) proposed for all footways, cycleways, highways and other vehicular accesses within the site and including site access proposals;
- (x) principles for on-street and off-street residential vehicular parking, including principles to discourage casual parking and to encourage parking in designated spaces;
- (xi) principles for cycle parking and storage; and
- (xii) the principles for integrating strategic utility requirements, landscaping and highway design.

Reason: To ensure high quality design in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan and the Design Guide SPD.

- 26) The development hereby approved shall include 20% of the dwellings built to Lifetime Homes standard (or equivalent).

Reason: To ensure dwellings are suitable or easily adaptable for occupation by the elderly or people with disabilities in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan.

- 27) Prior to the first occupation of any dwelling in the development hereby approved, the footway improvement works as detailed in planning permission reference 19/01729/FUL (or any equivalent subsequent planning permission for the same works) shall have been completed in accordance with the approved details.

Reason: To ensure safe and convenient pedestrian access to nearby facilities in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

- 28) Prior to the first occupation of any dwelling hereby approved, the offsite highway works to be carried out within the public highway and as detailed in drawing nos. 18409-08 Rev O, 18409-08-1 Rev O, 18409-08-2 Rev O, 18409-08-3 Rev O and 18409-12-2B shall have been completed in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy COM 7 of the East Cambridgeshire Local Plan.

Appendix 2
Appeal Decision 3238460



Appeal Decision

Inquiry Held on 28, 29, 30 and 31 January 2020

Site visit made on 31 January 2020

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/W1145/W/19/3238460

Land at Caddywell Lane/Burwood Lane, Great Torrington, Devon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Beechcroft Land Ltd against the decision of Torrington District Council.
 - The application Ref 1/0340/2019/OUTM, dated 12 April 2019, was refused by notice dated 12 August 2019.
 - The development proposed is an outline application for residential development of up to 181 dwellings and ancillary development with vehicular access from Hoopers Way, Burwood Lane and Caddywell Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application for residential development of up to 181 dwellings and ancillary development with vehicular access from Hoopers Way, Burwood Lane and Caddywell Lane, Great Torrington, Devon in accordance with the terms of the application, Ref 1/0340/2019/OUTM dated 12 April 2019, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this Decision.

Procedural Matters

2. Planning permission was refused for the proposal under delegated powers on 12 August 2019 for three reasons. Reason for Refusal (RfR) 3 alleged that insufficient information has been provided by the Appellant to satisfy the Council that the proposal would be acceptable in terms of surface water drainage. The Council, having taken advice from the County Council's Flood Risk Management Officer, now accepts that sufficient information has been provided and it therefore has no 'in principle' drainage objection. It was agreed that RfR3 is no longer in dispute between the main parties and that the matter can be dealt with on the basis of appropriate planning conditions.
3. The application was submitted in outline with all matters except access reserved for subsequent approval. It was agreed that the plans on which the appeal should be determined are:
 - A Location Plan - Drawing Number AP01 (Doc A20)
 - A Revised Access Plan - Drawing Number 2696.14B (Doc 36)

A Proposed Site Layout Drawing AP02 (Doc A21) was submitted for illustrative purposes.

4. In addition, the application was supported by a number of reports and technical information in accordance with the Council's validation requirements. Details of these documents are set out in the Inquiry Documents A1-A27. They include an Aborigicultural Assessment, an Archaeology Assessment, a Design and Access Statement (DAS), an Ecological Assessment, a Flood Risk Assessment, Contamination Reports, Landscape and Visual Impact Assessments, a Planning Statement, a Transport Assessment and a Tree Survey Report.
5. I held a Case Management Conference (CMC) on 5 December 2019. At the CMC the main issues were identified, how the evidence would be dealt with at the Inquiry and timings. It was agreed that questions raised by interested persons on matters relating to traffic and flood risk would be dealt with by the Appellant's specialist witnesses on the opening day of the Inquiry. It was further agreed that evidence on Housing Land Supply and Landscape could best be dealt with by separate topic based Round Table Sessions (RTS) supported by dedicated Statements of Common Ground (SoCG). In the weeks following the CMC both main parties continued discussions on the appeal to ensure that matters of dispute were clear and that all matters of agreement (non-disputed matters) were documented in either SoCG or in draft Planning Conditions. In this case three SoCG were agreed (see below) by the main parties before the Inquiry opened and following the Housing Land Supply RTS on 29 January 2020 Updated Housing Land Supply Tables were provided in Doc APP10.
 - General SoCG (Doc 37)
 - Housing Land Supply SoCG (Doc 38)
 - Landscape SoCG (Doc 39)
6. At the Inquiry, a s106 Planning Obligation was submitted. The Planning Obligation is made by an Agreement between the Landowners, the Appellant, the Torrridge District Council (TDC) and Devon County Council (DCC).¹ The Agreement addresses all of the matters sought by the District and County Councils in connection with the provision of community and other services arising from the proposed development. The Planning Obligation is signed and dated 13 February 2020. It is a material consideration in this case. A Community Infrastructure Levy (CIL) Compliance Schedule was submitted in support of the Planning Obligation.² I return to the Planning Obligation later in this decision.

Main Issues

7. In light of the above I consider that the main issues in this case are:
 - Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance;

¹ LPA2

² LPA1

- Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 (d) of the NPPF is engaged;
- The effect of the proposal on the character and appearance of the surrounding landscape particularly in relation to the central and western fields of the development;
- Whether the proposal makes adequate provision for affordable housing and for any additional infrastructure/services, such as education, drainage, transport and public open space arising from the development.

Reasons

The proposed development and the appeal site

8. The appeal site comprises three existing agricultural fields located on the south side of the town of Great Torrington abutting the existing settlement boundary and urban area. For the purposes of this appeal they are generally referred to as the eastern, central and western fields although they are also referred to as Phases 1, 2 and 3 respectively. Part of the western field (Phase 3) is excluded from the appeal site.
9. The proposed development seeks outline planning permission for up to 181 dwellings. Vehicular access is proposed from Caddywell Lane to the north of the western field and from Hoopers Way to the north of the eastern field. Within the site a 5.5m wide access road would continue through the centre of the site, with 1.8m wide footways on both sides. Off the access road a mix of shared surface cul-de-sacs and driveways are proposed. The proposed illustrative site layout plan (Doc A21) demonstrates how 181 2, 3 and 4 bedroom dwellings and parking provision could be accommodated on the site with associated open space (including play provision) and landscaping. It is supported by a detailed DAS (Doc A6).
10. The land currently comprises agricultural land with no significant internal features except for its topography and the hedge banks/trees defining its boundaries. The eastern and central fields slope generally from north to south whilst the western field slopes away to the north west. The total area of the appeal site is about 9.35 hectares.

Planning History

11. The planning history of the appeal site is set out at Section 3 of the General SoCG³ and there is no need for me to repeat that here. Suffice it to say that outline planning permission for up to 60 dwellings on the eastern field was granted in December 2016.⁴ I also note that outline planning permission was granted for a 50 space car park, access, landscaping and ancillary infrastructure immediately to the west of the appeal site in June 2018.⁵

³ Doc 37

⁴ 1/0781/2015/OUTM

⁵ 1/0702/2017OUT

Planning Policy

12. The statutory development plan includes the North Devon and Torrington Local Plan 2011-2031 (NDTLP). The NDTLP, adopted in October 2018, is currently the principal relevant development plan document for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The parties are agreed that the planning policies which are most relevant to this appeal are set out at Section 4 in the General SoCG and are not repeated here.⁶
13. A Great Torrington Neighbourhood Plan (GTNP) 2018-2031 is under preparation. The GTNP has been subject to examination, with the Examiner's report received on the 8 December 2019 and subsequently published. The Examiner concluded that the GTNP could meet the basic conditions, subject to the acceptance of the recommendations contained in his report and that if the recommended modifications are accepted (by the District Council), the GTNP 2018 - 2031 should be submitted to a referendum. On the 6 February 2020 the Town Council agreed to accept and incorporate the Examiner's recommendations into the GTNP; also agreeing to the extension of the 56 day deadline for the Plan to be subject to referendum.
14. The GTNP is currently programmed to go to the Full Council meeting of TDC on the 6 April 2020 to consider the findings of the Examiner's report and seek authorisation for it to subsequently go out to referendum. In parallel the GTNP is being amended by the Town Council to reflect the findings of the examination. The GTNP will not be proceeding to referendum in advance of the TDC meeting on the 6 April 2020. In my view, the weight to be attributed to the emerging GTNP policies is currently limited by the provisions of paragraph 48 of the NPPF, recognising the stage of preparation. The relevant policies which are considered material are set out in Section 4 of the General SoCG and are not repeated here.

First Issue - Whether the proposal would provide an appropriate site for development having regard to the most important and up-to-date policies in the development plan and national guidance.

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 make clear that applications for development must be determined in accordance with the development plan, unless material considerations indicate otherwise.
16. The NDTLP was recently adopted in October 2018. Section 4 (i) of the General SoCG (Doc 37) sets out the policies from NDTLP which are considered relevant to this appeal. Although I have taken into account other policies listed in Section 4 (i), I consider the most important are: Policy ST01, Policy ST06, Policy ST07, Policy ST08, Policy ST21 and Policy GTT.
17. It is noteworthy that the Council accepts that the eastern field of the appeal site lies within the Great Torrington development boundary and is subject to a housing allocation under NDTLP Policy GTT05. The Council therefore accepts the principle of residential development on the eastern field as being in accordance with NDTLP Policies ST06, GTT and GTT05 and acknowledges that

⁶ Doc 37

the 60 dwellings that would come forward on this part of the appeal site form part of the Spatial Strategy.

18. However, the central and western fields fall outside of, but adjacent to, the development boundary for Great Torrington. I note that Policy ST06 sets out the Spatial Strategy and states that development will be supported within development boundaries. Moreover, Policy ST07 supports development which accords with the Council's settlement hierarchy. The broad locations for development are outlined in Policies ST06 and ST07 and these have been co-ordinated with transport and utilities infrastructure and the provisions of appropriate community facilities, retail, employment and open space to create sustainable communities. To the extent that the central and western fields fall outside the settlement boundary of Great Torrington then I accept that the proposal conflicts with NDTLP Policy ST06 and Policy ST07.
19. Turning to Policy ST08 and GTT, the Council argues that the appeal proposal would be in conflict with the settlement hierarchy which seeks to increase self-containment through sustainable growth and would also undermine the Council's Spatial Strategy for Great Torrington (Policy GTT). It is claimed that the proposal would disrupt the carefully planned balance of housing and employment development and as a speculative major housing development would not serve to address local needs and the local vision's aspirations for self-containment. Housing development over and above the minimum number allocated to Great Torrington, it is said, would destroy this delicate balance and would be in breach of the rationale of the Spatial Strategy. However, I cannot agree with the Council's arguments in relation to the alleged conflict with Policy ST08 and Policy GTT for a number of reasons.
20. Firstly, it said that there is at the heart of the NDTLP the objective of preserving or bringing about balance between homes and jobs, but the NDTLP does not say what that balance is now or indicate what jobs to homes ratio it aspires to achieve.
21. Secondly, I note that reliance is placed on paragraph 10.216 of the NDTLP⁷ which states that half of the working population of Great Torrington work in Great Torrington. However, this does not prove there are insufficient jobs in Great Torrington for the other half, as people may choose to work outside the settlement where they live, for all sorts of reasons. There is no information about how many people are commuting into Great Torrington from outside to work and increasing the number of jobs in Great Torrington could equally increase in-commuting as decrease out-commuting. It is plain, from the evidence base of the NDTLP,⁸ that maintaining the working population in Great Torrington at current levels requires the provision of about 1,000 dwellings. Capping the delivery of housing in Great Torrington at 632 could result in more in-commuting, not to mention the inevitable adverse impacts that this would have on social sustainability as the existing population ages.
22. Thirdly, from the evidence that is before me, it is plain that Great Torrington is a highly sustainable location in itself, with good accessibility to higher level facilities and jobs in Bideford and Barnstable, including by public transport. Its sustainability in these terms is acknowledged within the NDTLP itself at paragraph 10.212; in the SHLAA; and in the General SoCG at section 2 and

⁷ Page 156

⁸ APP5 Figure 60

section 8(7). In the light of this it would make no sense at all to construe the NDTLP as placing a cap on housing in Great Torrington because of a concern about unsustainable home to work travel patterns.

23. Fourthly, if the housing numbers in the NDTLP are firmly tied to the employment allocations because only “balanced growth” is acceptable, there would be a phasing policy in the NDTLP that prevented the delivery of housing unless it came forward in tandem with employment. Plainly, there is no such policy, and the reality is that the planning system has no way of ensuring that either the housing or the employment actually gets delivered, let alone in tandem.
24. Fifthly, if the NDTLP is aimed at ensuring that housing is restricted to the numbers set out in the NDTLP for each settlement so as to always be in line with the level of allocated employment land, why does it not cap the housing number to that set out in the Local Plan? That is the only way to give effect to the balance which the Council espouses. However, the NDTLP expressly states in Policy ST08 and emphasises that the dwelling numbers for the plan area as a whole and for individual settlements including Great Torrington are for a *minimum*. The dwelling provision figures included in Policy ST08 are not ceilings or targets and nowhere in the NDTLP is there any suggestion that provision should be constrained to these levels.
25. Sixthly, if there was any force in the Council’s argument then logically it would have to resist an additional 121 houses or indeed any number it thinks would unacceptably upset the balance between homes and jobs regardless of whether those houses are provided within or without settlement limits. Yet that is not what the NDTLP states – it works with minimum numbers, and whilst it expressly resists development outside settlement limits it has no policy to the effect that housing within settlement limits will be resisted.
26. Finally, the reference to self-containment in the NDTLP appears in precisely the same terms in respect of all settlements, no matter where they sit in the settlement hierarchy.⁹ The approach to distributing housing and employment in a coordinated, justified way is expressed in the same terms for each of the settlements.¹⁰ The logic of the Council’s argument dictates that it must resist housing development above the minimum numbers in the Local Plan in each and every one of its settlements, whether proposed within or without the settlement limits. The effect would be to turn minimum housing numbers into maximum housing numbers. Yet this was not the Council’s approach as explained at the Inquiry when it was suggested that additional housing in Barnstable and Bideford would be welcomed, but not in Great Torrington. In my view, the Council was unable to identify how the NDTLP differentiated between these settlements particularly in relation to self-containment.
27. In overall terms I consider that all the references in the NDTLP which the Council rely upon and which speak to self-containment have to be seen for what they are, namely a high-level explanation of why the decision was taken as part of the NDTLP to distribute the employment land in the manner set out in the Plan. These references are not to be read as directing decision-makers to cap housing delivery unless and until it comes forward in tandem with more employment land. In this context I consider the overarching Policy ST01 in the

⁹ Policy ST06

¹⁰ Paragraph 4.19 of the NDTLP

NDTLP is noteworthy and relevant. It states that the two Councils covered by the Local Plan will adopt a positive approach to all sustainable development and work with applicants and local communities to find solutions which mean that proposals can be approved wherever possible.

28. Furthermore, I note from the evidence that the Council considers that the most important policy in terms of breach of the NDTLP is Policy GTT and particular reliance is placed on Policy GTT criterion (c). However, this criterion is purely descriptive of the allocations for Great Torrington; it is not a criterion by which to assess non-allocated sites, whether within or without the settlement boundary. It seems to me that this simple point undermines the Council's reliance on the first paragraph of the Policy GTT (under Spatial Vision) which refers to supporting Great Torrington's future through small to medium scale employment and housing development. The policy itself describes, at criterion (c), the allocations as small to medium scale, including an allocation for 140 dwellings. That shows that a site for 140 is medium scale, and a site for 181 is of similar scale. Given the size of Great Torrington and its status as a Main Centre, a site of this size is self-evidently of medium scale.
29. From all of the above it is clear that the central and western fields abut the development boundary for Great Torrington but lie outside it. Development on this part of the site and thus the proposal as a whole, would not be in accordance with Policy ST06 and Policy ST07 of the NDTLP. However, the main parties accept that Policy ST21 is a key consideration in this case. I agree. This key policy was introduced towards the end of the NDTLP preparation process specifically to provide a framework for managing the delivery of housing based on maintaining a five year housing land supply and a particular methodology which is integral to the development plan. I shall deal with the implications of Policy ST21 in the context of the second issue below before returning to conclude on the development plan later in this decision.

Second Issue - Whether the Council can demonstrate a five year housing land supply and whether paragraph 11 (d) of the NPPF is engaged.

30. The starting point to enable an assessment of the five year housing land supply is to establish the *Housing Requirement*. It is agreed between the main parties that the overall housing requirement set out in Policy ST08 of the NDTLP applies to Northern Devon, across the joint plan area and is not disaggregated to individual constituent local planning authorities.¹¹ The NDTLP was adopted by TDC and by North Devon Council (NDC) in October 2018.
31. The NPPF at paragraph 73 requires the five-year supply to be measured against the housing requirement in an adopted plan where the plan is less than five years old. The NDTLP is less than five years old and the housing requirement within the NDTLP provides the appropriate NPPF compliant figure to use when calculating the five-year housing land supply. The housing requirement is therefore that set out in Policy ST08 and its supporting text.
32. The NDTLP through Policy ST08 establishes a requirement of a minimum of 17,220 dwellings; equating to an average development rate of 861 dwellings per annum over the plan period (20 years). It is agreed that, recognising the

¹¹ Paragraph 4.20 of the NDTLP

joint nature of the NDTLP, and in accordance with the PPG,¹² the five-year housing land supply for TDC and NDC should be calculated on a joint (aggregate) basis.

33. The base five-year requirement is five times the annual requirement of 861 dwellings or 4,305 dwellings. Any shortfall in delivery against the requirement from previous plan years, calculated from the base date of the Plan, should be factored into the five-year requirement calculation. From the base date of 1 April 2011 to the end of the last monitoring year, 31 March 2019, there have been a total of 5,285 completions against a requirement of 6,888. A shortfall of 1,603 dwellings.
34. It is agreed between the main parties that the base date of the five-year housing land supply assessment is 1 April 2019 and that the five-year period looking forward is 1 April 2019 to 31 March 2024.
35. I note that the NDTLP, at paragraph 4.24, adopts the Liverpool approach for accommodating a shortfall in housing delivery in future years. The PPG¹³ sets out that any shortfall from the base date of the adopted plan should be added to the plan requirements for the next 5 year period (the Sedgefield approach) unless a case is made (and accepted) as part of the plan-making and examination process by the strategic policy-making authority to deal with past under delivery over a longer period.
36. As adopted in the NDTLP, the Liverpool approach distributes and averages any shortfall across the remainder of the plan period. There are 12 years remaining of the plan period which establishes an annualised shortfall of 133.58 dwellings per annum. This figure multiplied by five is 667.92, rounded to 668, and is added to the base five-year requirement of 4,305 which produces a base line five-year requirement (without buffer) of 4,973 dwellings (or 995 dwellings per annum).
37. The components of the calculation for the five year housing requirement excluding buffer, as per the NDTLP and using the Liverpool approach, are agreed to be as set out in Table 1 of the Housing Land Supply SoCG (Doc 38).
38. There is an issue over whether a buffer should be applied to the Policy ST21 calculation as contended by the Appellant. The Council disagrees with the Appellant's contention that Policy ST21(2) is triggered; there is no reference to a buffer in the policy or in the supporting text to that policy. However, as the Local Plan Inspector's Report makes clear, modifications to ensure housing delivery were regarded as essential in order to rectify matters that would have led to the Plan being found unsound.¹⁴ Reference is made to the request by the Inspector to the Councils for a policy to rectify these shortcomings and she concludes that the maintenance of the five year housing land supply is the most effective means by which the Councils can ensure that decisions on housing development can continue to be made on the basis of the strategy set out in the NDTLP.¹⁵

¹² Planning Practice Guidance

¹³ ID: 68-031-20190722

¹⁴ Doc 2, page 6, paragraph 9

¹⁵ Doc 2, page 27, paragraphs 125 and 126

39. I appreciate that TDC wants to move away from the position set out in the NDTLP because the NPPF states that the level of the buffer should be determined by the HDT¹⁶ and if that is applied a 5% buffer is appropriate. I accept what the NPPF says about the buffer is a material consideration, but it does not follow that the approach in the NPPF should automatically be followed. The Local Plan Inspector addressed the question of the buffer and was well aware that the housing requirement was not being met and that a 20% buffer should be applied. She was well aware that the HDT had come in, but she did not think this was sufficient for 5% to be applied nor did she think it appropriate to say that in future this Council should determine the buffer by having regard to the results of the HDT.
40. What she said was that there should be no move away from the 20% buffer until the end of the Plan period, unless the shortfall was cleared, or the Plan was reviewed. There is no reason therefore why the Council should be allowed to adopt a mix and match approach. The reasons which persuaded the Inspector to impose the 20% buffer remain as pressing today as they were when she imposed it. If the Council maintains that the approach to the Plan in calculating the five year housing land supply is out of date, then it must accept that the policies of the Plan that determine when and where housing is acceptable are also out of date because all of these policies presume the existence of a five year housing land supply.
41. Policy ST21, with the supporting text, was therefore put forward to secure the position. It identifies the triggers and provides the mechanism to ensure the maintenance of a five year housing land supply. The Local Plan Inspector also considered it appropriate to make reference in the NDTLP to the application of the Liverpool method for the lifetime of the Plan. At the time of adoption, she also considered it appropriate to apply a 20% buffer with the Liverpool approach, but this may change over time.¹⁷
42. Accordingly, paragraph 4.24 of the NDTLP clearly states that the NDTLP at the time of the adoption applies a 20% buffer:

"For the purposes of identifying and updating annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against the housing requirements of the Local Plan, the Liverpool method of spreading the delivery of shortfall together with the 20% buffer shall apply to all reports published for the North Devon and Torridge Local Plan area until 2031 or until the Local Plan is first reviewed. In the event that the shortfall is delivered prior to the 1 April 2031 or to the review of the Local Plan, a buffer of 5% shall be applied to the five year housing land requirement."

43. In my view, the purpose of the buffer is to provide for past under delivery as paragraph 4.25 of the NDTLP explains – it is as much part of the housing requirement as is the base figure and is indivisible from it. It is intended to both help ensure that under delivery from the early years of the Plan period is made up as soon as possible and to maintain delivery to meet the remaining

¹⁶ Housing Delivery Test

¹⁷ Doc 2, page 26, paragraph 122

housing requirement. Accordingly, when paragraph 7.64 of the NDTLP (in the context of Policy ST21) talks about monitoring against the “managed” target “to reflect any cumulative backlog”, it must include the buffer otherwise it would not reflect the backlog in the manner intended by the Plan as set out at paragraph 4.25.

44. None of the prerequisites set out in the NDTLP for moving away from the 20% buffer apply: it is not 2031, the NDTLP has not been reviewed and the shortfall has not been delivered. Nonetheless, the Council’s Position Statement (Doc 31) has chosen to move away from the 20% buffer citing the introduction of the HDT, the results supporting a 5% buffer. In doing so the Council has ignored the primacy of the development plan and its commitment to applying the 20% buffer. If the Council is promoting that the NPPF and the introduction of the HDT are of such material importance for the Plan’s commitment to 20% to be put aside then in my view that should also apply to the Liverpool approach.

45. Neither the NPPF nor the PPG refers to the Liverpool approach. The PPG states

“The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process...”¹⁸

The preferred approach is clearly that of Sedgefield with alternatives derived through plan-making, which is the position that applies here in TDC. That of course takes us back to paragraph 4.24 of the NDTLP.

46. The Appellant points out that the HDT results are measured against household growth and not the adopted housing requirement. I note from the evidence presented that the household growth figures do not represent the full housing requirement for the Local Plan area. The three year aggregate household growth requirement for the HDT is 1,844, whereas the Local Plan aggregate annualised requirement for three years is 2,583, before any additional uplift for past shortfalls in delivery. Given the Local Plan’s commitment to a 20% buffer and making up for past under-performance it would seem strange to me to move away from this position.¹⁹ TDC’s position is that a 5% buffer should be applied whereas the Appellant’s position is that a 20% buffer should be applied. The Appellant has a secondary position, that is Sedgefield and 5%, the NPPF position.

47. Drawing the threads of the housing requirement together, it is clear to me that Policy ST08 of the NDTLP sets a minimum of 17,220 dwellings over a 20 year plan period from 1 April 2011 to 31 March 2031. This annualises to a minimum of 861 dwellings per annum. Paragraph 4.24 of the NDTLP plainly states that when calculating the housing requirement, the Liverpool approach to addressing shortfall in delivery and the application of a 20% buffer will be applied for the lifetime of the Local Plan, until its first review or until the shortfall is cleared. The stipulated buffer was the consequence of a conscious decision by the Local Plan Inspector to recognise the shortfall in delivery from

¹⁸ Paragraph 031 Reference ID: 68-031-20190722

¹⁹ Mr Jacobs’ proof of evidence page 15 paragraph 4.11

the start of the Plan period. The Council's Housing Land Supply Statement accepts the NDTLP in part by applying the Liverpool approach but diverts in part by applying a 5% buffer and through this approach calculates a five-year requirement of 5,222 dwellings. I conclude that the five-year housing should be calculated in accordance with the commitment in the NDTLP applying the Liverpool approach and a 20% buffer producing a figure of 5,968 dwellings.²⁰

48. In terms of *Housing Supply*, it was agreed in the SoCG²¹ submitted to the Inquiry that minor developments consist of commitments on sites of less than 10 dwellings, some of which may have started and others which have yet to be implemented, amounted to 586 dwellings. There are a further 576 dwellings consented from this source but not yet implemented. Allowing for a 15% discount from this source of supply both parties agreed would yield 520 dwellings within the five plan period.²² Moreover, a windfall allowance of 117 dwellings per annum applied to years 4 and 5 totalling 234 is agreed.
49. It is common ground that Policy ST21 of the NDTLP is a relevant policy in the context of managing the delivery of housing in the NDTLP. Policy ST21 requires an annual review and an updated housing trajectory will inform the review. In the application of clause (1) of Policy ST21, if the number of dwelling completions across the Plan area is less than 110% of the annualised dwelling requirement in any monitoring year, in this case 2018/19, the provisions of that clause will be brought into force.
50. There is no dispute that the number of dwelling completions for 2018/19 was 951 dwellings, compared to an annualised (residual) dwelling requirement for that year of 991 dwellings. The level of completions as a proportion of dwelling requirement for that year is 96%; 14% (or 139 dwellings) below 110% of the annualised dwelling requirement required to trigger the provisions of clause (1) of Policy ST21 (1,090 dwellings). Accordingly, it is agreed that the provisions of clause (1) of Policy ST21 are triggered on the basis of the level of dwelling completions achieved in 2018/19.
51. Clause (2) of Policy ST21, states that if the number of dwelling completions in a monitoring year falls below 90% of the annualised dwelling requirement, and the housing trajectory indicates that the rate would not recover to an average of at least 100% for the two subsequent monitoring years, then proposals for additional residential development outside defined settlement limits will be supported subject to four stated criteria. It is common ground that for the purposes of clause (2) of Policy ST21, 90% of the annual (residual) dwelling requirement for the 2018/19 monitoring year, and without the addition of any buffer, is 892 dwellings (991*0.9).
52. It is agreed that there were 951 dwelling completions in the 2018/19 monitoring year, providing 96% of the annual (residual) dwelling requirement, or a surplus of 59 dwellings compared to the 90% requirement, if no buffer is applied. On the basis of applying no buffer, it is agreed that the provisions of clause (2) of Policy ST21 are not brought into force. The parties do not agree the appropriate buffer to be applied, nor do they agree the assessed five year

²⁰ Doc 38 page 12

²¹ Doc 38

²² Where the sites are for 1-4 dwellings or less than 0.1 hectare to allow for non-implementation or lapse rate

supply.

53. At the opening of the Inquiry, in the SoCG,²³ the Council considered the total supply of deliverable housing land for the period 1 April 2019 to 31 March 2024 to be 6,685 dwellings reflecting its Five Year Housing Land Supply Position Statement.²⁴ The Appellant considered the equivalent supply to be 4,874 dwellings. There were 38 sites from the Council's five-year supply of deliverable sites on which the parties did not agree an attributable dwelling yield.²⁵ As a result of the differing positions the Council calculated there would be 6,685 dwellings (6.40 years supply using the Liverpool approach with a 5% buffer, whereas the Appellant using Liverpool with a 20% buffer calculated there would be 4,874 dwellings equivalent to 4.08 years supply. There is a difference of 362 dwellings in the supply forecast for Years 1 and 2.²⁶
54. Following the RTS on Housing Land Supply (HLS) there were a number of concessions made in respect of the disputed sites which affects both the Council and the Appellant's position. The changes are reflected in updated tables from the HLS SoCG.²⁷
55. I have assessed the disputed sites in the context of the test of deliverability set out in the Glossary to the NPPF. This specific guidance indicates which sites should be included within the five-year supply. The first list (Part A) is those sites where it is for the Appellant to provide evidence that sites will not deliver within five years while the second list Part (B) consisting of sites with outline planning permission for major development, allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register cannot be included within the five-year supply unless the Local Planning Authority can produce clear evidence that housing completions will begin on site within five years.
56. I have also had regard to the updated PPG advice published on 22 July 2019 on 'Housing supply and delivery' including the section that provides guidance on 'What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking.' The PPG is clear on what is required:
- "In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions."*
- This indicates the expectation that 'clear evidence' must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.
57. Clear evidence requires more than just being informed by landowners, agents or developers that sites will come forward, rather, that a realistic assessment of the factors concerning the delivery has been considered. This means not only are the planning matters that need to be considered but also the technical, legal and commercial/financial aspects of delivery assessed.

²³ Doc 38

²⁴ Doc 31

²⁵ Table 3 Doc 38

²⁶ Table 4 Doc 38

²⁷ Doc APP10

Securing an email or completed pro-forma from a developer or agent does not in itself constitute 'clear evidence'. Developers are financially incentivised to reduce competition (supply) and this can be achieved by optimistically forecasting delivery of housing from their own site and consequentially remove the need for other sites to come forward.

58. Turning to the sites in dispute, there was a narrowing of issues following the RTS but there remain 19 sites in dispute. The difference in deliverable supply between the parties for the supply sites listed in Table 3 is 1,099 dwellings.²⁸ Of the supply, the Council considers that in Year 1 (2019/20) 1,206 dwellings and in Year 2 1,260 dwellings will be delivered. The Appellant contends that figures of 1,206 and 1,145 are more realistic and robust. This is a difference of 115 dwellings and Table 4 lists the sites where the Appellant disputes the Council's supply for Years 1 and 2 of the five-year period.²⁹
59. Of these 19 sites, one site (IL Ref. 1)³⁰ falls within Part A where the burden of proof is put on the Appellant to demonstrate that the site will not deliver in line with the Council's forecast i.e. to provide clear evidence. From the evidence there are a number of uncertainties including whether the site has been sold and when a reserved matters application will be worked up, submitted and determined. There is nothing to indicate a start date on site and no indication of build out rates. I consider that Year 3 for first completions is more realistic and a nationally identified built out rate of 43dpa would be more appropriate. A minimum of 61 dwellings should be deducted.
60. The remaining 18 sites in dispute are Part B sites where the burden of proof is put on the Local Planning Authority to provide clear evidence to justify inclusion of sites within the forecast supply. Of these sites, one site (IL Ref. 14),³¹ which the Council's commentary refers to as being controlled by Linden Homes and based on information provided first completions are expected in 2020. However, the email from Linden Homes that the Council rely on suggests uncertainty around delivery and does not provide clear evidence of the site's deliverability for the five-year supply. The developer has provided a profile of delivery but there appears to be no interrogation of this. It is my understanding that the land is under option and price negotiations have yet to start with the landowner. The nature of these can be lengthy and far from straightforward. It is therefore unknown when development would come forward and the lack of clear evidence should remove this site from the supply reducing the supply by 170 dwellings.
61. In another Part B site (IL Ref. 15),³² the Council's evidence states that the agents for the site have indicated that a detailed application is likely in the near future. There is some uncertainty about progress on this application. However, as I saw on my visit, there are significant issues associated with this site not least ground conditions, demolition of a complex industrial heritage and viability. There are also suggestions that the site is to be sold and that it may become part of a wider redevelopment scheme. None of this information provides clear evidence for inclusion of the site within the five year supply and therefore 105 dwellings should be removed from the supply.

²⁸ APP10 pages 1-2

²⁹ APP10 page 3

³⁰ Larkbear Strategic Extension, Barnstaple

³¹ South of Clovelly Road, Bideford

³² The Former Creamery Site, Great Torrington

62. There is a major strategic Part B site (IL Ref.16)³³ listed which requires Government infrastructure funding to enable delivery. I accept that funding is forthcoming in the form of a Funding Agreement³⁴ but there is no information about when the funding will be available, what needs to be done to secure it, what the timeframe is for delivery of the infrastructure and how this plays out for housing delivery. Without clear evidence the site should not be included and therefore 150 dwellings should be removed from the supply.
63. There are many other Part B sites which the Council considers will contribute significant numbers of dwellings in the five year period. I note that with regard to site IL Ref. 26³⁵, the Council's commentary refers to the site being under the control of a regional house builder and that it intends to submit an application in 2020. This would suggest that the site is progressing. However, the site has yet to be sold and it is not known whether negotiations over price have commenced. Without this being resolved it undermines the clear evidence required to include the site within the overall supply and therefore 70 units should be removed.
64. Similarly, on site IL Ref. 33³⁶ I note that no planning applications have yet been submitted. Discussions with the developer are said to be on-going but there is no clear evidence of the issues, what needs to be resolved or whether there are any landownership issues that need to be overcome. On such a large strategic site greater justification is required before including dwellings within the supply. I consider that 128 dwellings should be removed from the supply. With regard to IL Ref. 54,³⁷ there is no planning permission and the site is subject to a s106 Agreement. I consider that there is a lack of clear evidence to justify inclusion of this site and therefore a further 174 dwellings should be removed from the Council's supply.
65. It is not necessary for me to go through all of the sites in Table 3 and Table 4 of APP10. In my view, the Council was not able to provide clear evidence of delivery on most of the disputed sites which significantly undermines its position. Although the Council published on 19 November 2019 a Housing Land Supply Statement for the period 1 April 2019 to 31 March 2024 what is evident is that the evidence that underpins the report has been collected post-base date with evidence collection from Autumn 2019. In my view any update should be thorough and consistent across all aspects of housing land supply with evidence available and published at the base date.
66. Overall, I consider that the Appellant's assessment of supply is more realistic taking into account the test of deliverability set out in the Glossary to the NPPF and the updated PPG advice published on 22 July 2019. I am satisfied that the Appellant's approach is consistent with national policy, case law, appeal decisions and informed by research into current housebuilder sales rates, assessment of the technical complexities of delivering development sites and experience of the housebuilding industry including lead-in times.³⁸
67. My conclusion on housing land supply is that there are a number of sites that together significantly reduce the Council's five-year housing land supply. A

³³ Ilfracombe Southern Extension

³⁴ LPA10

³⁵ Kingsley Plastics Ltd, Western Barn Road, Winkleigh

³⁶ Land at Adjavin Farm, Bideford

³⁷ Land north of Clovelly Road, Bideford

³⁸ See Appendix 14 and Appendix 15 of Mr Jacobs' evidence

large number of the sites that TDC includes within the supply cannot be justified applying the current definition of deliverable. I consider that TDC's supply should be reduced to reflect the Appellant's position set out in Table 3, Table 4 and Table 5 of APP10. It follows that the Council's supply figure of 6,145 dwellings in APP10 should be reduced by 1,099 to give a more robust total supply figure of 5,046 dwellings for the period 1 April 2019 to 31 March 2024. The Council maintains there is a 5.88 years supply using Liverpool and a 5% buffer; 5.15 years using Liverpool and a 20% buffer. Using the Liverpool approach with the 20% buffer, which I consider an integral part of the development plan, produces a housing land supply equivalent to **4.23** years.³⁹

68. It is accepted by both main parties in the General SoCG⁴⁰ under item 9 that Policy ST21 (1) is triggered on the basis of the monitoring year 2018/19. Specific action is thus required in accordance with the policy but there are no proposals to implement the necessary remedial measures. With regard to Policy ST21 (2) this test is also failed. As Mr Jacob's evidence demonstrates, completions for the monitoring year 2018/19 fall below the 90% threshold based on the NDTLP paragraph 4.24 approach and his assessment of completions against requirements for the two subsequent years 2019/20 and 2020/21 also fall below the 100% average.⁴¹ The principle of development plan support for residential development outside of defined settlement limits is established subject to four criteria. Policy ST21 (2) is engaged in this case.
69. The Council gave evidence that even if it was engaged, the four criteria set out within the policy were not met. However, the Council did accept in relation to criterion (a) that the location was suitable as it was on the edge of a Main Centre in a sustainable location. It also agreed that the proposal was commensurate with the deficit in required housing. I note the proposal does not need to be commensurate with the deficit as against the two years shown in the monitoring report prepared for the purposes of Policy ST21. It simply has to be "commensurate to the deficit in required housing". The required housing is the housing that is required in the district, and the deficit in the housing required in the district is some 1,603 dwellings as at 31 March 2019.
70. With regard to criterion (b) delivery in a timely manner – if planning permission is granted the appeal site would have outline planning permission and a signed s106 Agreement. There is a contractual obligation to market the site as soon as possible. There are no impediments to the delivery of housing on the site as soon as the site is sold to a housebuilder. The agent's letter⁴² establishes that the volume housebuilders would be interested in a site of this size. There is nothing different about this site as regards delivery compared to any other site that would need to be released if Policy ST21(2) is engaged.
71. With regard to criterion (c) I consider the proposal would be broadly consistent with and not prejudicial to the overall spatial vision and strategy for northern Devon along with the settlement vision and development strategy. There is no need for me to repeat my assessment of the site in relation to Policy ST08 and Policy GTT which is set out above. On the basis that Policy ST21(2) is engaged and there is an express need to release housing sites outside of settlement limits to make up a deficit in supply, I consider that

³⁹ App10 page 5 Summary Table of 5 Year Housing Land Supply Position

⁴⁰ Doc 37

⁴¹ APP10 Updated Table 8 page 7

⁴² APP1

release of a site adjoining the settlement boundary of a Main Centre in what is conceded by the Council to be a sustainable location, would be appropriate.

72. With regard to criterion (d) subject to my assessment under the third and fourth issues below, I consider that there is no breach of other development plan policies. I note that paragraph 7.65 of the NDTLP indicates that if the circumstances set out in Policy ST21 (2) are triggered

'It is expected that such sites will be developable or potentially developable Strategic Housing Land Availability Assessment (SHLAA) sites and will normally adjoin development boundaries or the principal built form for defined settlements without development boundaries.'

The SHLAA concluded that not only was this site developable, but that it was also suitable in all respects. This is precisely the type of site that should be released if Policy S21(2) is engaged.

73. I conclude on the second issue that the Council cannot demonstrate a five year supply of deliverable housing sites and that paragraph 11 (d) of the NPPF is engaged.

Third Issue - The effect of the proposal on the character and appearance of the surrounding landscape particularly in relation to the central and western fields of the development.

74. The landscape planning policies that are alleged to have been breached are set out in the Officer's Report to Committee⁴³ and the Council's Statement of Case.⁴⁴ These are agreed in the LSoCG⁴⁵ at paragraph 1 f) and g) and there is no need for me to repeat them here. I held a Landscape RTS on 28 January 2020 when the landscape witnesses for both main parties discussed the landscape and visual effects which are clearly set out in the comparison tables that they produced. I have considered the LVIA,⁴⁶ the Addendum to the LVIA⁴⁷ together with the plans and photographic viewpoints submitted by the parties.
75. From the RTS discussion and from the evidence that is before me, it is clear that the appeal site is not a valued landscape, and neither does it lie within or adjacent to any locally or nationally designated landscape. It has an ordinary condition typical of mixed Devon farmland, adjacent to existing residential development. The landscape character of the area in which the appeal site sits is one of arable and pastoral fields bordering the urban edge of a small town. Hedge banks border the majority of the appeal site, with some exceptions. The appeal site is not part of or adjacent to a conservation area. It is of medium value in landscape terms and given that what is currently a greenfield site would become a residential estate it is inevitable that within the confines of the site itself the impact is assessed as major adverse.
76. I accept that there would be a change from farmland to a residential area, which would change the perception of the area. The Council refers to a suburbanising effect on the landscape. However, no hedgerows or trees would be lost. The only landscape feature of note proposed to be lost would be hedge banks, but substantially more hedge bank is proposed. The proposed road

⁴³ Doc 14

⁴⁴ Doc 34

⁴⁵ Doc 39

⁴⁶ Doc A13

⁴⁷ Doc A11

layout would remove about 130m length of hedge bank and gap up about 5m of the existing boundary (a field gate). The remainder would be retained. The southern boundary of the central field, currently a post and wire fence would be replaced with 205m of hedge bank, which would be tied into retained hedge banks at the Caddywood Lane and Burwood Lane ends. With mitigation the adverse impact would reduce to moderate.

77. Mr Randall's assessment that the County Landscape Area (LCA) and District Landscape Type (LCT) have high sensitivity, simply cannot be right because he accepts that the appeal site is medium sensitivity and it sits within these larger character areas and is representative of them. The surrounding area is not designated, and Mr Randall's reference to the former AGLV designation is not of assistance because as the Council itself has confirmed it is no longer used. In any event the area upon which Mr Randall focuses was never part of the AGLV designation.
78. One of the two key inputs in the assessment of sensitivity of the landscape receptors is to ask how susceptible the area is to the development proposed, and Mr Randall has wrongly concluded that the surrounding landscape has high susceptibility. They are much larger areas and are less susceptible to the proposed development than the appeal site, not more. Neither can the impact on these surrounding areas be of medium sensitivity, as Mr Randall claims. There would be no impact on these areas because no development is proposed on them. Extending the south-eastern edge of the town by between 100m and 200m, which once developed would read as part of the town, cannot possibly have a high impact on the very large landscape areas surrounding the town.
79. Turning to the visual assessment of the appeal site, at my site visit I saw that visually it is extremely well contained. Mr Randall confirms that the medium range views extend to only 250m from the site and his long range views extend to no more than 1.5kms from the site.⁴⁸ In this regard he states that 'Within the built-up area, ground level views are confined to a few relatively elevated sections of road that are oriented towards the site. Within the countryside, views are constrained by landform, roadside hedge banks and countryside. There are very few opportunities for views towards the site from the majority of the built-up area, including historic town centre, or from the wooded sections of the Torridge Valley and its tributaries. I agree.'⁴⁹
80. Moreover, Mr Randall also concludes that the significance of effect for all the long range views and many of his medium range views is (at worst) none to moderate.⁵⁰ He states that 'The significance of the effects falls away to moderate and below in medium-range views, particularly views from within the built-up area in which a perception of the surrounding countryside remains. In longer range views, the effects generally become minor, since the development - whilst visible - would not represent a fundamental change to the character of the view'.⁵¹
81. Overall, I consider that the proposed development would have very little landscape and visual impact. It is noteworthy that the Council has allocated sites adjacent to the urban edge of the town in the NDTLP for residential

⁴⁸ Mr Randall's proof of evidence Table on page 21

⁴⁹ Mr Randall's proof of evidence page 20 paragraph 4.7

⁵⁰ Mr Randall's proof of evidence Table on page 31

⁵¹ Mr Randall's proof of evidence page 33 paragraph 6.10

development, including the eastern field (Phase 1) of the appeal site. By allocating these greenfield sites, the Council has demonstrated that there would be no breach of Policy ST14 i.e. that the development of these sites would conserve and enhance local distinctiveness, including tranquillity. Moreover, the proposed development for the central and western fields (Phases 2 and 3) is of similar layout, density and overall design principles to that which was permitted on the eastern field (Phase 1). As with Phase 1, there would be no breach of Policy DM04 or DM08A.

82. With regard to policies in the GTNP, the proposed development demonstrates sensitivity to the distinctive landscape character. Where important landscape elements would be lost e.g. sections of hedge bank, these would be replaced, and new lengths of hedge bank created as part of the mitigation. This is in line with the mitigation hierarchy, set out in the Examiner's proposed changes to the submitted Policy ENV1. With regard to Policy ENV3, the proposed development would provide new green infrastructure, which would benefit the existing and the new communities. In terms of Policy ENV4, the proposed development lies adjacent to the urban edge of Great Torrington. It would extend the light sources into the fields immediately to the south of the town. However, with the type and extent of the landscaping proposed,⁵² as well as an agreed lighting strategy, the light spill would be minimised. I find no conflict with the emerging GTNP policies.
83. I note the comments in the SHLAA,⁵³ under the headings of compatibility, landscape and light pollution, all of which are written by the Council itself and run directly to the Council's case that development of the appeal site would breach the landscape policies of the NDTLP. The SHLAA evidence demonstrates that the proposal would not breach any of those policies.
84. Drawing these threads together, I accept that as with most development of greenfield sites there would be adverse visual impacts in views either from within the site itself, or from some viewpoints immediately outside the site looking in. However, with mitigation, the proposed development on Phases 1 and 2 would not have a significant adverse effect on the existing landscape and visual resources. Similarly, the development of Phase 3 would not cause unacceptable landscape or visual harm, whether taken individually or together with Phases 1 and 2. The proposed development would comply with the relevant NDTLP policies listed in the RfR1, other relevant NDTLP policies referred to in evidence to the Inquiry and the relevant GTNP policies identified in the LSoG.⁵⁴ The proposal would also accord with paragraphs 8c, 122, 127 and 170 of the NPPF. Overall, I consider that, in landscape and visual terms, the proposal is acceptable. On the third issue, I conclude, there is no reason to withhold permission.

Fourth Issue - Whether the proposal makes adequate provision for affordable housing and for any additional infrastructure/services, such as education, drainage, transport and public open space arising from the development.

85. At the Inquiry, a s106 Planning Obligation was submitted by way of Agreement. The Planning Obligation is made by an Agreement between the

⁵² This would be agreed with the TDC at the detailed design/reserved matters stage

⁵³ Doc 10

⁵⁴ Doc 39 paragraph 1 f) and 1 g)

Landowners, the Appellant, TDC and DCC.⁵⁵ A CIL Compliance Schedule was submitted for the Planning Obligation.⁵⁶ I have considered the Planning Obligation in the light of the CIL Regulations 2010, as amended, the advice in the NPPF and the PPG.

86. Local Planning Authorities should only consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.⁵⁷ Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. Regulation 122 of the CIL Regulations, as amended by the 2011 and 2019 Regulations, and paragraph 56 of the NPPF make clear that Planning Obligations should only be sought where they meet all of the following three tests:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
87. Paragraph: 004 of the PPG⁵⁸ states that policies for planning obligations should be set out in plans and examined in public. It states that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. Paragraphs 007 and 008 of the PPG concern funding for education and refer to the DfE guidance for local education authorities on developer contributions.⁵⁹
88. NDTLP Policy ST18 (Affordable Housing on Development Sites) sets out the basis on which the Council will require affordable housing on residential development proposals. Policy ST23 (Infrastructure) requires development to provide, or contribute towards the timely provision of physical, social and green infrastructure made necessary by the specific and/or cumulative impact of those developments. Policy DM10 (Green Infrastructure Provision) sets out the requirements for development to meet the green infrastructure typology, quantitative and accessibility standards as set out in Table 13.1 to meet the needs of intended occupants. The Green Infrastructure Strategy for North Devon and Torridge District Councils⁶⁰ provides the basis for the standards set out in the NDTLP with the supporting text at paragraph 13.68 indicating that regard should be had to the Strategy for a comprehensive interpretation of the overall approach towards green infrastructure provision.
89. The Planning Obligation secures the provision of 30% affordable housing on-site, with an agreed tenure split, in accordance with NDTLP Policy ST18(7), for 75% to be provided at a social rent level and 25% at intermediate level. The provision of affordable housing on-site is necessary to meet an identified need and is a requirement of both national and local planning policy. The provision is directly related to the development and the provision of 30% is fairly and reasonably related in scale and kind to the development. The actual numbers of affordable units would depend on the final approved number of dwellings.

⁵⁵ LPA2

⁵⁶ LPA1

⁵⁷ NPPF paragraph 54

⁵⁸ Reference ID: 23b-004-20190901

⁵⁹ Reference ID: 23b-007-20190315 and Reference ID: 23b-008-20190315

⁶⁰ Part 2 of 3; David Wilson Partnership/JPC Strategic Planning & Leisure, April 2014

90. The Planning Obligation would also secure green infrastructure provision on site pursuant to NDTLP Policy DM10 (incorporating Table 13.1) and provision for an off-site financial contribution of £18,718.61 towards Great Torrington Artificial Turf Pitch (ATP) in lieu of on-site provision towards youth play space. The provision of appropriate levels of green infrastructure is essential in the context of national and local policy. Policy DM10 and Table 13.1 provide a robust basis for establishing the green infrastructure required for the detailed design stage. The proposal would generate an estimated resident population of some 423 persons and Table 13.1 requires the proposal to provide 0.2 ha of Play Space (youth) per thousand population resulting in a requirement of 84.73m² of provision for the development. Whilst the NDTLP generally expects green infrastructure requirements for major developments to be provided on site, it recognises that financial contributions may be supported for off-site provision.⁶¹ I consider this provision would be fairly and reasonably related in scale and kind to the development.
91. The public transport contribution of £200,000 is necessary towards improving bus services serving Great Torrington. The appeal site is at the edge of Great Torrington and although walking and cycling as well as driving is possible to the town centre, trips would be made to Barnstaple and Bideford, so enhancements are necessary to public bus services. Policy ST23 of the NDTLP indicates that developments will be expected to provide or contribute towards the timely provision of infrastructure. The proposed service improvements would operate Monday to Friday with an estimated cost of £120 per day and total cost of £30,000 (5 days x 50 weeks excluding public holidays) per year. Additionally, a Sunday/Public Holiday service is proposed at a cost of £350 per day, or about £20,000 per year. The contribution would support these service enhancements for a 4-year period. I consider the provision would be fairly and reasonably related in scale and kind to the development.
92. Outline planning permission for a 50 space car park and associated access road immediately to the west of the appeal site was granted in June 2018.⁶² The construction of the car park is necessary. It forms part of the transport strategy to mitigate the impact of the proposal in relation to the additional traffic generated by the development and issues associated with activity outside Great Torrington Bluecoat Church of England Primary School in the morning and afternoon drop off/pick up periods. The provision of a 50-space car park would remove a significant proportion of vehicles from the street and remove any conflict arising from the development.
93. The Transport Assessment⁶³ indicates that there are around 50 vehicles typically parked on roads near to the school associated with dropping off and picking up pupils; this conclusion has been confirmed by the Local Highway Authority. The provision of a 50-space car park would therefore remove any additional impact from the development and would accord with NDTLP Policies ST23, DM05 and DMO6. I consider the provision of a 50 space car park would be fairly and reasonably related in scale and kind to the development.
94. The Planning Obligation secures contributions for the provision of nursery, primary and secondary education. The contributions requested by DCC are necessary to make the appeal development acceptable in planning terms and

⁶¹ Doc 1 page 425 paragraph 13.70

⁶² Reference: 1/0702/2017/OUT

⁶³ Doc A16 paragraph 6.3.5

- directly related to the development. An Early Years Education Contribution of £250 Index Linked per qualifying dwelling is required towards early years (2, 3 and 4 year olds) provision within Great Torrington. The new housing would add to existing demand through population growth which is confirmed by the provision for a new primary school in Policy GTT03 of the NDTLP.
95. A Primary Education Contribution of £3,336.55 Index Linked per qualifying dwelling is required towards the provision of new primary school places within Great Torrington. The new housing would add to existing demand through population growth which is confirmed by the provision for a new primary school in Policy GTT03 of the NDTLP. DCC has identified that the proposed 181 family type dwellings would generate an additional 45.25 primary pupils.
96. The designated primary school for this development is Great Torrington Bluecoat Church of England Primary School which has a current net capacity of 525. When factoring in approved but not yet implemented developments in the area the Local Education Authority (LEA) has forecasted that in Spring 2023 the number of pupils expected to be attending the school is 517.45. This shows that there is capacity for 7.55 pupils and therefore a contribution towards the remaining 37.70 pupils would be required towards new primary education provision in the area. This contribution would relate directly to providing education facilities for those living in the development. In addition, as a new primary school is required, the LEA would also need to request a proportionate land contribution of 10sqm per family-type dwelling.
97. As contributions towards a new school are being requested in the area, all early years' requests would be towards early years provision at the proposed new school. The contribution is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling and accords with guidance set out in DfE '*Securing Developer Contributions for Education*' November 2019; DCC '*Education Section 106 infrastructure Approach*' October 2016 and NDTLP Policies ST23: Infrastructure and GTT03: Hatchmoor Common Lane. The contribution is fair and reasonable as it is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling.
98. A Secondary Education Contribution of £3,288 Index Linked per qualifying dwelling is required towards provision of additional infrastructure at Great Torrington School. The new housing would add to existing demand through population growth. DCC has identified that the proposed 181 family type dwellings would generate an additional 27.15 secondary pupils, and this would have a direct impact on Great Torrington School. The net capacity for Great Torrington School is 900, when factoring in approved but not yet implemented planning approvals the forecast for Spring 2025 is 971 pupils, showing a shortfall of 71 secondary pupils in the area. An expansion of Great Torrington School to meet the increased population would therefore be required and the contribution request would facilitate this directly. The contribution is based on the cost of provision arising from the development on a per dwelling basis and the numbers of pupils per dwelling. It accords with aforementioned guidance.
99. In my view, all of the obligations in the Planning Obligation are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Therefore, they all meet the tests within Regulation 122 of the

CIL Regulations and should be taken into account in the decision. On the fourth issue, I conclude, there is no reason to withhold permission.

Other Matters

100. I have taken into account all other matters raised including the concerns raised by Great Torrington Town Council, the representations made by interested persons including those who gave evidence at the Inquiry and those who provided written submissions. I have already dealt with many of the points raised in the main issues.
101. A number of concerns related to highway safety matters and traffic impact. I note that the proposal was supported by a Transport Assessment (TA) and Travel Plan which complements the TA. The TA confirms that suitable vehicular site accesses can be provided on to Hoopers Way and Caddywell Lane and that the design of the site would be in accordance with the principles of Manual for Streets. The location of the proposed development is accessible for pedestrians, cyclists and public transport users and would integrate well with the surrounding residential area. The level of traffic generated by the proposed development would not have a material impact on the local road network or on the capacity at nearby junctions.
102. The ability for the new dedicated school car park to come forward as a result of the residential development would also be a benefit to the development proposals as it would alleviate congestion around the primary school at the start and end of the school day which in turn would improve road safety for pupils. The development would not have an impact on the road safety conditions on the wider road network. Locally improvements to footway provision on Caddywell Lane and the realignment of Tylers Meadow would improve existing road safety in the vicinity of the site and nearby primary school. The development could also remove on street parking around the school crossing points.
103. There is no objection to the proposal from DCC the Highway Authority but given the level of interest in the matter a statement has been prepared by the transport consultants advising the Appellant which is included in the evidence before the Inquiry.⁶⁴ The statement responds to the issues raised by third parties on this topic and sets them in the context of a summary of matters such as the site access, traffic impact and the general accessibility of the site. The statement demonstrates that there are no additional considerations identified by third parties under this heading that weigh against the proposal.
104. The concerns about drainage relate to both foul and surface water drainage. In relation to the former, South West Water have no objection to the proposal. As far as surface water drainage is concerned, RfR3 refers to an alleged lack of information on this topic. Further discussions have since taken place between the Appellant's drainage consultant and the Lead Local Flood Authority and additional information has now been provided. A conditional approach is now proposed whereby a detailed drainage scheme would be prepared and submitted to the Local Planning Authority for approval and implemented before any dwellings are occupied. It was agreed at the Inquiry that RfR3 is no longer in dispute between the main parties and that the matter can be dealt with via appropriate planning conditions. I agree.

⁶⁴ See Appendix A to Mr Simkins' proof of evidence

105. As with many proposals for new housing, interested persons have expressed concerns about the pressure on various services and facilities such as education facilities and green infrastructure. The Planning Obligation that has been completed and signed between the Landowners/Appellant, TDC and DCC in relation to the appeal addresses all the legitimate requirements in this regard arising from the proposal that have been identified including education, transport and recreation provision. I have dealt with the Planning Obligation and how it would mitigate the impact of the proposed development in relation to specific projects in the preceding section.
106. In terms of landscape and environmental impact some of the concerns raised are similar to matters which I have already dealt with under the third main issue. The proposed residential development would not result in a detrimental impact on the character and appearance of the surrounding area. It would not require the stopping up or diversion of any public rights of way. I recognise that residential development would have some effects on residential visual amenity. However, the effect on private views is not a planning matter, unless they are unacceptable which these are not. In my view, the indicative plans do show adequate separation distances between properties and potential for further landscaping to soften boundaries.
107. Concerns have been expressed about the principle of development including the site's relationship with the defined development boundary for Great Torrington and what is described in one response as 'unplanned' growth. I have already dealt with the site's suitability for residential development in the first main issue and there is no need to repeat that assessment here.

Planning Balance

108. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material planning considerations indicate otherwise. The housing land supply position triggers the operation of Policy ST21(2). The appeal proposal meets all the requirements of the policy in terms of suitability of the site and its ability to meet the 2 and 5 year shortfalls as well as the overall shortfall of completions over requirement.
109. The key development plan policies are ST01, ST06, ST07, ST08, ST21 and GTT set in the context of the general, positive approach in the NDTLP. The way these policies operate in this case effectively means that Policies ST06 and ST07 are overridden by Policy ST21 which specifically includes support for sites such as the appeal site where the ST21(2) test is failed. These policies, in combination, reflect the positive approach in the NDTLP towards sustainable development, the principle of housing requirements as minimum levels to be achieved and the importance of ensuring that at least those minimum levels are met in a situation where, from the point of adoption, the NDTLP was already well short of achieving them. In all the circumstances of this case I find no conflict with any of the aforementioned policies including Policies ST08 and GTT which deal with self-containment. I conclude that the appeal proposal accords with the development plan when read as a whole.
110. Paragraph 11c of the NPPF provides that proposals which accord with an up to date development plan should be approved without delay. There is clear evidence before me with regard to the suitability of the site, including in

relation to environmental considerations. The material considerations in this case do not begin to outweigh the primacy of the development plan. To the extent that there is some residual harm involved in relation to the development of any 'green field' site which involves a change from countryside to becoming part of a settlement, it does not change what is a clear case for approving the appeal proposal in these circumstances.

111. Even if Policy ST21 (2) is not engaged then paragraph 11d) of the NPPF would be engaged and the tilted balance would be in play because the Council cannot demonstrate a five year housing land supply as I have demonstrated under the second main issue. There are no footnote 6 policies which would provide a clear reason for refusing permission and which would prevent the tilted balance from being applied. I do not consider that the most important policies for determining the proposal are out-of-date in relation to the use of a 20% buffer. However, if it is determined that the buffer is indeed out of date and thus so are the most important policies which I have identified based on the Council's approach in paragraph 2.17 of the November 2019 Position Statement,⁶⁵ then paragraph 11d) would also be engaged on this basis. If paragraph 11 d) is engaged I consider that planning permission should be granted because the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.
112. There would be a number of benefits of the appeal scheme which are powerful material considerations and they indicate taking a decision otherwise than in accordance with the Plan. These benefits were not undermined to any degree during the Inquiry. The following benefits would arise: (a) much needed market housing and affordable housing; this is a very significant benefit of the scheme where there is a shortfall in housing delivery; (b) significant economic benefits from the housing scheme. Whilst I accept that any benefits arising out of the construction phase would be temporary, the economic benefits arising from the building of the houses and the spending power of residents would be significant. It is estimated that this spending would be around £4.75m in the local area each year; (c) the provision of the proposed car parking for the Bluecoat School and associated footpaths would be a significant benefit; this would address existing safety issues; (d) the enhancement of existing bus services would be a significant benefit to both residents and the wider community and (e) the contribution towards an all-weather recreation facility would be a significant benefit which would also provide a valuable additional facility available to the wider community.
113. The only harm that would need to be weighed in the balance against the appeal scheme is the alleged harm in relation to landscape and visual effects. Other concerns raised by interested persons have been dealt with and none of the concerns raised amount to objections of any substance.
114. Therefore, even if I had accepted that the proposal is contrary to Policies ST06, ST07, ST08 and GTT of the NDTLP and thereby reached a contrary conclusion in terms of the appeal proposals accordance with the development plan, then in the context of paragraph 11(d) of the NPPF, any harm which might be identified as arising from the appeal proposals comes nowhere near significantly and demonstrably outweighing the many and varied benefits of

⁶⁵ Doc 31

the appeal proposals. There is no reason to withhold planning permission in this case and I conclude that the appeal should be allowed

Planning Conditions

115. I have considered the conditions suggested by the Council⁶⁶ in the light of the advice in paragraphs 54 and 55 of the NPPF and the Government's PPG on the use of planning conditions. I have made minor adjustments to the conditions in the interests of clarity. Condition 1 is the standard time limit condition and Condition 2 is necessary to determine the scope of the application and for the avoidance of doubt. Condition 3 is required to ensure the development provides an appropriate mix of dwelling sizes, types and tenures to contribute to a mixed and balanced community and to reflect local needs. Condition 4 is necessary to determine the scope of the application and for the avoidance of doubt.
116. Condition 5 is necessary to enable the development to be delivered in controlled phases as part of an overall phasing plan. I have added the words "in writing" in the interests of clarity. Condition 6 is necessary to protect the trees to be retained on the site from damage before and during the course of development. Condition 7, which relates to a Construction Method Statement, is necessary to minimise the impact of the works during construction of the development in the interests of highway safety and the free flow of traffic and to safeguard residential amenity. Condition 8, which relates to finished floor levels, is necessary in the interests of amenity and to ensure a satisfactory overall development. Condition 9 is necessary to minimise the amount of waste produced and promote sustainable methods of waste management. I have added the words "in writing" in the interests of clarity. Condition 10 is required to safeguard heritage assets of archaeological interest.
117. Condition 11 is necessary to ensure the interests of protected species on the site are maintained and to achieve biodiversity enhancement. Condition 12 is necessary in the interests of highway safety and to ensure that adequate information is available for the proper consideration of the detailed proposals. I have added the words "in writing" in the interests of clarity. Condition 13 is required to ensure the development does not cause increased flood risk or increased pollution to the water environment. Condition 14 is necessary to protect the amenities of neighbouring properties. Condition 15 is necessary to ensure that adequate access and associated facilities are available for the traffic attracted to the site. Condition 16 is necessary to control the number of dwellings accessed from a single access point in the interests of the safe and free flow of traffic. Condition 17 is necessary in the interests of public safety and to prevent damage to the highway.

Conclusion.

118. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

⁶⁶ LPA4

SCHEDULE OF PLANNING CONDITIONS

TIME LIMITS FOR COMMENCEMENT OF DEVELOPMENT

- 1) Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last reserved matters to be approved whichever is the later.

DETAILS AND DRAWINGS SUBJECT TO WHICH THE PLANNING PERMISSION IS GRANTED

- 2) For those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the approved Site Location plan ref AP01 and Access plans 2696.05 and 2696.14B and with regard to the principles set out in the Design and Access Statement prepared by Inspire Design dated January 2017.

PRE-COMMENCEMENT AND CONSTRUCTION PHASE CONDITIONS

- 3) Prior to commencement of the development, a proposed dwelling mix for the development shall be submitted to and agreed in writing by the Local Planning Authority. The proposed dwelling mix shall be in broad accordance with Table 114 of the North Devon and Torridge Housing and Economic Needs Assessment (2016), which requires the following: 1 bed – 5-10%; 2 bed – 30-35%; 3 bed – 40-45%; 4 bed - 15-20%. Any deviation from this mix shall be justified in accordance with Policy ST17(a). The reserved matters shall come forward in accordance with the agreed mix.
- 4) Prior to the commencement of a phase or combination of phases of the development details of the following matters for that phase or combination of phases (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:
 - (a) the scale of the development;
 - (b) the layout of the development;
 - (c) the external appearance of the development;
 - (d) the landscaping of the site;

The development shall be carried out in accordance with the approved details.

- 5) Prior to the commencement of the development a phasing plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. The phasing plan shall include the following:
 - (a) the intended number of market and affordable dwellings for each phase;
 - (b) the general locations and phasing of key infrastructure including, surface water drainage, green infrastructure, and access for pedestrians, cyclists, buses and vehicles;
 - (c) the timing and delivery of the road improvements and part closure of Burwood Lane and Caddywell Lane; and

(d) the timing and delivery of the footway improvements.

The development shall be carried out in accordance with the phasing plan.

- 6) Prior to the commencement of any development hereby granted planning permission and before any equipment, machinery or materials are brought onto the site for the purposes of the development hereby granted planning permission, site specific details of the specification and position of the fencing for the protection of any retained tree/group of trees, a tree constraints report and plan in accordance with the recommendations in BS5837:2012, together with a site specific arboricultural impact assessment and arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved and the fencing shall be erected prior to the commencement of any of the development hereby permitted and shall be maintained until the development has been completed and all equipment, machinery and surplus materials have been removed from the site.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- details of points of access of vehicles associated with the construction of the site;
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.

The Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) Prior to commencement of each phase or combination of phases of the development hereby permitted a plan identifying the finished floor level of the proposed dwellings and the finished garden levels in relation to an identifiable datum point shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.
- 9) A waste audit statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase or combination of phases of the development. The development shall be carried out in accordance with the approved statement.

- 10) No development shall take place on any phase or combination of phases until the developer has secured the implementation of a programme of archaeological work for that phase or combination of phases in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme.
- 11) Prior to the commencement of development, a Construction and Ecological Management Plan (CEMP) to detail measures to ensure habitat and species protection during construction and a Landscape and Ecological Management Plan (LEMP) to detail how retained and proposed habitats will be managed in the long term based on the Ecological Assessment dated March 2019 prepared by Ecology Solutions Ltd, will be submitted to and approved in writing by the Local Planning Authority. The development will be implemented in accordance with the approved CEMP and LEMP.
- 12) Prior to the commencement of development on any phase or combination of phases, details of any proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be submitted to and approved in writing by the Local Planning Authority. The phase or combination of phases shall be implemented in accordance with the approved details.
- 13) No development hereby permitted shall commence on any phase or combination of phases until the following information in relation to that phase or those phases has been submitted to and approved in writing by the Local Planning Authority:
 - (a) soakaway test results in accordance with BRE 365;
 - (b) measured ground water levels to demonstrate that throughout the year the soakaway system would be in accordance with CIRIA SuDS Manual C753;
 - (c) evidence that there is a low risk of infiltrated water from soakaways re-emerging downslope from the site;
 - (d) a detailed drainage design based upon the approved Flood Risk Assessment and Drainage Strategy by Clive Onions Ltd dated 4 March 2019 (Version 4), and the results of the information submitted in relation to (a), (b) and (c) above;
 - (e) detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted; and
 - (f) proposals for the adoption and maintenance of the permanent surface water drainage system.

No building hereby permitted within each phase or combination of phases shall be occupied until the works approved under (a) - (f) above have been

implemented for that specific phase or phases in accordance with the approved details under (a) - (f).

- 14) Construction works shall not take place other than between 0700 and 1900hrs on Mondays to Fridays, Saturdays between 0800 and 1300hrs and at no time on Sundays and Bank Holidays.

PRE-OCCUPANCY CONDITIONS

- 15) The occupation of any dwelling in a phase or combination of phases shall not take place until the following works have been completed:
- (a) the spine road and any cul-de-sac carriageways serving the dwelling (including any vehicle turning heads, kerbing and highway drainage) constructed up to and including base course level, the ironwork set to base course level and the sewers, manholes and service crossings completed;
 - (b) the spine road and cul-de-sac footways and footpaths which provide that dwelling with direct pedestrian routes to an existing highway maintainable at public expense constructed up to and including base course level;
 - (c) any cul-de-sac visibility splays have been laid out to their final level;
 - (d) the street lighting for the spine road, any cul-de-sac and footpaths serving the dwelling has been erected and is operational;
 - (e) the car parking and vehicular access to serve the dwelling; and
 - (f) the verge and service margin and vehicle crossing on the road frontage of the dwelling.
- 16) No more than eighty dwellings shall be occupied with access from Hoopers Way until the spine road through the site links to Caddywell Lane and no more than eighty dwellings shall be occupied with access from Caddywell Lane until the spine road through the site links to Hoopers Way.

POST OCCUPANCY MONITORING AND MANAGEMENT

- 17) Provision shall be made within the site for the disposal of surface water so that none drains on to any County Highway.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Peter Wadsley (of Counsel) Instructed by the Solicitor to TDC

He called

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Andrew Kenyon BEng FCHIT Director, Peter Evans Partnership

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FCIWEM, MStructE, MCIHT Director Clive Onions Ltd

FOR DEVON COUNTY COUNCIL

Helen Montgomery MA (Hons) Flood and Coastal Risk Engineer
C.WEM, MCIWEM

FOR NORTH DEVON COUNCIL

Andrew Austen BA (Hons), Planning Policy Team Leader
MPhil, MRTPI

DOCUMENTS SUBMITTED AT THE INQUIRY

INQ1 Notification Letter

INQ2 Letters of representations

ADDITIONAL DOCUMENTS SUBMITTED BY THE APPELLANT

APP1 Letter to Ian Thomas at Beechcroft Land Ltd 10.01.2020

- APP2 Email from DCC Landscape Officer re AGLV Supplementary Paper 29.11.2019
- APP3 Email from Stephen Reed to Helen Smith 22.05.2019
- APP4 Email exchange Helen Smith and Chris Simkins 09.12.2019
- APP5 Extract from Northern Devon Housing and Employment Study 2014
- APP6 Appeal and costs decision APP/G2815/W/19/3232099
- APP7 North Devon & Torridge Infrastructure Delivery Plan 2016
- APP8 Paul Newman New Homes Ltd v Secretary of State EWHC 2367 (Admin), 2019 WL 04259661
- APP9 NPPG Planning Obligations para 004 extract
- APP10 Housing Land Supply SoCG 30.01.2020
- APP11 Closing Submissions on behalf of the Appellant

ADDITIONAL DOCUMENTS SUBMITTED BY THE LPA

- LPA1 CIL Compliance Schedule 13.2.2020
- LPA2 s.106 Agreement 13.2.2020
- LPA3 Proposed site visit and vehicular route
- LPA4 Draft Conditions (as revised) 31.01.2020
- LPA5 North Devon and Torridge District Councils' Core Strategy Issue and Options November 2007
- LPA6 Great Torrington Commons Management Plan 2019 -2024
- LPA7 Numbers of dwelling completions in Torrington
- LPA8 Homes for Sale in Barnstaple Devon – Tawcroft (Persimmon)
- LPA9 Homes for Sale in Barnstaple Devon – Larkbear (Pickards)
- LPA10 Homes England Funding Contract, Ilfracombe
- LPA11 Babergh appeal re deliverability definition 2019 EWCA Civ 2200 Case No. C1/2019/0140
- LPA12 Beech Grove (Chichester Development)
- LPA13 Daddon Hill Farm Northam (Linden)
- LPA14 Email re Land west of Parklands, South Molton (SoCG site 18) 27.01.2020
- LPA15 Email re Clovelly Road and Tadworthy Road, Northam (SoCG site 11 and 50) 28.01.2020
- LPA16 Email re South Molton Strategic Western Extension (SoCG site 52) 17.12.2019
- LPA17 DCC LLFA Drainage Statement 29.01.2020
- LPA18 Torridge and North Devon Councils' Housing and Economic Needs Assessment Torridge and North Devon Councils May 2016
- LPA19 Closing submissions on behalf of the Council

INTERESTED PERSONS' DOCUMENTS

- IP1 Statement by Alan G Crawley, Torridge Commons Conservator
- IP2 Statement by Cheryl Cottle-Hunkin, District and Town Councillor for Great Torrington
- IP3 Statement by John Insull, Town Councillor
- IP4 Statement by James Shuttleworth, Local Resident
- IP5 Statement by Adrian Freeland, Local Resident
- IP6 Statement by Jill Hewell, Local Resident

Appendix 3
Agricultural Land Report

**OUTLINE APPLICATION FOR
EMPLOYMENT AND RESIDENTIAL
DEVELOPMENT AT
HARTNOLL FARM, TIVERTON**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY
TONY KERNON BSc(Hons) MRICS, FBIAC**

LPA Reference: 21/01576/MOUT

March 2023





**OUTLINE APPLICATION FOR
EMPLOYMENT AND RESIDENTIAL
DEVELOPMENT AT
HARTNOLL FARM, TIVERTON**

**AGRICULTURAL EVIDENCE
ON BEHALF OF
THE APPELLANT
BY
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March 2023

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Authorised By APK 03/23

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CONTENTS

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- 2 Planning Policy of Relevance
- 3 The Proposals and The Site
- 4 Agricultural Land Quality
- 5 Assessment of the Issues
- 6 Summary and Conclusions
- 7 Declaration

APPENDICES

- KCC1 Curriculum Vitae
- KCC2 Natural England's TIN049
- KCC3 MAFF ALC Report and Plan
- KCC4 Extracts from the Pocketbook for Farm Management
- KCC5 Analysis of Inspectors Decisions

1 INTRODUCTION

- 1.1 Planning application 21/01576/MOUT for **"the extension of existing business park for up to 3.9 ha of employment land and up to 150 dwellings with associated infrastructure and access"** was refused by Mid Devon District Council on 19th January 2023.
- 1.2 Reason for Refusal No 1 states as follows:
- "By reason of the site's location, which is defined as countryside, on Grade 1 BMV agricultural land, beyond a settlement boundary identified within strategic policies S10-S13 of the adopted Local Plan, and because the Local Planning Authority can demonstrate an up to date housing 5 year land supply, the proposed development of 150 dwellings is contrary to Policies S1, S2, S3, S4 & S14 of the Mid Devon Local Plan 2013-2033 and guidance within the National Planning Policy Framework".**
- 1.3 A contributing factor is the assessment by the case officer that the site contains Grade 1 Best and Most Versatile (BMV) agricultural land. This will have formed part of the balancing of planning issues.
- 1.4 The site is not, in fact, Grade 1 agricultural land. It is a mixture of Grades 2 and 3a, with some urban land.
- 1.5 This Agricultural Evidence sets out the factual matters relating to the land quality, and assesses that in the context of land quality locally, and planning policy in the National Planning Policy Framework (NPPF) and the Local Plan. This evidence then expresses an opinion on the weight that should be accorded to agricultural matters.
- 1.6 My evidence is structured as follows:
- (i) section 2 sets out the planning policy of relevance;
 - (ii) section 3 describes the proposals and the site;
 - (iii) section 4 sets out the available information on agricultural land quality, and references Natural England's consultation response;
 - (iv) section 5 assesses the issues, concluding on the weight that should be accorded to agricultural issues;
 - (v) with a summary and conclusions in section 6.

The Witness

- 1.7 This Statement has been prepared by Tony Kernon. I am a Chartered Surveyor and a Fellow of the British Institute of Agricultural Consultants. I have thirty five years' experience of assessing the effects of development proposals on agricultural land and businesses. My Curriculum Vitae is reproduced in **Appendix KCC1**.
- 1.8 Whilst this is written evidence, and is put forward as expert opinion. As a Chartered Surveyor giving expert opinion I am bound by the RICS Practice Statement "Surveyors Acting as Expert Witnesses, 4th Edition" (2014). My evidence must be full and unbiased. In accordance with the Practice Statement a declaration to this effect is given at the end of this Statement.

2 PLANNING POLICY OF RELEVANCE

National Planning Policy

- 2.1 The National Planning Policy Framework (NPPF) (2021) paragraph 174 notes that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia, recognising “**the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land**”.
- 2.2 The best and most versatile (BMV) agricultural land is defined in Annex 2 of the NPPF as that in grades 1, 2 and 3a of the Agricultural Land Classification.
- 2.3 Paragraph 175 deals with plan making. It requires plans to, inter alia, allocate land with the least environmental or amenity value, where consistent with other policies in the Framework. Footnote 58 of the NPPF identifies that “**where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be prepared to those of a higher quality**”.
- 2.4 There is no definition of what constitutes “significant” development. However the “Guide to assessing development proposals on agricultural land” (Natural England, February 2021) advises local planning authorities to “**take account of smaller losses (under 20 hectares) if they’re significant when making your decision**”, suggesting that 20 ha is a suitable threshold for defining “significant” in many cases.

Local Plan

- 2.5 Reason for Refusal 1 refers to Mid Devon Local Plan 2013-2033 (July 2020) policies S1, S2, S3, S4 and S14.
- 2.6 Policy S1 criterion j) requires development to support the creation of sustainable communities by encouraging “**the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land**”.
- 2.7 Policy TIV 1 sets out the policy for the Tiverton Eastern Urban Extension (TEUE), a 153 ha site. Paragraph 3.10 notes that this policy “**necessitates the loss of some Grade 2 agricultural land**”. The Appeal site is to the immediate east of the TEUE.

3 THE PROPOSALS AND THE SITE

3.1 It is proposed to develop 12.7 ha of mostly agricultural land for the development described in the application.

3.2 The site is shown edged red on the Google Earth image below.

Insert 1: The Site on Google Earth



3.3 The site comprises two fields and part of two others and wraps around the western and southern side of the Hartnoll Business Centre.

3.4 The site needs to be considered in its context. To the north is a golf course and residential development, recently extended. To the west is land allocated for development as part of the Tiverton Eastern Urban Extension.

3.5 Agricultural land lies to the south and east.

4 AGRICULTURAL LAND QUALITY

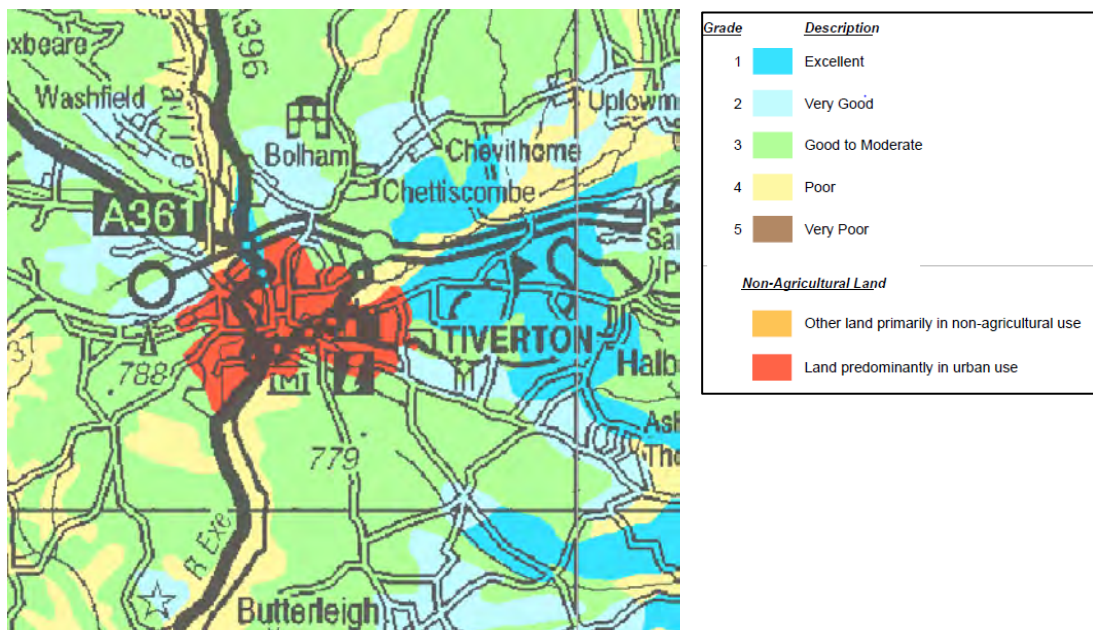
4.1 In this section I set out:

- (i) the old provisional ALC map information;
- (ii) detailed ALC survey information;
- (iii) the information available to the Council at the determination date.

Provisional ALC Maps

4.2 The provisional ALC maps from the 1970's show the site as falling into ALC Grade 1. This is excellent quality land. An extract from the map is reproduced below.

Insert 2: Provisional ALC Map Extract



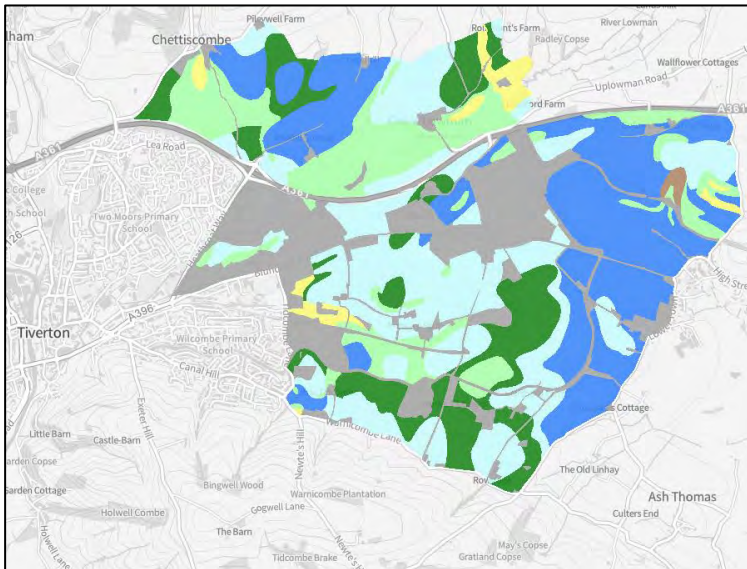
4.3 As set out in Natural England's Technical Information Note 049 (**Appendix KCC2**) these maps are not to be relied upon for site specific site analysis.

4.4 The officer report refers only to the provisional ALC map.

Detailed ALC Survey Information

4.5 Where a Government agency has carried out an Agricultural Land Classification survey this is available on the www.magic.gov.uk website. Most of the eastern side of Tiverton has been surveyed, as shown below.

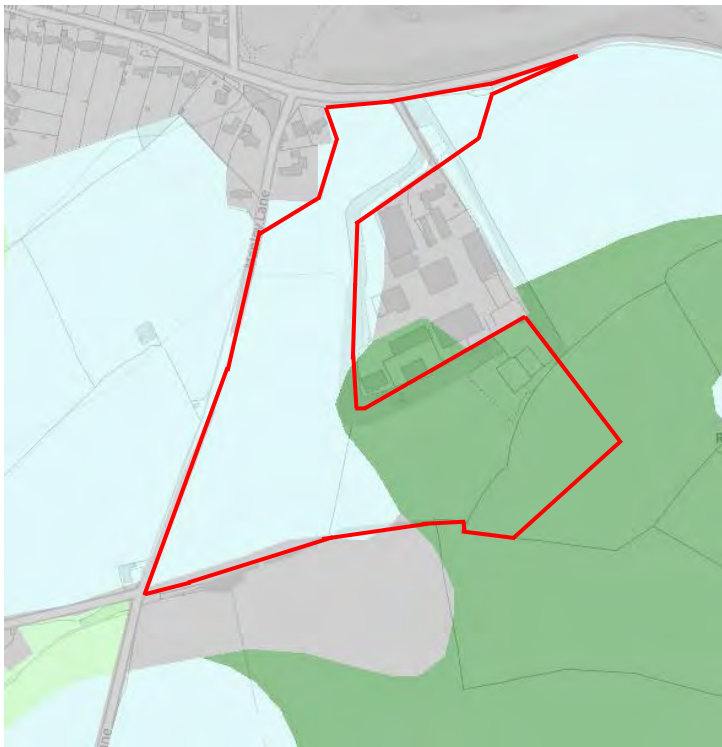
Insert 3: www.magic.gov.uk ALC Records



KEY	
	Grade 1
	Grade 2
	Grade 3a
	Grade 3b
	Grade 4
	Grade 5
	Non-agricultural
	Urban
	Not surveyed

4.6 The site is edged red (approximately) on the extract below. The original MAFF ALC report and plan are reproduced in **Appendix KCC3**.

Insert 4: Site Edged on ALC Map



KEY	
	Grade 1
	Grade 2
	Grade 3a
	Grade 3b
	Grade 4
	Grade 5
	Non-agricultural
	Urban
	Not surveyed

4.7 We estimate the ALC of the appeal site as follows. Please note that we have recorded the built areas of the Business Centre shown as built as "urban" rather than 3a, as shown below and in the table.

Insert 5: ALC Measurement



Table 1: ALC Measurement

ALC Grade	Description	Ha	%
2	Very good	7.0	55
3a	Good	4.1	32
Urban	Buildings and screening	1.6	13
Total		12.7	100

4.8 As a matter of fact, therefore, the land is not Grade 1, as described in the Reasons for Refusal. It is a mixture of Grade 2, subgrade 3a and some urban land.

Information Available to the Council

4.9 The Scoping Opinion produced by the Council on 15th October 2021 scoped in agricultural land.

4.10 Under 9 "Ground Conditions and Contamination" the Council commented as follows:
"Assessment of ground conditions should also refer to soil and agricultural land quality. It should include reference to the degree to which best and most versatile land (grades 1, 2 and 3a) is to be involved and assess the impact of the development upon such land availability. Further information may be gained from Natural England".

4.11 The ES and its Appendix did not provide any ALC information.

4.12 Natural England, a key consultee, however did provide information. Their response of 26th August 2021 provided the following information:

"Soils and Land Quality

Available Agricultural Land Surveys (ALC) indicate that the development site is classed as Grade 2 and 3a 'best and most versatile' agricultural land. ALC surveys are now available through Natural England's public geographic data at <https://www.gov.uk/guidance/how-to-access-natural-englands-maps-and-data>.

We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site.

Further guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed".

4.13 Therefore the Council was informed that the site contained ALC grades 2 and 3a and not Grade 1.

5 ASSESSMENT OF THE ISSUES

- 5.1 In this section of my evidence I consider:
- (i) the land quality and losses involved;
 - (ii) the economic and other benefits of BMV land involved;
 - (iii) whether this is "significant" development of agricultural land;
 - (iv) whether poorer quality land is available;
 - (v) the Council's approach to plan making and BMV land;
 - (vi) the weight to be accorded to the loss of BMV land in this case.

Land Quality and Losses

- 5.2 As set out above, the site involves a mixture of land of Grade 2 and subgrade 3a and Urban ALC grades.
- 5.3 The Framework Plan shows that the proposals involve open space and woodland planting, as well as gardens. Therefore there will be a need for soils to be retained for use within the development. The Framework Plan is reproduced in part below.

Insert 6: Extract from the Framework Plan



5.4 In respect of future agricultural use, none of the site will be available for use. Accordingly the "loss" of agricultural land is as set out in the table as follows:

Insert 7: Land Lost

ALC Grade	Description	Ha	%
2	Very good	7.0	55
3a	Good	4.1	32
Urban	Buildings and screening	1.6	13
Total		12.7	100

5.5 In respect of the soil resource, however, this can be retained within the development.

The Economic and Other Benefits

5.6 The economic benefits of BMV land on this site are modest. In the absence of any empirical data, any economic assessment is inevitably crude. Taking standard budgeting textbooks, such as the John Nix Pocketbook for Farm Management (extracts from which are reproduced in **Appendix KCC4**), it is possible to show the difference between moderate and high yields, as an illustration, between crops.

5.7 Taking that crude measure for winter wheat and oilseed rape, the differences are shown below.

Table 2: Assessment of Economics of Farmed Land

Item	Winter Wheat		Oilseed Rape	
	Average	High	Average	High
Yield (t/ha)	8.6t/ha	10.0t/ha	3.5t/ha	4.0t/ha
Output (£/ha)	2,108	2,423	1,803	2,060
Gross Margin (£/ha)	1,200	1,515	1,066	1,323
Uplift (£/ha)	-	315	-	257

John Nix Pocketbook for Farm Management, September 2023

5.8 For the 11.1 ha of BMV within the site the economic benefits of BMV land to non-BMV land would be £2,852 - £3,496. Hence the economic benefits are modest.

5.9 There are no farm buildings or other agricultural infrastructure owned within the site.

5.10 The Appeal development will consequently not have a significant adverse effect on a full-time farm business, nor will it result in any other agricultural land being affected or becoming unfarmable. Other land can continue to be managed as it is now.

5.11 An amendment to NPPF footnote 58 is currently out for consultation. This sets out, in the context of plan making, that the availability of land used for food production should be considered, alongside other policies, when deciding what sites are most appropriate for development. Using the two crops of winter wheat and oilseed rape used for the economic assessment, the comparable food production would be as follows:

- increase in yield of wheat 1.4t/ha;
- increase for 11.1 ha BMV 15.5t;
- increase in yield of oilseed rape 0.5t/ha;
- increase for 11.1 ha BMV 5.5t.

5.12 Hence the production benefits are modest.

5.13 Soil has other important benefits. In the Environment Agency's 2019 report "**The State of the Environment: Soil**" it was recorded that the UK's soils currently store about 10 billion tonnes of carbon, roughly equal to 80 years of current annual greenhouse gas emissions. The retention of soil for use within the development will retain this benefit. Natural England's response (see 4.12 above) advises on the use of a soil specialist to advise on how to make best use of the soils within the site. This could be covered by a planning condition.

Whether This is "Significant" Development

5.14 There is no definition of what constitutes "significant" development of agricultural land in the context of the NPPF. As set out earlier, the threshold for consultation with Natural England on losses of BMV land, is 20 ha. The loss in this case is 11.1 ha.

5.15 Natural England did not object to the development, as it falls outside the scope of the consultation arrangements.

5.16 Whether 11.1 ha is "significant" or not is normally a balanced decision taking into account factors such as the prevalence of BMV in the area.

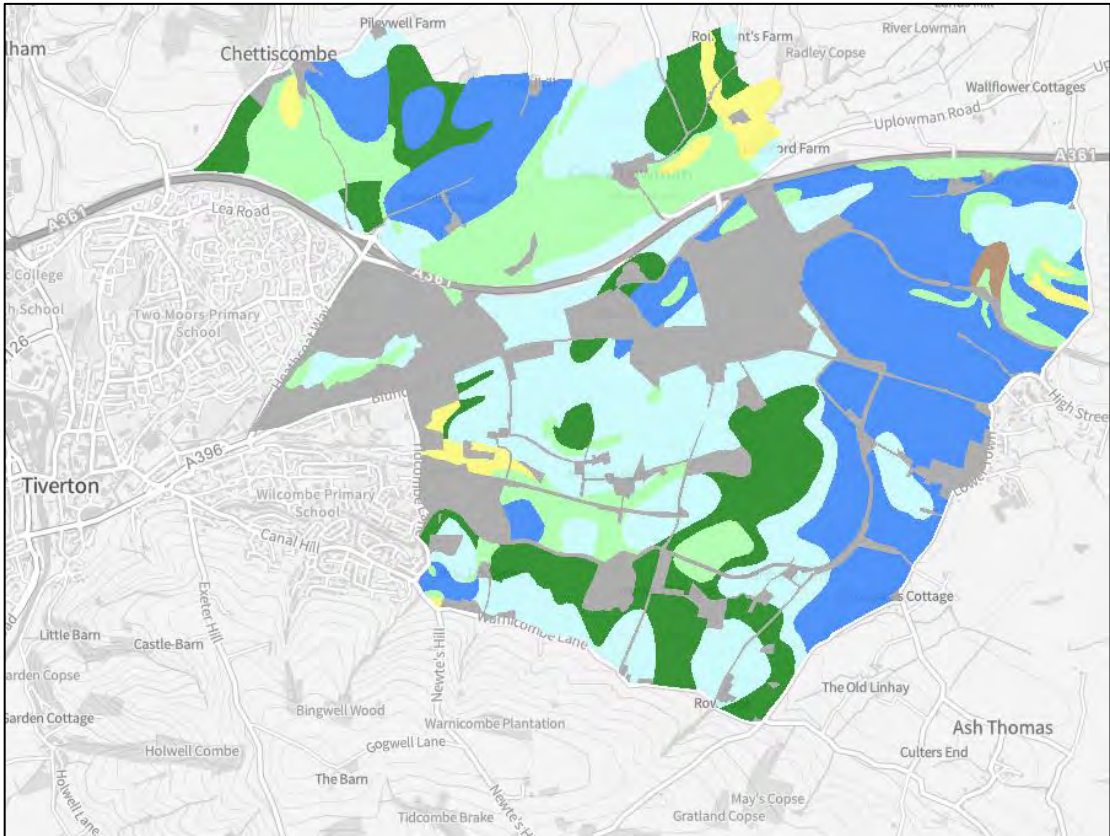
5.17 The utilised agricultural area of England in June 2022 was 8.9 million hectares, 69% of the total land area. Arable crops were planted over 4.9 million ha (Agricultural Land Use in England at 1 June 2022, Defra, 29 September 2022). Natural England estimate that 42% of farmland falls within the BMV category (see TIN 049, **Appendix KCC1**). About half of this falls within Grades 1 and 2. Therefore nationwide there is of the order of 1.87 million ha of grades 1 and 2 and 1.87 million ha of subgrade 3a.

- 5.18 As shown on Insert 3, BMV land is prevalent locally. It is not a rare resource in the context of Tiverton.
- 5.19 An analysis of Inspector's decisions is set out in **Appendix KCC5**. For sites involving of the order of 11 ha of BMV land, especially where it is prevalent, the weight accorded to this loss is limited. This quantum of land is normally not considered to be "significant" development of agricultural land.

Whether Poorer Quality Land is Available

- 5.20 If the development is not "significant" development, then the NPPF footnote 58 is not triggered and the availability of poorer quality land is not relevant.
- 5.21 In the case of Tiverton, there is considerable available detailed ALC information, as set out earlier. This is shown again on the ALC survey details published on www.magic.gov.uk.

Insert 8: ALC Data Near Tiverton



- 5.22 It can be seen that there is no poorer quality land available on the eastern side of the town.

The Council's Approach

- 5.23 The Council's approach to plan making, which NPPF footnote 58 relates to, has been to recognise that development east of Tiverton requires the loss of BMV land. Local Plan

policy TIV 1, involving an area of the order of 153 ha and mostly agricultural land of Grade 2, the Local Plan acknowledges that there was a balance "**involving the loss of some Grade 2**". In quantitative terms, the loss for the TEUE is of the order of 14 times the quantum involved in this site, which is also only partly of Grade 2 quality.

The Weight to be Accorded

5.24 Therefore:

- (i) the site is a mix of Grade 2 and subgrade 3a, not grade 1 as considered in the Council's decision;
- (ii) there is of the order of 11.1 ha of agricultural land that will be irreversibly developed;
- (iii) the economic benefits of this quantum of land are modest;
- (iv) the food production benefits relative to poorer quality land, are minimal;
- (v) the benefits of the soil in respect of carbon storage, will not be lost;
- (vi) this is not significant development of agricultural land in the context of the NPPF;
- (vii) even if it were, there is no poorer quality land available on this side of Tiverton;
- (viii) the Council, in allocating 153 ha of development on grade 2 land, via policy TIV 1, recognise this.

5.25 Accordingly only limited weight need be accorded the loss of 11.1 ha of mixed Grades 2 and 3a in this case.

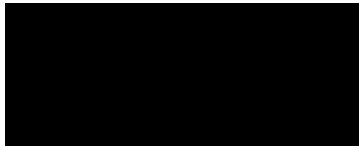
6 SUMMARY AND CONCLUSIONS

- 6.1 The site extends to 12.7 ha.
- 6.2 This contains 1.6 ha of urban land/woodland, 7.0 ha of Grade 2 "very good" quality land and 4.1 ha of subgrade 3a "good" quality land.
- 6.3 The site does not involve Grade 1 agricultural land as set out in Reason for Refusal No 1.
- 6.4 Grade 2 and subgrade 3a land falls within the definition of "best and most versatile" agricultural land set out in the NPPF, and is accorded a degree of protection in the NPPF and Local Plan.
- 6.5 BMV land is not a rare resource. Natural England estimate that 42% of agricultural land is BMV, and in 2022 that equates to about 3.74 million hectares of BMV land in active agricultural use.
- 6.6 To the east of Tiverton most of the land is of BMV quality. This is recognised by the Council. The Tiverton Urban Extension Area involves of the order of 153 ha and is mostly Grade 2.
- 6.7 Only limited weight should be given to the loss of 11.1 ha of BMV agricultural land in this case. That is because:
- (i) the land is not Grade 1 as assessed by the Council;
 - (ii) the economic benefits are modest;
 - (iii) the food production benefits are minimal;
 - (iv) the benefits of soils for holding carbon can be preserved with good soil management and use;
 - (v) in policy terms this is not "significant development" of agricultural land;
 - (vi) even if it were, poorer quality land is not available on this side of Tiverton.

7 DECLARATION

- 7.1 In accordance with the requirements of the Royal Institution of Chartered Surveyors Practice Statement, "Surveyors acting as expert witnesses" (4th edition, 2014):
- (i) I confirm that my report includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
 - (ii) I confirm that my duty to this Public Inquiry as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
 - (iii) I confirm that I am not instructed under any conditional fee arrangement.
 - (iv) I confirm that I have no conflicts of interest of any kind other than those already disclosed in my report.
 - (v) I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in *Surveyors acting as expert witnesses*: RICS practice statement.

Signed:

A solid black rectangular box redacting the signature of Tony Kernon.

(Tony Kernon)

Dated: 27th March 2023

**Appendix KCC1
Curriculum Vitae**



CURRICULUM VITAE

ANTHONY PAUL KERNON

SPECIALISMS

- Assessing the impacts of development proposals on agricultural land and rural businesses
- Agricultural building and dwelling assessments
- Equestrian building and dwelling assessments (racing, sports, rehabilitation, recreational enterprises)
- Farm and estate diversification and development
- Inputs to Environmental Impact Assessment
- Expert witness work

SYNOPSIS

Tony is a rural surveyor with 35 years experience in assessing agricultural land issues, farm and equestrian businesses and farm diversification proposals, and the effects of development proposals on them. Brought up in rural Lincolnshire and now living on a small holding in Wiltshire, he has worked widely across the UK and beyond. He is recognised as a leading expert nationally in this subject area.

Tony's specialism is particularly in the following key areas:

- assessing the need for agricultural and equestrian development, acting widely across the UK for applicants and local planning authorities alike;
- farm development and diversification planning work, including building reuse and leisure development, Class Q, camping etc;
- assessing development impacts, including agricultural land quality and the policy implications of losses of farmland due to residential, commercial, solar or transport development, and inputs to Environmental Assessment;
- and providing expert evidence on these matters to Planning Inquiries and Hearings, court or arbitrations.

QUALIFICATIONS

Bachelor of Science Honours degree in Rural Land Management, University of Reading (BSc(Hons)). 1987. Awarded 2:1.

Diploma of Membership of the Royal Agricultural College (MRAC).

Professional Member of the Royal Institution of Chartered Surveyors (MRICS) (No. 81582). (1989).

OTHER PROFESSIONAL ACTIVITIES

Co-opted member of the Rural Practice Divisional Council of the Royal Institution of Chartered Surveyors. (1994 - 2000)

Member of the RICS Planning Practice Skills Panel (1992-1994)

Member of the RICS Environmental Law and Appraisals Practice Panel (1994 - 1997).

Fellow of the British Institute of Agricultural Consultants (FBIAC) (1998 onwards, Fellow since 2004).

Secretary of the Rural Planning Division of the British Institute of Agricultural Consultants (BIAC) (1999 – 2017).

Vice-Chairman of the British Institute of Agricultural Consultants (2019 – 2020)

Chairman of the British Institute of Agricultural Consultants (2020 – 2022)

*Greenacres Barn, Stoke Common Lane,
Purton Stoke, Swindon SN5 4LL
T: 01793 771333 Email: info@kernon.co.uk
Website: www.kernon.co.uk*



EXPERIENCE AND APPOINTMENTS

1997 -----> **Kernon Countryside Consultants.** Principal for the last 25 years of agricultural and rural planning consultancy specialising in research and development related work. Specialisms include essential dwelling and building assessments, assessing the effects of development on land and land-based businesses, assessing the effects of road and infrastructure proposals on land and land-based businesses, and related expert opinion work. Tony specialises in development impact assessments, evaluating the effects of development (residential, solar, road etc) on agricultural land, agricultural land quality, farm and other rural businesses.

1987 - 1996 **Countryside Planning and Management,** Cirencester. In nearly ten years with CPM Tony was involved in land use change and environmental assessment studies across the UK and in Europe. From 1995 a partner in the business.

1983 - 1984 **Dickinson Davy and Markham,** Brigg. Assistant to the Senior Partner covering valuation and marketing work, compulsory purchase and compensation, and livestock market duties at Brigg and Louth.

RECENT RELEVANT EXPERIENCE

TRAINING COURSES

Landspreading of Non Farm Wastes. Fieldfare training course, 24 – 25 November 2009

Foaling Course. Twemlows Hall Stud Farm, 28 February 2010

Working with Soil: Agricultural Land Classification. 1 – 2 November 2017

TRANSPORT ENVIRONMENTAL ASSESSMENT CONTRIBUTIONS

1992 **Port Wakefield Channel Tunnel Freight Terminal, Yorkshire**

1993 **A1(M) Widening, Junctions 1-6 (Stage 2)**

1994 - 1995 **A55 Llanfairpwll to Nant Turnpike, Anglesey (Stage 3)**

1994 - 1995 **A479(T) Talgarth Bypass, Powys (Stage 3)**

1995 **Kilkhampton bypass (Stage 2)**

1997 **A477 Bangeston to Nash improvement, Pembroke**

2000 **Ammanford Outer Relief Road**

2001 **A421 Great Barford Bypass**

2001 **Boston Southern Relief Road**

2003 **A40 St Clears - Haverfordwest**

2003 **A470 Cwmbrach – Newbridge on Wye**

2003 **A11 Attleborough bypass**

2003 - 2008 **A487 Porthmadog bypass (Inquiry 2008)**

2004 **A55 Ewloe Bypass**

2004 **A40 Witney – Cogges link**

2005 – 2007 **A40 Robeston Wathen bypass (Inquiry 2007)**

2005 – 2007 **East Kent Access Road (Inquiry 2007)**

2006 **M4 widening around Cardiff**

2007 – 2008 **A40 Cwymbach to Newbridge (Inquiry 2008)**

2007 **A483 Newtown bypass**

2008 – 2009 **A470/A483 Builth Wells proposals**

2009 – 2017 **A487 Caernarfon-Bontnewydd bypass (Inquiry 2017)**

2009 – 2010 **North Bishops Cleeve extension**

2009 – 2010 **Land at Coombe Farm, Rochford**

2009 – 2011 **A477 St Clears to Red Roses (Inquiry 2011)**

2010 – 2011 **Streethay, Lichfield**

2010 – 2012 **A465 Heads of the Valley Stage 3 (Inquiry 2012)**

2013 – 2016 **A483/A489 Newtown Bypass mid Wales (Inquiry 2016)**

2013 - 2016 **High Speed 2 (HS2) rail link, Country South and London: Agricultural Expert for HS2**

Ltd

2015 – 2017 A487 Dyfi Bridge Improvements
2016 – 2018 A465 Heads of the Valley Sections 5 and 6 (Inquiry 2018)
2017 - 2018 A40 Llanddewi Velfrey to Penblewin
2017 – 2018 A4440 Worcester Southern Relief Road
2019 – 2020 A40 Penblewin to Red Roses
2019 – 2020 A55 Jn 15 and 16 Improvements

NSIP/DCO SOLAR INPUTS

2020 – 2022 Heckington Fen, Lincolnshire
Mallards Pass, Lincolnshire/Rutland
Penpergwm, Monmouthshire
Parc Solar Traffwll, Anglesey
Alaw Mon, Anglesey
Parc Solar Caenewydd, Swansea

EXPERT EVIDENCE GIVEN AT PUBLIC INQUIRIES AND HEARINGS

1992	Brooklands Farm: Buildings reuse Chase Farm, Maldon: Removal of condition	Bonehill Mill Farm: New farm building
1993	Haden House: Removal of condition	Manor Farm: New farm dwelling
1994	Brooklands Farm: 2 nd Inquiry (housing) Barr Pound Farm: Enforcement appeal Fortunes Farm Golf Course: Agric effects	Cameron Farm: Mobile home Land at Harrietsham: Enforcement appeal
1995	Village Farm: New farm dwelling Claverdon Lodge: Building reuse Harelands Farm: Barn conversion Castle Nurseries: Alternative site presentation	Attlefield Farm: Size of farm dwelling Bromsgrove Local Plan: Housing allocation Lichfield Local Plan: Against MAFF objection Hyde Colt: Mobile home / glasshouses
1996	Church View Farm: Enforcement appeal Flecknoe Farm: Second farm dwelling	Highmoor Farm: New farm dwelling Gwenfa Fields: Removal of restriction
1997	Basing Home Farm: Grain storage issue Viscar Farm: Need for farm building / viability Lane End Mushroom Farm: Need for dwelling	Yatton: Horse grazing on small farm Newbury Local Plan: Effects of development
1998	Moorfields Farm: New farm dwelling Maidstone Borough LPI: Effects of dev'tment Glenfield Cottage Poultry Farm: Bldg reuse	Two Burrows Nursery: Building retention Dunball Drove: Need for cattle incinerator
1999	Holland Park Farm: Farm dwelling / calf unit Northington Farm: Existing farm dwelling	Lambriggan Deer Farm: Farm dwelling
2000	Twin Oaks Poultry Unit: Traffic levels Meadows Poultry Farm: Farm dwelling Hazelwood Farm: Beef unit and farm dwelling Shardeloes Farm: Farm buildings Aylesbury Vale Local Plan: Site issues Deptford Farm: Buildings reuse	Coldharbour Farm: Buildings reuse Heathey Farm: Mobile home Wheal-an-Wens: Second dwelling Apsley Farm: Buildings reuse Home Farm: Size of grainstore A34/M4 Interchange: Agricultural evidence
2001	Lambriggan Deer Farm: Farm dwelling Blueys Farm: Mobile home	Weyhill Nursery: Second dwelling Mannings Farm: Farm dwelling
2002	A419 Calcutt Access: Effect on farms Cobweb Farm: Buildings reuse / diversification Philips Farm: Farm dwelling West Wilts Local Plan Inquiry: Dev site Manor Farm: Building reuse	Land Adj White Swan: Access alteration Happy Bank Farm: Lack of need for building Lower Park Farm: Building reuse / traffic Stourton Hill Farm: Diversification
2003	Fairtrough Farm: Equine dev and hay barn Hollies Farm: Manager's dwelling Land at Springhill: Certificate of lawfulness Oak Tree Farm: Mobile home	Darren Farm: Impact of housing on farm Greenways Farm: Farm diversification Land at Four Marks: Dev site implications
2004	Chytane Farm: Objector to farm dwelling	Oldberrow Lane Farm: Relocation of buildings

	Crown East: Visitor facility and manager's flat	Forestry Building, Wythall: Forestry issues
	Swallow Cottage: Widening of holiday use	Lower Dadkin Farm: Mobile home
	Etchden Court Farm: New enterprise viability	Villa Vista: Viability of horticultural unit
	Attleborough Bypass: On behalf of Highways Agency	
2005	Howells School: Use of land for horses	Newton Lane: Enforcement appeal
	Otter Hollow: Mobile home	Manor Farm: Change of use class
	Springfield Barn: Barn conversion	South Hatch Stables: RTE refurbishment
	Ashley Wood Farm: Swimming pool	Trevaskis Fruit Farm: Farm dwelling
	The Hatchery: Mobile home	Tregased: Enforcement appeal
	Stockfields Farm: Building reuse	
2006	Manor Farm: Replacement farmhouse	Bhaktivedanta Manor: Farm buildings
	Sough Lane: Farm dwelling	Military Vehicles: Loss of BMV land
	Whitewebbs Farm: Enforcement appeal	Ermine Street Stables: Enforcement appeal
	Land at Condicote: Farm dwelling	Featherstone Farm: Replacement buildings
	Rye Park Farm: Enforcement appeal	Flambards: Mobile home and poultry unit
	Woodrow Farm: Buildings reuse	Manor Farm: Effect of housing on farm
	Rectory Farm: Retention of unlawful bldg	Goblin Farm: Arbitration re notice to quit
	Walltree Farm: Retention of structures	Terrys Wood Farm: Farm dwelling
	Weeford Island: Land quality issues	Etchden Court Farm: Mobile home
	College Farm: Relocation of farmyard	Hollowshot Lane: Farm dwelling and buildings
2007	Woolly Park Farm: Manager's dwelling	Barcroft Hall: Removal of condition
	Park Gate Nursery: Second dwelling	Kent Access Road: Effect on farms
	Penyrheol Ias: Retention of bund	Greys Green Farm: Enforcement appeal
	Hucksholt Farm: New beef unit in AONB	A40 Robeston Wathen bypass: Underpass
	The Green, Shrewley: Mobile home	Woodland Wild Boar: Mobile homes
	Brook Farm: Retention of polytunnels	
2008	Weights Farm: Second dwelling	Whitegables: Stud manager's dwelling
	Hill Farm: Mobile home	Balaton Place: Loss of paddock land
	Relocaton of Thame Market: Urgency issues	Point to Point Farm: Buildings / farm dwelling
	Spinney Bank Farm: Dwelling / viability issues	Norman Court Stud: Size of dwelling
	Higham Manor: Staff accommodation	High Moor: Temporary dwelling
	Robeston Watham bypass: Procedures Hearing	Land at St Euny: Bldg in World Heritage Area
	Monks Hall: Covered sand school	
	Porthmadog bypass: Road scheme inquiry	Baydon Meadow: Wind turbine
2009	Claverton Down Stables: New stables	Meadow Farm: Building conversion
	Hailsham Market: Closure issues	Bishop's Castle Biomass Power Station: Planning issues
	Gambledown Farm: Staff dwelling	Foxhills Fishery: Manager's dwelling
	Oak Tree Farm: Farm dwelling	Bryn Gollen Newydd: Nuisance court case
	A470 Builth Wells: Off line road scheme	Swithland Barn: Enforcement appeal
	Hill Top Farm: Second dwelling	Woodrow Farm: Retention of building
	Sterts Farm: Suitability / availability of dwelling	
2010	Poultry Farm, Christmas Common: Harm to AONB	Stubwood Tankers: Enforcement appeal
	Wellsprings: Rention of mobile home	Meridian Farm: Retention of building
	Redhouse Farm: Manager's dwelling	Swithland Barn: Retention of building
	Lobbington Fields Farm: Financial test	
2011	Fairtrough Farm: Enforcement appeal	A477 Red Roses to St Clears: Public Inquiry
	Etchden Court Farm: Farm dwelling	Upper Bearfield Farm: Additional dwelling
	Trottiscliffe Nursery: Mobile home	North Bishops Cleeve: Land quality issues
2012	Tickbridge Farm: Farm dwelling	Langborrow Farm: Staff dwellings
	Blaenanthir Farm: Stables and sandschool	Heads of the Valley S3: Improvements
	Land at Stonehill: Eq dentistry / mobile home	Seafield Pedigrees: Second dwelling
	Cwmcoedlan Stud: Farm dwelling with B&B	Beedon Common: Permanent dwelling

2013	<p>Barnwood Farm: Farm dwelling Spring Farm Barn: Building conversion Baydon Road: Agricultural worker's dwelling Stapleford Farm: Building reuse Meddler Stud: Residential development Deer Barn Farm: Agricultural worker's dwelling</p>	<p>Upper Youngs Farm: Stables / log cabin Tithe Barn Farm: Enforcement appeal Lower Fox Farm: Mobile home / building Tewinbury Farm: Storage barn Church Farm: Solar park construction</p>
2014	<p>Land at Stow on the Wold: Housing site Allspheres Farm: Cottage restoration Land at Stonehill: Equine dentistry practice Spring Farm Yard: Permanent dwelling Land at Valley Farm: Solar park Land at Haslington: Residential development Manor Farm: Solar farm on Grade 2 land Penland Farm: Residential development Sandyways Nursery: Retention of 23 caravans</p>	<p>Land at Elsfield: Retention of hardstanding Queensbury Lodge: Potential development Kellygreen Farm: Solar park development Spring Farm Barn: Building conversion Land at Willaston: Residential development Bluebell Cottage: Enforcement appeal Clemmit Farm: Mobile home Honeycrock Farm: Farmhouse retention The Mulberry Bush: Farm dwelling</p>
2015	<p>The Lawns: Agricultural building / hardstanding Harefield Stud: Stud farm / ag worker's dwelling Newtown Bypass: Compulsory purchase orders Barn Farm: Solar farm Hollybank Farm: Temporary dwelling renewal Five Oaks Farm: Change of use of land and temporary dwelling</p>	<p>Redland Farm: Residential dev issues Emlagh Wind Farm: Effect on equines Fox Farm: Building conversion to 2 dwellings Wadborough Park Farm: Farm buildings Delamere Stables: Restricted use</p>
2016	<p>Clemmit Farm: Redetermination The Lawns: Replacement building Land at the Lawns: Cattle building</p>	<p>Meddler Stud: RTE and up to 63 dwellings Land off Craythorne Road: Housing dev Berkshire Polo Club: Stables / accomm Harcourt Stud: Temporary dwelling</p>
2017	<p>Low Barn Farm: Temporary dwelling High Meadow Farm: Building conversion Windmill Barn: Class Q conversion Land at Felsted: Residential development</p>	<p>Clemmit Farm: Second redetermination Stonehouse Waters: Change of use of lake</p>
2018	<p>Thorney Lee Stables: Temporary dwelling Benson Lane: Outline app residential Park Road, Didcot: Outline app residential Coalpit Heath: Residential development</p>	<p>Watlington Road: Outline app residential A465 Heads of the Valley 5/6: Agric effects The Old Quarry: Permanent dwelling Chilaway Farm: Removal of condition</p>
2019	<p>Mutton Hall Farm: Agric worker's dwelling Clemmit Farm: Third redetermination Ten Acre Farm: Enforcement appeal Harrold: 94 Residential dwellings</p>	<p>Leahurst Nursery: Temporary dwelling Icomb Cow Pastures: Temp mobile home Forest Faconry: Construction of hack pens</p>
2020	<p>Stan Hill: Temp dwelling/agric. buildings Allspheres Farm: Enlargement of farm dwelling</p>	<p>Hazeldens Nursery: Up to 84 extra care units Leahurst Nursery: Agricultural storage bldg</p>
2021	<p>Ruins: Dwelling for tree nursery</p>	<p>Sketchley Lane, Burbage: Industrial and residential development</p>
2022	<p>Little Acorns: Agricultural worker's dwelling</p>	

Appendix KCC2
Natural England's TIN049

Agricultural Land Classification: protecting the best and most versatile agricultural land

Most of our land area is in agricultural use. How this important natural resource is used is vital to sustainable development. This includes taking the right decisions about protecting it from inappropriate development.

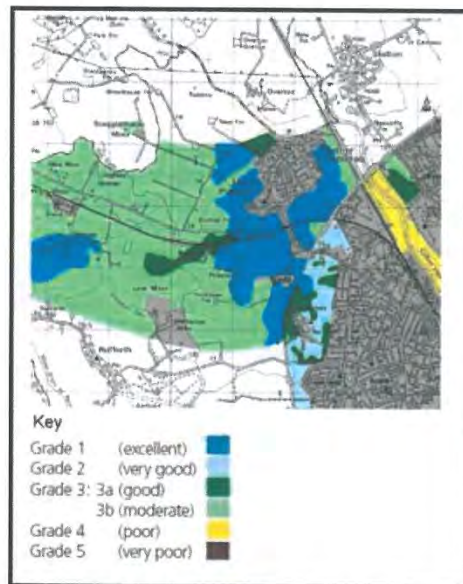
Policy to protect agricultural land

Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice:securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The ALC system: purpose & uses

Land quality varies from place to place. The Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. It helps

underpin the principles of sustainable development.



Agricultural Land Classification - map and key

Agricultural Land Classification: protecting the best and most versatile agricultural land

The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF). This is the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non food uses such as biomass, fibres and pharmaceuticals. Current estimates are that Grades 1 and 2 together form about 21% of all farmland in England; Subgrade 3a also covers about 21%.

The ALC system is used by Natural England and others to give advice to planning authorities, developers and the public if development is proposed on agricultural land or other greenfield sites that could potentially grow crops. The Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended) refers to the best and most versatile land policy in requiring statutory consultations with Natural England. Natural England is also responsible for Minerals and Waste Consultations where reclamation to agriculture is proposed under Schedule 5 of the Town and Country Planning Act 1990 (as amended). The ALC grading system is also used by commercial consultants to advise clients on land uses and planning issues.

Criteria and guidelines

The Classification is based on the long term physical limitations of land for agricultural use. Factors affecting the grade are climate, site and soil characteristics, and the important interactions between them. Detailed guidance for classifying land can be found in: *Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land* (MAFF, 1988):

- **Climate:** temperature and rainfall, aspect, exposure and frost risk.
- **Site:** gradient, micro-relief and flood risk.
- **Soil:** texture, structure, depth and stoniness, chemical properties which cannot be corrected.

The combination of climate and soil factors determines soil wetness and droughtiness.

Wetness and droughtiness influence the choice of crops grown and the level and consistency of yields, as well as use of land for grazing livestock. The Classification is concerned with the inherent potential of land under a range of farming systems. The current agricultural use, or intensity of use, does not affect the ALC grade.

Versatility and yield

The physical limitations of land have four main effects on the way land is farmed. These are:

- the range of crops which can be grown;
- the level of yield;
- the consistency of yield; and
- the cost of obtaining the crop.

The ALC gives a high grading to land which allows more flexibility in the range of crops that can be grown (its 'versatility') and which requires lower inputs, but also takes into account ability to produce consistently high yields of a narrower range of crops.

Availability of ALC information

After the introduction of the ALC system in 1966 the whole of England and Wales was mapped from reconnaissance field surveys, to provide general strategic guidance on land quality for planners. This Provisional Series of maps was published on an Ordnance Survey base at a scale of One Inch to One Mile in the period 1967 to 1974. These maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance. They show only five grades: their preparation preceded the subdivision of Grade 3 and the refinement of criteria, which occurred after 1976. They have not been updated and are out of print. A 1:250 000 scale map series based on the same information is available. These are more appropriate for the strategic use originally intended and can be downloaded from the Natural England [website](#). This data is also available on 'Magic', an interactive, geographical information website <http://magic.defra.gov.uk/>.

Since 1976, selected areas have been re-surveyed in greater detail and to revised

Agricultural Land Classification: protecting the best and most versatile agricultural land

guidelines and criteria. Information based on detailed ALC field surveys in accordance with current guidelines (MAFF, 1988) is the most definitive source. Data from the former Ministry of Agriculture, Fisheries and Food (MAFF) archive of more detailed ALC survey information (from 1988) is also available on <http://magic.defra.gov.uk/>. Revisions to the ALC guidelines and criteria have been limited and kept to the original principles, but some assessments made prior to the most recent revision in 1988 need to be checked against current criteria. More recently, strategic scale maps showing the likely occurrence of best and most versatile land have been prepared. Mapped information of all types is available from Natural England (see *Further information* below).

New field survey

Digital mapping and geographical information systems have been introduced to facilitate the provision of up-to-date information. ALC surveys are undertaken, according to the published Guidelines, by field surveyors using handheld augers to examine soils to a depth of 1.2 metres, at a frequency of one boring per hectare for a detailed assessment. This is usually supplemented by digging occasional small pits (usually by hand) to inspect the soil profile. Information obtained by these methods is combined with climatic and other data to produce an ALC map and report. ALC maps are normally produced on an Ordnance Survey base at varying scales from 1:10,000 for detailed work to 1:50 000 for reconnaissance survey

There is no comprehensive programme to survey all areas in detail. Private consultants may survey land where it is under consideration for development, especially around the edge of towns, to allow comparisons between areas and to inform environmental assessments. ALC field surveys are usually time consuming and should be initiated well in advance of planning decisions. Planning authorities should ensure that sufficient detailed site specific ALC survey data is available to inform decision making.

Consultations

Natural England is consulted by planning authorities on the preparation of all development

plans as part of its remit for the natural environment. For planning applications, specific consultations with Natural England are required under the Development Management Procedure Order in relation to best and most versatile agricultural land. These are for non agricultural development proposals that are not consistent with an adopted local plan and involve the loss of twenty hectares or more of the best and most versatile land. The land protection policy is relevant to all planning applications, including those on smaller areas, but it is for the planning authority to decide how significant the agricultural land issues are, and the need for field information. The planning authority may contact Natural England if it needs technical information or advice.

Consultations with Natural England are required on all applications for mineral working or waste disposal if the proposed afteruse is for agriculture or where the loss of best and most versatile agricultural land agricultural land will be 20 ha or more. Non-agricultural afteruse, for example for nature conservation or amenity, can be acceptable even on better quality land if soil resources are conserved and the long term potential of best and most versatile land is safeguarded by careful land restoration and aftercare.

Other factors

The ALC is a basis for assessing how development proposals affect agricultural land within the planning system, but it is not the sole consideration. Planning authorities are guided by the National Planning Policy Framework to protect and enhance soils more widely. This could include, for example, conserving soil resources during mineral working or construction, not granting permission for peat extraction from new or extended mineral sites, or preventing soil from being adversely affected by pollution. For information on the application of ALC in Wales, please see below.

Agricultural Land Classification: protecting the best and most versatile agricultural land

Further information

Details of the system of grading can be found in: *Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land* (MAFF, 1988).

Please note that planning authorities should send all planning related consultations and enquiries to Natural England by e-mail to consultations@naturalengland.org.uk. If it is not possible to consult us electronically then consultations should be sent to the following postal address:

Natural England
Consultation Service
Hornbeam House
Electra Way
Crewe Business Park
CREWE
Cheshire
CW1 6GJ

ALC information for Wales is held by Welsh Government. Detailed information and advice is available on request from Ian Rugg (ian.rugg@wales.gsi.gov.uk) or David Martyn (david.martyn@wales.gsi.gov.uk). If it is not possible to consult us electronically then consultations should be sent to the following postal address:

Welsh Government
Rhodfa Padarn
Llanbadarn Fawr
Aberystwyth
Ceredigion
SY23 3UR

Natural England publications are available to download from the Natural England website: www.naturalengland.org.uk.

For further information contact the Natural England Enquiry Service on 0300 060 0863 or e-mail enquiries@naturalengland.org.uk.

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**Appendix KCC3
Agricultural Land Quality Report
(text and plans only)**

TIVERTON EAST
AGRICULTURAL LAND CLASSIFICATION SURVEY

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TIVERTON EAST

AGRICULTURAL LAND CLASSIFICATION SURVEY

INTRODUCTION

1. This report presents the findings of a semi-detailed Agricultural Land Classification (ALC) survey of 1078 ha of land at Tiverton. Field survey was based on 408 auger borings and 19 soil profile pits, and was completed in December 1996.
2. The survey was conducted by the Resource Planning Team of ADAS Taunton Statutory Group on behalf of MAFF Land Use Planning Unit in its statutory role in the preparation of Mid Devon Local Plan.
3. Information on climate, geology and soils, and from previous ALC surveys was considered and is presented in the relevant section. Apart from the published regional ALC map (MAFF 1977), which shows the site at a reconnaissance scale as mainly Grade 1 with other lower grades, the only part of the site which had been surveyed previously was the route of the North Devon Link Road which was surveyed at a scale of 1:25 000 (ADAS 1984).
4. Within the current survey area a total of 116 ha in six separate sites have been surveyed previously at detailed intensity in connection with the Tiverton Local Plan at that time (ADAS 1991). This survey shows mainly Grade 2 and both this and the current survey can be combined into a composite map with only minor modification. Although the 1984 survey for the North Devon Link Road shows a similar pattern of grades to the current survey, the two cannot be totally reconciled, partly because the current survey was conducted at lower intensity but more particularly because the 1984 survey used the previous guidelines for ALC criteria which have now been superseded, particularly in relation to the assessment of wetness and droughtiness. The current survey uses the Revised Guidelines and Criteria for grading the quality of agricultural land (MAFF 1988) and grade descriptions are summarised in Appendix I.
5. At the time of survey land cover was mainly grass and cereals for mixed dairy farming with maize for silage and a small area of potatoes. The only horticultural unit was Abbots Hood Fruit Farm at Halberton. Other non-agricultural land which was not surveyed included the golf course, industrial and residential land, roads and the canal and small areas of woodland and wetland.

SUMMARY

6. The distribution of ALC grades is shown on the accompanying 1:20 000 scale ALC map. The detail of information shown at this scale is appropriate to the intensity of field survey but could be misleading if enlarged or applied to small areas. Areas are summarised in the Table 1.

Table 1: Distribution of ALC grades: Tiverton East

Grade	Area (ha)	% Surveyed Area (707 ha)
1	252	36
2	171	24
3a	115	16
3b	140	20
4	25	3
5	4	1
Other land	214	
Total site area	921	

7. 76 % of the area was found to be best and most versatile. This was mainly Grade 1, red soils with no significant limitation although otherwise similar soils on the same deposits were found to be medium clay loam with a lower sand content in the topsoil and are therefore classified as Grade 2 with a minor limitation due to workability. Other good quality soils, mainly on the lower slopes, show a moderate limitation mainly due to wetness and are classified as Subgrade 3a.

8. Soils on the lower lying land frequently show a more serious moderate limitation due to wetness and are mapped mainly as Subgrade 3b. However, these mapping units also contain scattered borings of other grades, particularly Grade 4 with a severe wetness limitation. Where such observations occur consistently in a distinct area, this is shown as a Grade 4 mapping unit. Throughout the area there are several scattered short banks with stronger slopes which are shown as Subgrade 3b with a more serious moderate limitation due to gradient, but small areas of Grades 4 and 5 due to gradient are found only on the hills north of Halberton.

CLIMATE

9. Estimates of climatic variables for this site were derived from the published agricultural climate dataset "Climatological Data for Agricultural Land Classification" (Meteorological Office, 1989) using standard interpolation procedures. Data for key points around the site are given in Table 2 below.

10. Since the ALC grade of land is determined by the most limiting factor present, overall climate is considered first because it can have an overriding influence by restricting land to a lower grade despite more favourable site and soil conditions. Parameters used for assessing overall climate are accumulated temperature, a measure of relative warmth and average annual rainfall, a measure of overall wetness. The results shown in Table 2 indicate that over most of the area there is no overall climatic limitation but in two isolated small areas, one near Chettiscombe and the other above Sellake there is an overall climatic limitation which limits the land to Grade 2.

11. Climatic variables also affect ALC grade through interactions with soil conditions. The most important interactive variables are Field Capacity Days (FCD) which are used in assessing soil wetness and potential Moisture Deficits calculated for wheat and potatoes, which are compared with the moisture available in each profile in assessing soil droughtiness limitations. These are described in later sections.

Table 2: Climatic Interpolations: Tiverton East

Grid Reference	SS 971132	SS 985147	ST 007139
Altitude (m)	75	107	135
Accumulated Temperature (day °C)	1505	1467	1435
Average Annual Rainfall (mm)	1022	1043	1043
Overall Climatic Grade	1	1	2
Field Capacity Days	210	212	210
Moisture deficit (mm): Wheat	89	85	83
Potatoes	78	73	69

12. Although exposure and frost risk may cause a limitation in local areas around the site, they are not considered to be the primary limitation at any point.

RELIEF

13. Altitude ranges from 70 metres at Cowley Moor to 135 metres above Halberton with mainly level to moderate slopes which are not limiting. However, there are isolated short banks with strong slopes which are shown mainly as Subgrade 3b. The only moderately steep and steep slopes are found in small areas on the hills above Halberton. These are shown as Grades 4 and 5.

14. A risk of flooding is identified from local knowledge in the valley of the River Lowman from Bradford Farm to Little Gornhay. This is reported to affect perhaps one field on each side of the river, mainly in winter and flooding to a depth of several inches can be expected around six times a year, with each event lasting for a matter of hours rather than days. Although this seems to fit with the ALC restriction to Subgrade 3a, it is locally considered that such land is not suitable for cropping to cereals and in this survey it has therefore been restricted to Subgrade 3b. This affects several observations which otherwise would have been Subgrade 3a on soil characteristics.

GEOLOGY AND SOILS

15. The underlying geology of the site is shown on the published geology map (IGS, 1974) as Lower Sandstone, breccia and conglomerate with alluvium and river gravels. The river gravel deposits are shown in scattered areas on the higher ground on either side of the River Lowman valley. The current survey found little distinction between the deposits of Lower Sandstone and those of breccia and conglomerate, although if anything the Lower Sandstone tended to medium clay loam topsoil textures while the others were more gritty. The deposits shown as breccia and conglomerate were found to be mainly breccia but were not particularly stony and only in two isolated hilltop situations was a droughtiness limitation due to stone content noted, even to Grade 2 level.

16. Soils were mapped by the Soil Survey of England and Wales at a reconnaissance scale of 1:250 000 (SSEW, 1983) as mainly Bromsgrove, Crediton and Newnham associations with Hollington association developed on alluvial deposits on the valley of the River Lowman.

17. Bromsgrove association is described as well-drained reddish coarse loamy soils mainly over soft sandstone, deep in places and associated with fine loamy soils with slowly permeable subsoils and slight seasonal waterlogging. Crediton association is described as well-drained gritty reddish loamy soils over breccia, locally less stony and with steep slopes in places. Newnham association is described as well-drained reddish coarse and fine loamy soils over gravel, locally deep. Hollington association is described as deep stoneless reddish fine silty and clayey soils variably affected by groundwater, found on flat land with a risk of flooding.

18. The published description and distribution was almost entirely substantiated by the current survey. The Crediton association soils were found to be consistently well-drained but the Bromsgrove association, as indicated in the description above, was found to be more variable and displayed a wider range of ALC grades based on topsoil texture and wetness characteristics.

AGRICULTURAL LAND CLASSIFICATION

19. The distribution of ALC grades found by the current survey is shown on the accompanying 1: 20 000 scale map and areas are summarised in Table 1. The detail of information shown at this scale is appropriate to the intensity of field survey but could be misleading if enlarged or applied to small areas.

Grade 1

20. Soils shown as Grade 1 are all Wetness Class I, strong red or brown red soils found on the higher ground on Lower Sandstone and breccia deposits. Topsoil textures, many of which were confirmed by laboratory analysis, are mainly medium sandy loam with some fine sandy silt loam. The sandy loams, particularly on the gritty breccia deposits, were firm to texture by hand and appeared to take a slight polish, giving the impression of a sandy clay loam or even heavy clay loam texture but this was consistently dispelled by particle size distribution analysis. In practice, workability would be assisted by the grit and small stone content which is generally present, particularly on the breccia.

21. Two small areas were down-graded and shown as Grade 2 because of a minor droughtiness limitation due to apparent stone content, but generally the climatic conditions of this site make moderately stony profiles relatively resistant to a droughtiness limitation. This is illustrated by Pits 15 and 16 which remain droughtiness Grade 1 despite a considerable stone content which was assessed by sieving and displacement. In particular, Pit 15 was sited in a position reported to be especially gravelly and droughty although the droughtiness calculation based on measured stone content would not substantiate this.

Grade 2

22. Grade 2 soils on this site show minor limitations from a variety of causes. Two small areas on the highest ground, one near Chettiscombe and one near Sellake, have an overall climatic limitation limiting them to Grade 2, despite soil profiles otherwise similar to those described above for Grade 1. These are illustrated by Pits 6 and 17.

23. In the previous survey of sites within the current survey area (ADAS 1991), workability was found to be the main limitation due to medium clay loam topsoil textures. The current survey found this less general and mainly confined to areas around the previous survey sites. Perhaps the best illustration is provided by Pit 13 where medium clay loam topsoil is found at Wetness Class I, which is similar to the large block of Grade 2 on the north side of Craze Lowman.

24. The scattered blocks of Grade 2 in the south of the survey area lie in places found to show a slight wetness limitation, typically with fine sandy silt loam topsoil at Wetness Class II with gleying present in the lower subsoil or perhaps a slowly permeable layer evident just above 80 cm. Such profiles are illustrated by Pit 12.

Subgrade 3a

25. Extensive areas of Subgrade 3a with a moderate limitation due to wetness are found through the north and particularly in the south of the survey area. Typically these have a medium clay loam topsoil at Wetness Class II, most frequently due to gleying in the lower subsoil. Such conditions are illustrated by Pits 5 and 11.

26. Smaller areas of Subgrade 3a with a moderate limitation due to droughtiness were found developed on the patches of river gravel. This is illustrated by Pits 2 and 10 which although Wetness Class I with medium clay loam topsoils were found to have a stone content ranging from 25 to 30% in the topsoil to around 60% in the lower subsoil. Although stone contents of medium or larger stones at both these pits were only around 4 or 5%, the topsoil content of medium and large stones was assessed at Pit 3 as 11% indicating an additional limitation to Subgrade 3a due to topsoil stoniness. However, this is considered to apply only to a limited area around this pit.

Subgrade 3b

27. The extensive areas of land shown as Subgrade 3b are limited most often by wetness mainly due to the presence of a slowly permeable horizon in the subsoil which on this site gives Subgrade 3b with heavy clay loam topsoil at Wetness Class III or medium clay loam topsoil at Wetness Class IV. These are illustrated by Pits 7 and 19 respectively. However, by the nature of slowly permeable layers which vary in depth and porosity, the Subgrade 3b mapping unit contains other observations of Subgrade 3a and Grade 4. Fields adjacent to the River Lowman are also considered to be subject to a risk of flooding equivalent to Subgrade 3b as described earlier in this report.

28. Small isolated areas of short strong slopes are found scattered through the survey area and are shown mainly as Subgrade 3b.

Grade 4

29. Several areas of Grade 4 are shown where several observations indicate a severe wetness limitation, although isolated borings occur in other mapping units. These are mainly Wetness Class IV with heavy silty clay loam topsoil textures as illustrated by Pits 1 and 8 although the small areas of marshland to the west and south of Pool Anthony Farm are considerably wetter than this, at least in parts, and the wettest areas have been fenced to exclude stock as they are unfit for grazing.

30. One small area of moderately steep slopes is shown to the north of Halberton.

Grade 5

31. Another steeply sloping bowl of land north of Halberton is shown as Grade 5 due to a very severe gradient limitation.

P Barnett
Resource Planning Team
Taunton Statutory Group
ADAS Bristol
January 1997

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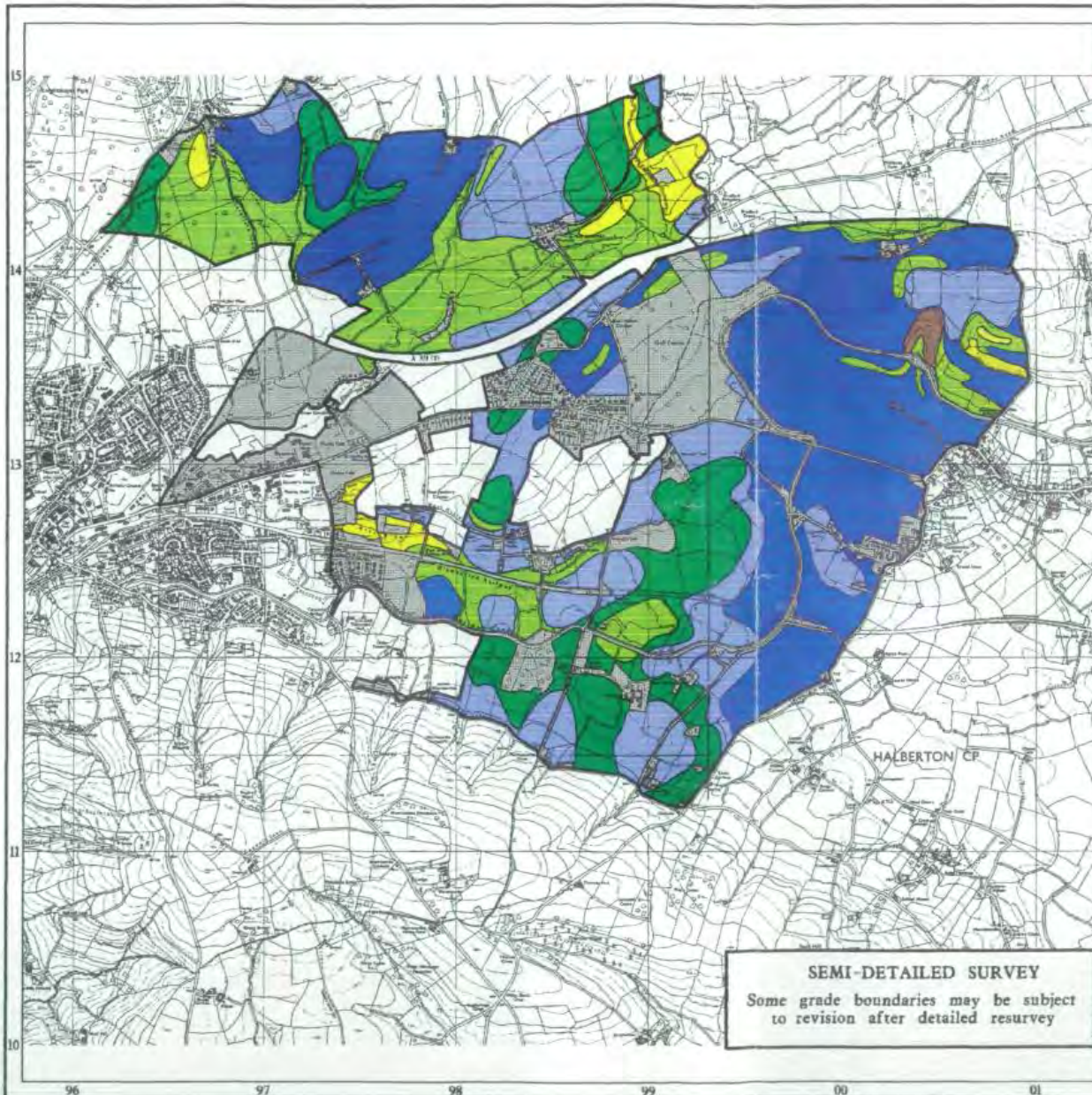
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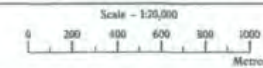
Agricultural Land Classification

Tiverton East



Legend

	Quality	Area (ha)
Grade 1	Excellent	252
Grade 2	Very Good	171
Grade 3a	Good	115
Grade 3b	Moderate	140
Grade 4	Poor	25
Grade 5	Very Poor	4
	Agricultural land not surveyed	0
	Other land	214
	Boundary of survey area	
Total agricultural land area		707
Total survey area		921
* Not present within survey area		

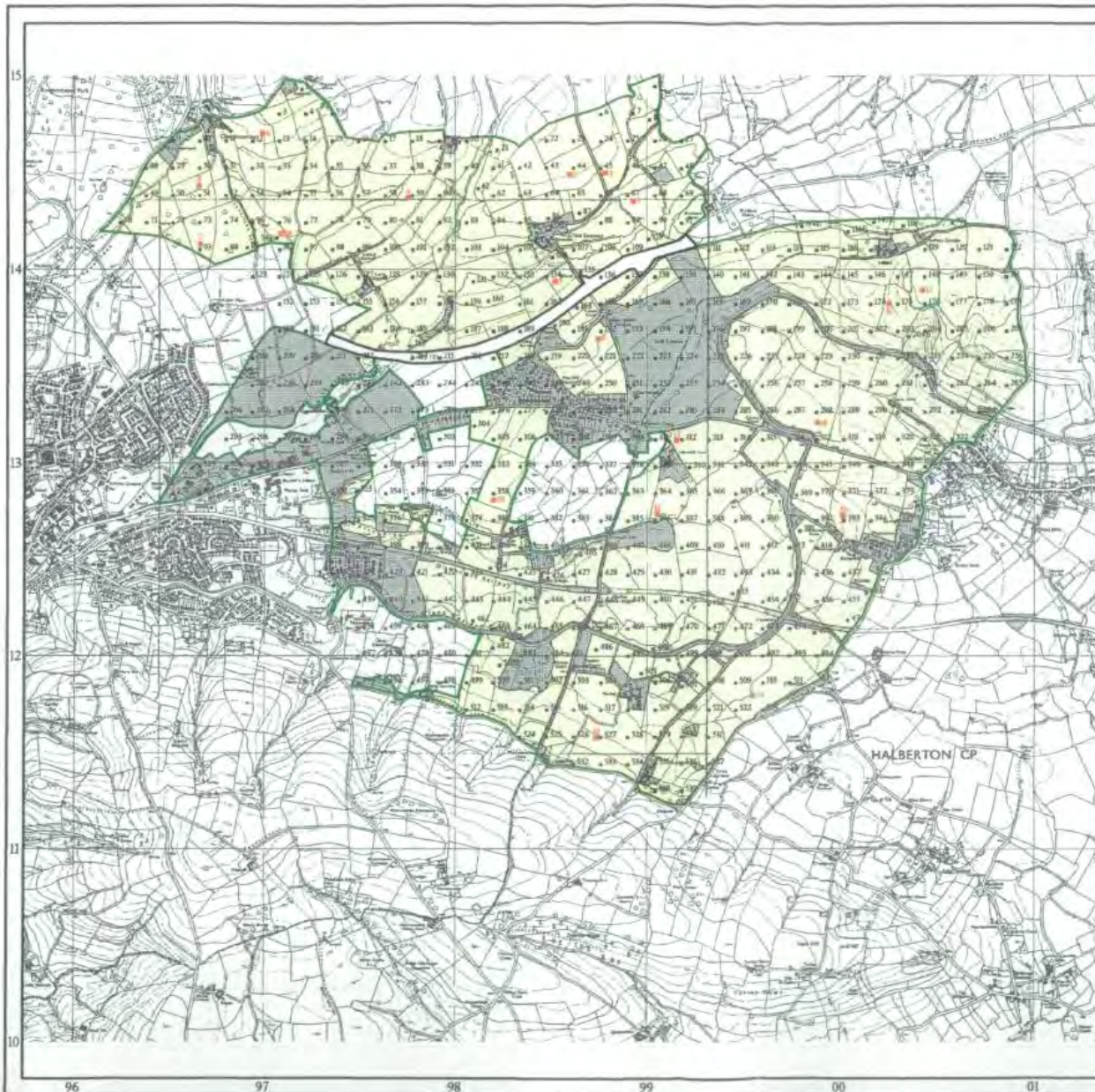


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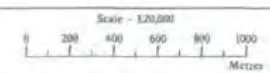
Agricultural Land Classification

Tiverton East

Sample Point Map

Legend

- Location of soil pit
- Location of auger sample point
- Boundary of survey area
- Agricultural land not surveyed
- Other land



Further details contained in MAFF (1983) Agricultural Land Classification of England and Wales - Revised guidelines and criteria for grading the quality of agricultural land. MAFF (Publications), London SE99 7TP.

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Appendix KCC4
Extracts from the Pocketbook for
Farm Management



John Nix Pocketbook

FOR FARM MANAGEMENT



2023 53RD
EDITION

The most comprehensive business information in British agriculture

Graham Redman

II. ENTERPRISE DATA

1. CROPS

WHEAT

Feed Winter Wheat

Production level	Low	Average	High	
Yield: t/ha (t/ac)	7.25 (2.9)	8.60 (3.5)	10.00 (4.1)	
	£	£	£	£/t
Grain at £225/t	1,631	1,935 (784)	2,250 (911)	
Straw in Swath	173 (70)	173 (70)	173 (70)	
Total Output	1,804 (731)	2,108 (854)	2,423 (981)	245
Variable Costs £/ha (£/ac) :				
Seed.....		97 (39)		11
Fertiliser.....		533 (216)		62
Sprays.....		278 (113)		32
Total Variable Costs		908 (368)		106
Gross Margin £/ha (ac)	896 (363)	1200 (486)	1,515 (613)	140

Fertiliser Basis 8.6t/ha				Seed:		Sprays £/ha:	
Nutrient	Kg/t	Kg/Ha	£/Ha	£/t C2	£605	Herbicides	£121
N	22	190	£358	Kg/Ha	175	Fungicides	£110
P	7.0	60	£85	% HSS	30%	Insecticides	£3
K	10.5	90	£90	£/t HSS	£435	PGRs	£17
						Other	£28

1. *Yields.* The average yield is for all winter feed wheat, i.e. all varieties and 1st and subsequent wheats. See over for First and Second Wheats. The yield used for feed and milling wheats including spring varieties is 8.4t/ha.

The table below offers a weighted estimate of yield variations according to wheat type based on a national yield of 8.41t/ha. Percentages compare yield categories with 'all wheat'. These yields are used in the gross margins.

Calculation of spread of average yields depending on wheat type –

	Winter	1st WW	2nd WW	spring	Total
t/ha	101%	102%	93%	85%	
Total	100%	8.49	8.63	7.82	8.41
Feed	101%	8.58	8.71	7.90	8.49
Bread	93%	7.90	8.02	7.27	6.18
Biscuit	99%	8.41	8.54	7.74	8.32

2. *Straw* is sold in the swath. Fertiliser accounts for mineral depletion.
3. *Seed* is costed with a single purpose dressing. Up to a third of growers require additional seed treatments, specifically to suppress BYDV. This can add £150/t of seed (£26.50/ha). This has not been added in the gross margins so should be considered.
4. This schedule does not account for severe *grass weed infestations* such as Black Grass or Sterile Brome. Costs associated with managing such problems can amount to up to £170/hectare additional agrochemical costs. Yield losses increase as infestation rises:

OILSEED RAPE

Winter Oilseed Rape

Production level	Low	Average	High	
Yield: t/ha (t/ac)	3.00 (1.2)	3.50 (1.4)	4.00 (1.6)	
	£	£	£	£/t
Output at £515/t	1545 (626)	1,803 (730)	2,060 (834)	515
Variable Costs £/ha (£/ac) :				
Seed.....		74 (30)		21
Fertiliser.....		410 (166)		117
Sprays.....		253 (102)		72
Total Variable Costs		737 (298)		210
Gross Margin £/ha (ac)	808 (327)	1066 (432)	1,323 (536)	305

Fertiliser Basis 3.5t/ha				Seed:		Sprays:	
Nutrient	Kg/t	Kg/Ha	£/Ha	£/Ha C	45	Herbicides	£125
N	46	160	£301	£/Ha Hy	90	Fungicides	£68
P	14	49	£69	£/Ha HSS	30	Insecticides	£16
K	11	39	£39	C:Hy:HSS	20:20:60	PGRs	£0
	Seed write-off	7%		Kg/Ha	5.5	Other	£44

- Prices.* The price used for the 2023 crop is £484/t plus oil bonuses at 44% oil content. The bonus is paid on the percentage of oil over 40%, at 1.5 times the sale value of the crop and an equal but opposite penalty below 40%. For example, in this case, the bonus is on 4% oil \times £484 \times 1.5 = £29. (Figures are rounded to the nearest £5.00 in the margin)

Spring Oilseed Rape

Production level	Low	Average	High	
Yield: t/ha (t/ac)	2.00 (0.8)	2.28 (0.9)	2.50 (1.0)	
	£	£	£	£/t
Output at £515/t	1030 (417)	1,172 (475)	1,288 (522)	515
Variable Costs £/ha (£/ac) :				
Seed.....		71 (29)		31
Fertiliser.....		202 (82)		89
Sprays.....		132 (53)		58
Total Variable Costs		405 (164)		178
Gross Margin £/ha (ac)	625 (253)	767 (311)	883 (358)	337

- Inputs: Seed* as per WOSR, but 45% conventional, 5% HSS, 50% hybrid. *Fertiliser:* N/P/K at 80/32/25 kg/ha. *Sprays, Herbicides.* £51, Fungicides, £41, Insecticides £13, and Others £28/ha
- Winter Versus Spring:* As little as 8,000 hectares of spring OSR are grown in the UK which is 2.5% of the entire crop. As can be seen, the financial reward is slim compared with other combinable crops.

Appendix KCC5
Analysis of Inspectors Decisions

Local Planning Authority	Appeal Ref	Decision Date	Grades	Ha	Inspector	Paragraph reference	Secretary of State	Decision
Cornwall	APP/D0840/W/20/3260187	26/01/2021	2 or 3a	0.8	Benefits of the proposed development would be ltd in scale and scope and would not, in my view, outweigh the harm identified in relation to the character and appearance of surrounding land. In respect of the loss of an area of BMV land and consequent conflict with the dev plan when taken as a whole	24	Limited	Dismissed
Dover	APP/X2220/W/17/3187592	28/09/2018	2 and 3a	1	Majority of land in district BMV. Therefore loss of BMV inevitable. Loss is very limited having regard to wider district. Complies with paragraph 170.	13-16		Allowed
South Derbyshire	APP/F1040/V/20/3261872	30/03/2021	3a	1.17	Would be harm from the loss of land from ag. Production, as a result of the development, significant in the context of the wider District. The proposed development would still result in a further erosion of bmv land	24	Moderate weight against	Dismissed
Milton Keynes	APP/Y0435/W/18/3214365	26/09/2019	3a	1.6	Considered to be loss of significant amount of BMV. Unacceptable loss of BMV. Disregards site would be small in context of whole borough.	33-35		Allowed
North Devon	APP/X1118/W/16/3154193	06/01/2017	2	2	Not significant re para 112 given ALC of area	41 - 43		Allowed
Cheshire East	APP/R0660/A/14/2216767	14/01/2015	2 and 3a	2	Does not weigh heavily against	32 - 33		Allowed
Malvern Hills	APP/J1860/W/17/3192152	08/08/2018	2	2	Refers to grade 3b being BMV? No evidence of alternative sites of lower quality. Unacceptable loss of significant amount of agricultural land.	13-18		Dismissed

Warrington	APP/M0655/W/19/ 3222603	02/11/2020	2	2	Minor weight and not unacceptable impact on land in area	MR 416	Agreed – minor weight	Dismissed
N W Leicestershire	APP/G2435/W/16/ 3153781	07/07/2017	3a	3	Less than 20ha is low amount of land	41		Dismissed
Flyde	APP/M2325/W/17/ 3166394	18/08/2017	2	3	Significant Grade 2 locally. Limited weight against	59		Allowed
Uttlesford	APP/C1570/W/16/ 3156864	11/07/2017	2 and 3a	3	Significant development and greater weight	18 - 24		Dismissed
South Cambridgeshire	APP/W0530/W/16/ 3144909	07/06/2016	2	3	No evidence of availability of lesser quality. Moderate weight against	27 - 29		Dismissed
Cheshire East	APP/R0660/W/15/ 3132073	18/08/2016	2 and 3a	5	Not significant development, BMV locally, localised harm	53 - 55		Allowed
Forest of Dean	APP/P1615/A/14/2 228822	08/05/2017	2 and 3a	5	Relatively small area, limited weight	72 - 73		Allowed
Vale of White Horse	APP/V2130/W/15/ 3141276	20/05/2016	2 and 3	5	Not significant in context of 20ha consultation threshold and para 112	22 - 26		Allowed
Vale of White Horse	APP/V3120/W/15/ 3129361	19/02/2016	1, 2 and 3a	5	Not significant in terms of para 112, but still slight harm	5 - 8		Allowed
Cheshire East	APP/R0660/W/17/ 3173355	07/07/2017	3a	5	Would not be significant in terms of the Framework, matter for the planning balance	34 - 35		Dismissed
South Gloucestershire	APP/P0119/W/17/ 3191477	06/09/2018	3a	5	Having regard to the amount of BMV land that will be required for development, insignificant.	57		Allowed
Braintree	APP/Z1510/V/17/ 3180729	8/06/2019	Assumed 2	5	Does not deal with significance but identifies that there would be little opportunity to use poorer quality land. Does not conflict with paragraph 112.	505 - 509	Development would not protect BMV as required by Policy CS8 but that this policy is inconsistent with paragraphs 170,171 and footnote 53 of framework. Limited weight given to conflict with CS8.	Allowed
Central Beds	APP/P0240/W/17/ 3176387	9/06/2018	3a	5	Would not pass 20ha consultation threshold. District has high proportion of BMV. Loss of BMV	53 - 57		Allowed

					would not be significant in economic terms and afforded limited weight.			
Durham	APP/X1355/W/16/3165490	29/09/2017	2 and 3a	5	Not significant on any reasonable assessment	89 - 95		Allowed
Fareham	APP/A1720/W/16/3156344	14/08/2017	1 and 2	6	Not significant where sequential approach engaged. Limited harm	28 - 30		Allowed
North Hertfordshire	APP/X1925/W/17/3184846	18/01/2019	3a	6.5	Loss of this amount of BMV would have relatively minor adverse economic and environmental effects.	48		Dismissed
Suffolk Coastal	APP/J3530/W/15/3011466	25/04/2016	3a	7	A factor to be weighed in the balance	59		Allowed
South Oxfordshire	APP/Q3115/W/17/3188474	27/06/2018	2 and 3a	7	Parties agreed to give moderate weight. Not significant in context of high quantities of BMV land around Didcot.	52		Dismissed
South Oxfordshire	APP/Q3115/W/17/3186858	29/05/2018	2 and 3a	7	Less than Natural England 20 ha consultation threshold. High proportion of BMV land in SODC. Concluded that development is not significant.	60 - 61		Allowed
South Staffordshire	APP/C3430/W/18/3213147	3/05/2019	2 and 3a	8	Does not deal with 'significance' but sets out that harm caused by loss of grade 2 would be limited.	54		Allowed
East Devon DC	APP/U1105/W/16/3141816	15/04/2016	3a	9.5	Satisfied that the loss of a comparatively small area of bmval is justified	13		Allowed
Boston	APP/Z2505/W/17/3170198	25/10/2017	1	10	Limited by difficulties of delivering housing in area of high quality land	51		Allowed
Dover DC	APP/X2220/W/15/3138584	29/04/2016	3a	10	Proposed dev would result in an unjustified loss of agricultural land of higher quality	15		Dismissed
Flyde	APP/M2325/W/16/3144925	23/01/2017	3a	11	Large amount of grade 2 and 3 in area, minor weight against	15		Allowed
Forest of Dean	APP/P1615/W/15/3005408	11/04/2018	2 and 3a	11	Weight depends upon level of need. In this case limited weight	14.15, 14.56	Agrees limited weight	Allowed

Teignbridge	APP/P1133/A/12/2 188938	10/09/2013	1 and 2	11	Loss would be small in terms of overall proportions.	12.58 – 12.60	Harm lessened as small in terms of proportions	Allowed
Uttlesford	APP/C1570/A/14/2 221494	02/06/2015	2 and 3a	12	Loss modest in context of land quality in area. Limited weight against	49 - 51		Dismissed
West Lancashire	APP/P2365/W/15/ 3132596	22/03/2018	2 and 3a	13	Loss of small proportion of overall BMV in the Borough. However, will involve loss of significant area of BMV land.	29 - 32		Dismissed
East Hertfordshire	APP/J1915/A/14/2 220854	03/03/2016	2	14	Loss of 14ha Grade 2 noted, no weight attributed	76	Moderate weight against	Allowed
South Gloucestershire	APP/P0119/W/17/ 3182296	3/05/2018	BMV (grades not specified)	14	Any development around local town likely to lead to some loss of BMV. No economic arguments put forward to indicate significant harm and conflict with para 112. Identified that there would be harm but does not quantify this.	53, 74		Allowed
Carlisle	APP/H0928/W/15/ 3140750	04/08/18	3a	15.2	No brownfield sites able to accommodate ground base solar dev. Lower quality land in the district is limited	18		Allowed
Central Bedfordshire Council	APP/P0240/W/21/ 3289401	31/08/2022	2 & 3a	17.8				Allowed
Gloucestershire	APP/G1630/W/16/ 3141634	06/06/2016	2 & 3a	19.9	Site layout revised to the majority of land used would not be BMV land with only a small area of 3a used	21		Allowed
Forest Heath	APP/H3510/V/14/2 222871	28/07/2015	Not stated	20	Adverse factor that weighs against	468	Adverse effect that carries moderate weight against	Refused by SoS contrary to Inspector
North Lincolnshire	APP/Y2003/W/16/ 3144447	28/06/2016	3a	21	Loss of BMV land is a negative factor and a loss of the land would be for a considerable time span	25	Substantial Weight	Dismissed
Warwick	APP/T3725/A/14/2 229398	14/01/2016	2	22	No evidence housing need can be met avoiding BMV	425	Moderate weight against	Allowed

East Staffordshire	APP/B3410/W/15/3134848	18/11/2016	2 and 3a	23	Significant development and BMV reasonably scarce locally, some weight to harm	11.1 – 11.10	Moderate weight against	Dismissed
Eastleigh	APP/W1715/A/14/2228566	09/11/2016	2 and 3a	23	Not substantial weight against	115	Moderate weight against	Dismissed
Suffolk Coastal	APP/J3530/W/15/3138710	31/08/2017	1 and 2	31	No specific consideration given		Moderate weight against (para 28)	Allowed
Uttlesford	APP/C1570/A/14/2213025	25/08/2016	2 and 3a	40	Much of the area around is BMV and it would be difficult not to use if using greenfield land	15.47	SoS affords the loss limited weight against given much of land in area is BMV	Dismissed in line with recommendation
Tewkesbury	APP/G1630/V/14/2229497	04/12/2015	2 and 3a	42	Inevitable where large scale urban extensions required. Moderate degree of harm	15.41	Moderate weight against	Allowed
Guildford	APP/Y3615/W/16/3159894	13/06/2018	2 and 3a	44	Loss of BMV weighs against the proposals	20.152	Loss of BMV weighs against and is given considerable weight.	Dismissed
Aylesbury Vale	APP/J0405/A/14/2219574	09/08/2016	2 and 3a	55	Grade 2 relatively sparse locally. Moderate weight against	7.74 – 7.80	Moderate weight against	Dismissed



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Appendix 4
Affordable Need Memo

Will Ridalls

From: Lena MacFarlane <Lena.MacFarlane@exeter.gov.uk>
Sent: 23 March 2023 10:12
To: Will Ridalls
Cc: Gary Pitman
Subject: RE: Affordable Housing Need - Tiverton

Good Morning Will,

Thank you for your email. I have prepared the following stats as a one-off in light of your email. For future requests, please could you direct them to the Devon Home Choice Team (please see [Contact us | Devon Home Choice](#)) of the relevant Local Authority in the first instance as we provide support to the Devon Home Choice Partnership and as such requests will need to come through our partners.

Housing Need by Band and Bedroom

	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed	6 Bed	Total
Band B	28	16	11	5	3	1	64
Band C	19	24	39	25	1		108
Band D	107	28	1				136
Band E	108	97	54	5			264
Total	262	165	105	35	4	1	572

Housing Need by Band and Accessibility

	General Needs	Maximum of 3 Steps	Step Free	Wheelchair Accessible	Total
Band B	38	22	2	2	64
Band C	87	17	4		108
Band D	120	14	2		136
Band E	211	41	11	1	264
Total	456	94	19	3	572

Housing Need by Bedroom and Accessibility

	General Needs	Maximum of 3 Steps	Step Free	Wheelchair Accessible	Total
1 Bed	184	65	12	1	262
2 Bed	145	16	3	1	165
3 Bed	92	10	2	1	105
4 Bed	30	3	2		35
5 Bed	4				4
6 Bed	1				1
Total	456	94	19	3	572

Kind regards

Lena Macfarlane
Devon Home Choice Support Officer

01392 265845

From: Will Ridalls <w.ridalls@pclplanning.co.uk>
Sent: 21 March 2023 09:18
To: Lena MacFarlane <Lena.MacFarlane@exeter.gov.uk>

Appendix 5
BNG Report



HARTNOLLS FARM

Biodiversity Net Gain Assessment

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Client: Waddeton Park Ltd

Ref: eg18835

17 February 2023

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Document history and status

Rev.	Date	Purpose/ Status	File Ref	Author	Check	Review
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ABBREVIATIONS

BNG	Biodiversity Net Gain
BU	Biodiversity Unit
LEMP	Landscape and Ecological Management Plan
MMP	Management and Monitoring Plan
OS	Ordnance Survey

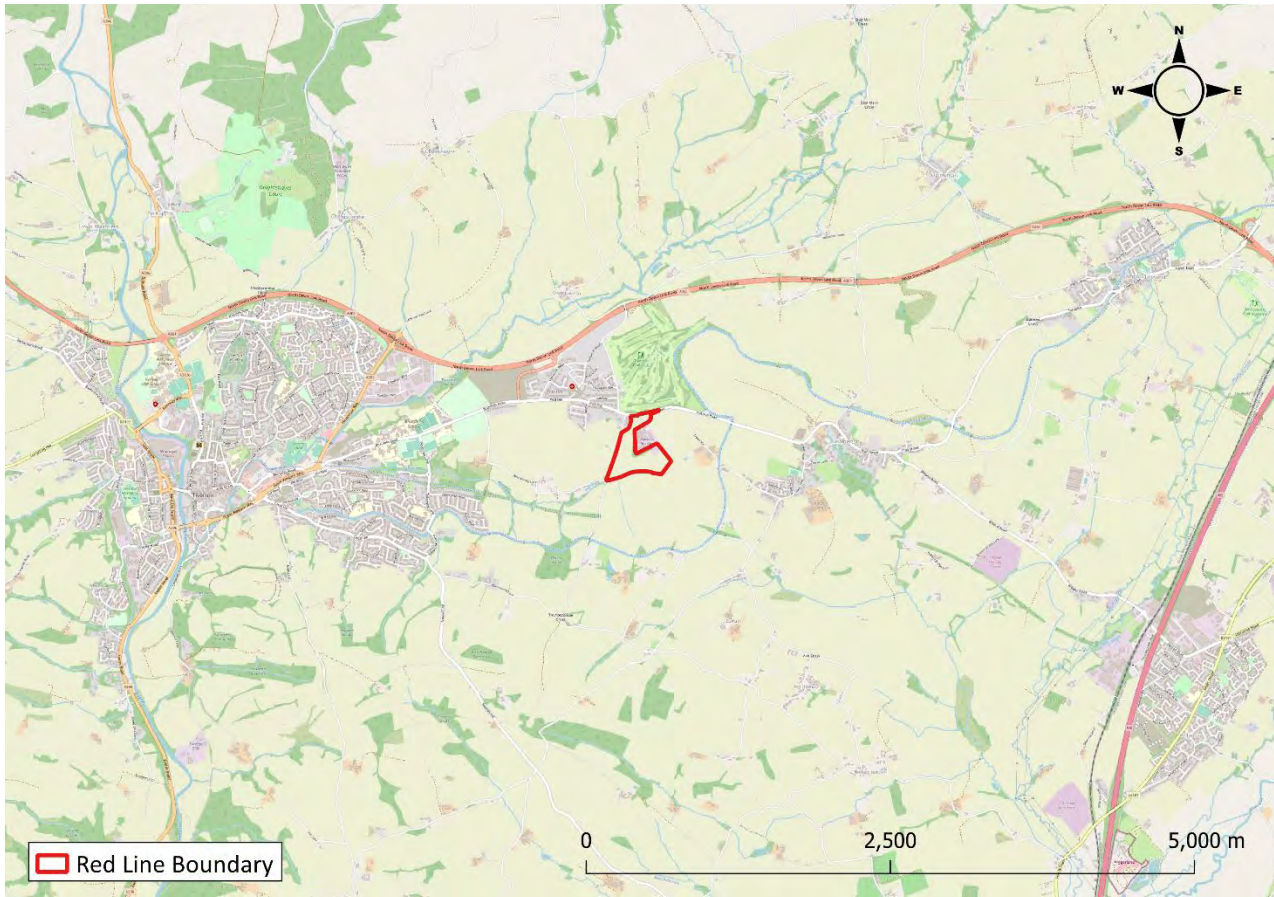
1. INTRODUCTION

- 1.1. Engain has been instructed by Waddeton Park Ltd (hereafter referred to as the 'client') to prepare a Biodiversity Net Gain Assessment (BNGA) to inform a Major Outline Application (reference: 21/01576/MOUT) for Land at NGR 298976 112882 (Hartnoll Farm), Tiverton, Devon (hereafter referred to as the 'site').
- 1.2. The application was previously refused, with Policy DM26 being stated as a reason for refusal. Policy DM26 requires major development proposals to '*demonstrate that green infrastructure will be incorporated within the site for biodiversity mitigation, resulting in a net gain in biodiversity*'.
- 1.3. The purpose of the BNGA is to:
 1. Support the planning application for the development to demonstrate agreed compensation and enhancement measures in relation to habitats on the site;
 2. Fulfil the obligations required by national and local planning policy as well as *The Environment Act 2021*;
 3. Present the methodologies used in producing this BNGA;
 4. Summarise the results of the Biodiversity Metric 3.1 Calculation Tool for the on-site's habitats and rivers ecological baseline (in biodiversity units, BU);
 5. Summarise the results of the Biodiversity Metric 3.1 Calculation Tool for the on-site's habitats and rivers ecological baseline post-development value (in relation to BU); and
 6. Provide the total net gains or losses based on the results of the Biodiversity Metric 3.1 Calculation Tool.

Site Location

1.4. The site is situated off Post Hill, east of the town of Tiverton in Devon (see **Figure 1**). The Ordnance Survey (OS) grid reference for the centre of the site SS 98998 12874.

Figure 1, "Location of the Proposed Site of Development"



General Description

- 1.5. The site comprises two arable fields with cereal crops bordered by hedgerow, two smaller sections of neighbouring arable fields, an area of plantation mixed woodland, and a section of Post Hill Road (see **Figure 2**). The total area is approximately 13 hectares (ha). The site is bounded to the north by Post Hill with Tiverton Golf Club lying beyond. The site is bounded to the west by Manley Lane with agricultural land lying beyond and three residential properties at the north-western corner. The south of the site is bounded by agricultural land. The east of the site is bordered by agricultural land with the exception of Hartnoll's Business Park which is directly adjacent to central eastern section of the site.
- 1.6. The soil at the site is classified under Soilscape as 'Freely draining slightly acid loamy soils'.

Figure 2, "Proposed Site of Development"



Proposed Development

1.7. The proposal comprises an extension of an existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access. See **Figure 3** for the proposed site layout.

Figure 3, "Proposed Site Layout"



2. METHODOLOGY

Baseline Survey

- 2.1. Multiple habitat classification surveys of the site have been undertaken by Engain, with the first survey being conducted in 2012 and subsequent surveys conducted in 2018, 2020, and finally in September 2021. The field survey method for the 2021 survey was based on the UK Habitats Classification Survey (UK Habs) as per the *UK Habs User Manual*. The most recent survey results were used to inform this report.
- 2.2. Considering the size of the site and the nature of variation in habitats across the site, the appropriate scale of mapping was determined to be a fine scale Minimum Mapping Unit (MMU), meaning no areas of habitats less than 25m² or 5m in length if a linear feature need to be recorded.
- 2.3. The Primary Habitats were mapped using the professional edition of the hierarchy, at a minimum of a Level 4 habitat using the UK Habs Habitat Definitions as a guide. Habitats are described with reference to their dominant and constituent species.
- 2.4. Any signs of invasive species listed in Schedule 9 of the *Wildlife and Countryside Act 1981* such as Japanese knotweed (*Fallopia japonica*), Himalayan balsam (*Impatiens grandiflora*) and giant hogweed (*Heracleum mantegazianum*).

Condition Assessment

Existing Habitats

- 2.5. A condition assessment has been undertaken on the habitats present on the site via the completion of a habitat condition assessment sheet and with use of the Biodiversity Metric 3.1 – Technical Supplement. This process evaluates criteria and characteristics for each habitat and provides guidance on the assessment of habitat condition (which can be ‘good’, ‘fairly good’, ‘moderate’, ‘fairly poor’ and ‘poor’). The assessment criteria are different for each habitat type, including criteria such as the presence of undesirable species, habitat extent, habitat health, and vegetation structure.
- 2.6. For any habitats present on site for which condition assessment criteria are not available, professional judgement has been used.

Proposed Habitats

2.7. Proposed habitat conditions have been assigned to newly created and enhanced habitats. This has been achieved by reviewing the criteria characteristics for each habitat, set out in the guidance, or by using professional judgement after discussions with relevant parties such as landscape architects, and reviewing the current soft landscaping proposals to determine a realistic, likely achievable condition once the habitats have established (over the period allowed for in the Biodiversity Metric 3.1 calculator's 'time to target condition' multiplier) and are subjected to appropriate management.

BNG Calculations

2.8. The baseline BU value of the site has been determined using the Biodiversity Metric 3.1 Calculation Tool.

2.9. This calculation tool was developed to provide a standardised methodology for completing a BNGA.

2.10. Baseline biodiversity units have been established using the findings of:

- The UK Habs Survey including a condition assessment;
- The measuring of both on-site baseline and post development intervention habitats using QGIS; and
- Professional judgement.

Limitations

2.11. It has been assumed that the new landscaping under the client's ownership will be subject to an agreed Landscape and Ecological Management Plan (LEMP), which will cover the period of time in which the client is in control of the site and afterwards once it is in the hands of a residents' management company. The LEMP should be written in accordance with best practice standards, BS 42020:2013.

2.12. For this assessment, habitat areas and lengths have been rounded up or down, where applicable to three decimal places (for area) and three decimal places (for length).

3. BASELINE CONDITIONS

- 3.1. Based on the results of the survey work and subsequent Ecological Appraisal (ref: eg18835.02_EA), the majority of the site comprises habitats that are widespread and of low ecological value. The hedgerows and the area of mixed woodland represent the most ecological valuable features of the site.
- 3.2. Based on the Biodiversity Metric 3.1 the BU for the existing habitats is **32.98** and the BU for the existing hedgerows is **25.19**. The UK Habs map used for the Biodiversity Metric can be seen in **Figure 4** below.

Figure 4, "Baseline Habitats at the Proposed Site of Development"



4. PROPOSED CONDITIONS

Net Gain Strategy

- 4.1. The strategy to achieve a BNG on-site is to retain and enhance the most ecologically valuable habitats and introduce new green infrastructure. This includes retaining and enhancing the hedgerows and the mixed woodland which act as a green corridor and provide commuting pathways and foraging habitat for a variety of species including bats. Additional planting to connect the existing woodland to the hedgerows along the southern boundary of the site would improve connectivity, and the creation of new species-rich grassland and sustainable urban drainage systems adjacent to the hedgerows would provide excellent foraging habitat for bats, slow-worms, and other species.
- 4.2. According to the Biodiversity Metric 3.1 and based on the landscape proposals (**Figure 3**), the expected BU on-site post-development is **41.70** for habitats and **26.97** for hedgerows which corresponds to a **26.42%** and **7.04%** net gain respectively. The headline results of the Biodiversity Metric 3.1 Calculation Tool can be found in **Appendix 1** and the full metric is supplied separately.
- 4.3. Trading rules are not satisfied with the proposed change in habitats, due to the loss of some of the existing woodland and the loss of the arable field margins that are not being replaced by habitat of the same broad category. However, the proposed habitats would greatly improve the sites biodiversity and ecological value. For example, the additional planting and woodland creation will provide better connectivity to the hedgerows and surrounding habitats.
- 4.4. Additional enhancement measures will be incorporated within the development design, including integral “universal bird boxes” within the design of the residential dwellings, bat boxes for crevice roosting bat species, invertebrate boxes including those designed for solitary bee species and other pollinators, and hedgehog highways.
- 4.5. The habitats map for the proposed design can be seen in **Figure 5** below.

Figure 5, "Proposed Post-Development Habitats Map"



5. BIODIVERSITY NET GAIN GOOD PRACTICE PRINCIPLES

Principle 1 – Apply the Mitigation Hierarchy

- 5.1. During the evolving scheme, it was identified where on-site habitats could be retained, targeting those habitats assessed to be most valuable where possible. Sustainable urban drainage systems have been proposed which can provide shelter, food, breeding, and foraging opportunities to a variety of wildlife species found within and around the site thus, providing a strategic gap between a habitat of importance and the built form of the development. In mitigation for those habitats being lost, new and ecologically valuable habitats are being incorporated within the scheme design. Furthermore, all retained habitats will be enhanced to improve their condition for example enhancing species-poor modified grassland to species-rich other neutral grassland.

Principle 2 – Avoid losing biodiversity that cannot be off-set by gains elsewhere

- 5.2. No irreplaceable habitats, such as ancient woodland, are being lost as part of this development.

Principle 3 – Be inclusive and equitable

- 5.3. The internal project team has worked collaboratively from an early stage, maximising the opportunities for net gain whilst meeting the other objectives of the development.

Principle 4 – Address risks

- 5.4. When deciding on the habitats being included within the scheme design, care was taken to choose habitats and species that would be resilient to the use of the site (i.e. residential and the climatic conditions) as well as the proposed plants reflecting species recorded on site during the baseline surveys. This reduces the risk of failures in habitat creation.
- 5.5. When assigning the condition of the proposed and enhanced habitats a realistic approach was taken, with conditions determined to be achievable.
- 5.6. A LEMP will be implemented. This includes management objectives, monitoring measures and remedial measures to ensure that the proposed enhanced and created habitats are secured and the management objectives are achieved. This annual monitoring and review against agreed objectives help to control the risk of future non-conformities.

Principle 5 – Make a measurable Net Gain contribution

- 5.7. As a result of the proposed development, a net gain for biodiversity is achieved, as demonstrated using the Biodiversity Metric 3.1 detailed in Section 4.

Principle 6 – Achieve the best outcomes for biodiversity

- 5.8. All the pre-development habitats on site are of limited ecological value and are common in the local and regional landscape. The grassland was deemed to have low distinctiveness and to be in 'moderate' condition, whilst the hedgerows were also assessed to be in 'moderate' condition considering species richness, structure, and quality. The area of scrub is dominated by undesirable species (e.g. nettles) resulting in a low species-diversity and having limited value to biodiversity.
- 5.9. The proposed enhancements and new habitats would support increased biodiversity on site and improve the sites suitability for a variety of protected and notable species.

Principle 7 – Be additional

- 5.10. The habitats on site have historically been intensively managed and species-poor. As a result of the development, the retained habitats are to be enhanced by introducing new species and placed under a long-term management plan thus increasing the site's value to wildlife. This would not be happening in absence of the development.

Principle 8 – Create a Net Gain legacy

- 5.11. The biodiversity enhancements will be secured via the implementation of a LEMP, which sets out the management regime to be followed once the construction phase is completed. Furthermore, it sets out actions for monitoring and the processes to follow should remedial actions be required.

Principle 9 – Optimise sustainability

- 5.12. In addition to the benefits to biodiversity, the landscape proposals also contribute to ecosystem services. This includes retaining and planting trees which provide regulating services in the form of carbon sequestration mitigating greenhouse gas emissions; provisioning services in the form of providing plants for pollinators and soil nitrogen availability. Enhancing previously intensive agriculture fields will also support nutrient cycling and soil formation.

Principle 10 – Be transparent

- 5.13. For transparency, the commitment to the proposed BNG and the subsequent auditing report will be submitted to Mid Devon District Council and published on their website. It will include any deviations from the original design specifications and any relevant knowledge on implementation and lessons learnt.

6. BIODIVERSITY NET GAIN MANAGEMENT AND MONITORING PLAN

6.1. A LEMP will be prepared, covering the relevant details for the management and monitoring plan (MMP). In summary it will include the following:

- The proposals for monitoring, including methods, frequency and timing.
- The reporting procedures and strategy for remedial works, as required.
- The roles, responsibilities and competency requirements of those involved in implementing the MMP.
- Details of the legal, financial and other resource requirements for delivery of the MMP.

7. CONCLUSIONS

- 7.1. Current site proposals will provide a **+26.42%** net gain in biodiversity for habitats and **+7.04%** net gain in biodiversity for hedgerows on the site. The headline results for the Biodiversity Matric 3.1 Calculation Tool can be found in **Appendix 1**.
- 7.2. A LEMP will be prepared to detail the management and monitoring of the soft landscaping to ensure that this BNG is realised.
- 7.3. These BNG calculations and the green infrastructure proposed for the site demonstrate the developments compliance with Policy DM26.
- 7.4. In the event that new landscape proposals or agreement for off-site post-intervention takes place, this BNGA should be updated as necessary to reflect the BNG provision at the site.

8. APPENDICES

Appendix 1 – Headline Results from the Biodiversity Metric 3.1 Calculation Tool for the Proposed Development

On-site baseline	<i>Habitat units</i>	32.98
	<i>Hedgerow units</i>	25.19
	<i>River units</i>	0.00
On-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	41.70
	<i>Hedgerow units</i>	26.97
	<i>River units</i>	0.00
On-site net % change (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	26.42%
	<i>Hedgerow units</i>	7.04%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention (Including habitat retention, creation & enhancement)	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	8.71
	<i>Hedgerow units</i>	1.77
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus (including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	26.42%
	<i>Hedgerow units</i>	7.04%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary ▲	



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Appendix 6
WSI Report

Land at Hartnoll Farm, Tiverton, Devon:

Written Scheme of Investigation for an archaeological
trench evaluation

Centred on NGR: 298976,112882

Prepared by:
AC archaeology Ltd

On behalf of:
Waddeton Park Ltd

Document No: ACW1537/1/0

Date: March 2023



AC archaeology

LAND AT HARTNOLL FARM, TIVERTON, DEVON

(Centred on NGR 298976 112882)

Written Scheme of investigation for an archaeological trench evaluation

1. INTRODUCTION

- 1.1 This document sets out proposals for undertaking an archaeological trench evaluation as supporting information for a proposed development on land at Hartnoll Farm, Tiverton, Devon (Planning Ref 21/01576/MOUT). The site is located at NGR SS 98976 12882; **Fig. 1**).
- 1.2 The archaeological evaluation has been requested by Devon County Council Historic Environment Team (hereafter DCCHET), advisers to Mid Devon District Council, and has been commissioned by Waddeton Park Ltd, through their agents PCL Planning. The site investigations will be carried out by AC archaeology Ltd.
- 1.3 The application site covers an area of c. 10.7 hectares and falls within four parcels of agricultural land along with part of the existing Hartnoll Business Centre. It is located c. 1.2km to the east of Tiverton and c. 1.1km to the west of Halberton. The agricultural land is partly bounded to the northeast by Hartnoll Business Centre, and by Post Hill Road and Manley Lane to the north and west respectively. Agricultural fields border the site to the south.
- 1.4 The proposed development will comprise both residential and employment use, along with associated infrastructure, access and landscaping.
- 1.5 The underlying solid geology comprises sandstone of the Tidcombe Sand Member – sedimentary bedrock formed between 298 and 252 million years ago during the Permian period (British Geological Survey Online). The site lies between 96m (north) and 84m (south) above Ordnance Datum.

2. ARCHAEOLOGICAL BACKGROUND

- 2.1 The site has been subject to a Historic Environment Desk-Based Assessment (Cotswold Archaeology 2020) and geophysical survey (Substrata 2020). An earlier geophysical survey and trench evaluation, as part of the Tiverton Eastern Urban Expansion Area was also undertaken, in an area adjacent to the southeast boundary of the site (AC archaeology 2009). The desk-based assessment has identified Hartnoll Farm as previously known as Arknall in the early 19th century and depicted on the 1838 Halberton tithe map, along with an area of orchard to the south of the farmstead. The Devon Historic Environment Record (DHER) records Hartnoll Farm as possibly being 17th century in origin. The site of the former farmstead and orchard is situated below the present Hartnoll Business Centre. With the exception of former field boundaries depicted on the tithe map, the desk-based assessment did not provide evidence for any further archaeological activity on the site, other than a Neolithic ring ditch recorded on the south-east boundary.
- 2.2 The subsequent geophysical survey has identified a series of anomalies across the site. This includes the south-western extent of a previously excavated ring ditch situated in the south-east portion of the site. A number of rectilinear anomalies revealed in two areas of the site may represent ditches associated with a former field system, along with two parallel narrow

sinuous linear anomalies, possibly representing part of a former trackway. Four similar curvilinear groups are likely to be former field boundaries visible on historic mapping. Further anomalies recorded across the site may represent post-hole alignments, and isolated pit and ditch-like anomalies of undetermined date and function.

- 2.3** A previous geophysical survey and trench evaluation was undertaken in 2009 (AC archaeology 2009) as part of the Tiverton Eastern Urban Expansion Area and included an area adjacent to the southeast boundary of the site. A single trench excavated in this area revealed the north-east extent of a prehistoric ring ditch and one linear feature probably associated with former medieval fields. Both features were recorded as positive anomalies on the geophysical survey.

3. AIMS

- 3.1** The aim of the work is to establish the presence or absence, extent, depth, character and date of any archaeological features, deposits or finds within the site, with particular reference to anomalies identified by the geophysical survey. The results of the work will be reviewed and used to inform any subsequent mitigation and whether or not the significance and state of survival of any buried archaeological remains is great enough to influence the layout of the proposed scheme should planning consent be obtained.

4. METHODOLOGY

- 4.1** The evaluation will comply with the Chartered Institute for Archaeologists' *Standards and Guidance for Field Evaluation* (revised 2020), and the DCCHET document *Specification for Field Evaluation*.
- 4.2** The evaluation will comprise the machine-excavation of 33 trenches. The trenches will each measure 50m long and 1.8m wide. Trenches have been positioned to mainly target the anomalies identified by the geophysics, as well as including magnetically blank areas to confirm the effectiveness of the survey, as a control (**Fig. 1**). All trenches will be located using a Leica Netover GPS, with sub-10mm accuracy, but may be subject to change based on site conditions, for example if currently unknown buried or overhead services are present.
- 4.3** The removal of soil overburden will be undertaken under the control and direction of the site archaeologist. Non-archaeological overburden will be removed by mechanical excavator in spits no greater than 20cm in depth, using a toothless bucket and stored alongside the trench. Topsoil and subsoil will be separated. Stripping by mechanical excavator will cease at the level at which archaeological deposits or natural subsoil is exposed. If deeper trenches (i.e. below 1.2m) are present, then these may need to be stepped or widened to allow safe working.
- 4.4** Following completion of overburden removal, or as soon as safe working allows, the trench bases will be cleaned by hand, where necessary, and any subsoil deposits identified. Spoilheaps will be scanned for displaced artefacts which will be recovered. A decision will then be made as follows:
- a) if there are no archaeological deposits present, the trench will be recorded as per methodology for Negative trenches in section **4.5.1**; or,
 - b) if there are deposits of potential archaeological origin (Positive trenches), these deposits will be excavated and recorded as per methodology in section **4.5.2**.

No backfilling will be carried out until approved by DCCHET.

4.5 Excavation and recording methodology

4.5.1 Negative trenches

In the case of trenches assessed to contain no archaeological features or deposits and deemed to be Negative, the archaeological recording will comprise:

- Completion of a *pro-forma* trench summary, which includes project and field cross-references, trench dimensions, a description of the nature and depth of overburden, the nature of the exposed natural subsoil and a measured representative sketch of at least one trench section;
- recording of a datum level on the section, and;
- a digital photograph showing a view of the entire trench and one showing the base and part of at least two sides of the excavated trench, including the recorded section.

No scaled plans or sections of the relevant trench will be provided.

4.5.2 Positive trenches

In the case of trenches assessed to contain archaeological features or deposits and deemed to be Positive, the archaeological recording will comprise two stages. The first stage will comprise:

- completion of a record as set out in **4.5.1**.

The second stage will comprise manual archaeological excavation and recording as follows:

- All exposed archaeological features and deposits will be excavated by hand to the following sample levels; the full excavation of small discrete features (pits, postholes etc, but a sample only of features present in high numbers, eg. stakeholes), half-sectioning (50% excavation) of larger discrete features and, long linear features will be excavated to sample 20% of their length – with hand investigations distributed along the exposed length of any such features, specifically targeting any intersections, terminals or overlaps. Should the above percentage excavation not yield sufficient information to allow the form and function of archaeological features/deposits to be determined, the sample may need to be increased or the full excavation of large or linear features/deposits may be required. Additional excavation may also be needed for the taking of palaeo-environmental samples and recovery of artefacts.
- If substantial numbers archaeological features of a similar character are exposed - such as rows of post- or stake-holes, then, in agreement with DCCHE, a sample of such features will be excavated as part of the evaluative exercise.
- If complex or extensive archaeological features or stratigraphy are exposed, then their extent, nature and depth only will be determined by these investigations. No attempt will be made to fully excavate any such deposits. However, the full depth of archaeological deposits will be assessed.
- One long section of each trench will be cleaned by hand.
- Where human remains are encountered they will wherever possible be left *in situ*; where this is not possible, their excavation and removal will be undertaken on receipt of the appropriate licence from the Ministry of Justice. Any consents or licenses required will be obtained on behalf of the client by AC archaeology.
- If expansive deposits, such as colluvial or alluvial layers or quarry pits are present in any trench, then machine-cut sondages will be excavated at intervals throughout the relevant trench, until at such time the layer sequence is confirmed.
- Should *in situ* structural remains be encountered, then sufficient excavation will be undertaken to confirm the function, sequence, chronology and method of construction.

- Should gold or silver artefacts be exposed, these will be removed to a safe place and reported to the local coroner according to the procedures relating to the *Treasure Act 1996*. Where removal cannot be effected on the same working day as the discovery, suitable security measures will be taken to protect the finds from theft.

4.6 Recording

All artefacts or deposits revealed will be recorded using the standard AC archaeology pro-forma recording system, comprising written, graphic and photographic records, and in accordance with AC archaeology's *General Site Recording Manual, Version 2*. Trench plans will be drawn at a scale of 1:50 or at 1:20 if more detail is needed and sections of features and baulk sections at 1:10 or 1:20. An overall trench location plan will be prepared at a scale of 1:1,000 or 1:2,000 and related to published property boundaries.

All site levels will be related to Ordnance Datum.

All metal finds and other typologically distinct or closely dateable artefacts will be recorded three-dimensionally.

A comprehensive photographic record of all archaeological deposits will be made in both plan and section. This will comprise colour digital format only (minimum 18 megapixels), illustrating in both detail and generally the main features and finds discovered. The photographic record will also include working views to illustrate more generally the nature of the archaeological operation mounted. A photographic scale and north arrow shall be included in the case of detailed photographs.

4.7 Finds and samples

All finds will initially be retained and examined by the AC archaeology Finds Manager in consultation with relevant specialists. Following this initial examination, later post-medieval and modern finds will not be retained except where they are items of intrinsic interest, or their further examination is considered necessary for the dating of specific features or deposits, or for the interpretation of the site.

Necessary conservation work, including any on-site emergency conservation actions, will be undertaken by the Exeter Museum Conservation Laboratory, who regularly provide sub-contract services and conservation advice to AC archaeology.

All artefacts recovered are to be washed (where the condition of the material allows) and marked. Finds will be bagged, boxed labelled and stored in accordance with current UKIC guidelines as set out in *Guidelines for the treatment of finds from archaeological sites*. Appropriate separation will be maintained of bulk finds from those small or delicate objects requiring special treatment or packaging.

Where deposits of palaeo-environmental potential are encountered, including carbonised or waterlogged organic deposits, these will be sampled as appropriate in accordance with English Heritage (now Historic England) guidelines (English Heritage 2011). Sampling will be undertaken, as appropriate, in consultation with the South West Historic England Scientific Adviser.

The following techniques will be used:

- 40/60 litre bulk samples will be taken from any deposits relevant for environmental sampling (waterlogged deposits, peat deposits etc). Bulk samples will be fully processed. Peat or waterlogged contexts will require sequential sampling and discussion with the relevant specialist (see below);

- If it is felt appropriate by the relevant specialist, samples taken (both bulk samples and monolith tin samples) will be examined for pollen, diatoms, insect, plant macrofossils and molluscs.
- Bulk samples will be processed using the standard flotation/sieving methods, with the float collected on a mesh size of 250 microns. Residues will be sieved through mesh sizes of 5.6mm, 2mm and a minimum of 500 microns.
- Monolith tin samples, with tins measuring no more than 500mm in length, will be overlapped in the standard way to allow for a continuous sample of the entire sequence to be taken. Samples will be adequately recorded and labelled. A register of samples will be made and sampling record sheets (Using the standard AC archaeology pro-forma recording system – see section 4.6 above) will be completed for all samples taken and will include the following information: sample type, reason for sampling, sample size, context, sample number, spatial location, date, context description and the approximate percentage of the context sampled. The samples will be recorded on the relevant site section drawing and photographs of the sample locations taken.
- Radiocarbon samples will be taken and dates obtained if sufficient material from relevant deposits is located. AMS dating can be taken from monolith samples. If early peat deposits are encountered, the Historic England Science Advisor will be consulted to discuss the method of sampling for radiocarbon dating.
- If surviving animal bone is encountered then the English Heritage (2014) guidance *Animal Bones and Archaeology* will be used (<https://historicengland.org.uk/advice/technical-advice/archaeological-science/environmental-archaeology/>).

5. THE PROJECT ARCHIVE

- 5.1 Depending on findings and the recipient museum collections policy, a fully integrated site archive will be prepared with reference to the English Heritage 1991 document *Management of Archaeological Projects* (Appendix 3) and Brown, DH, 2007, *Archaeological Archives A Guide to Best Practice in Creation, Compilation, Transfer and Curation*. A digital archive will be compiled, if required, in accordance with the Archaeology Data Service (ADS) standards and guidelines, as well as the *AC archaeology Data Management Plan for Digital Archives* (Coles 2018). It will consist of:
- All relevant born-digital data (images, survey data, digital correspondence, site data collected digitally etc.); and;
 - Digital copies made of all other relevant written and drawn data produced and/or collected during fieldwork and as part of the subsequent post-excavation analysis phase.
- 5.2 The digital archive will be deposited with the ADS within three months of acceptance of the final report/publication.
- 5.3 The finds and paper archive will initially be stored at the offices of AC archaeology in Bradninch, under an accession number **pending** from the Royal Albert Memorial Museum (RAMM), Exeter. The finds and paper archive will be offered to the museum, but if they are unable to accept this, then it will be dealt with under their current accession policy.
- 5.4 If the fieldwork does not expose deposits of archaeological interest and yield little or no artefactual material, then no archive will be prepared or deposited. The results of the fieldwork will be held by the Historic Environment Record in the form of the final report and the creation of an OASIS entry and uploading of the report.

6. REPORTING

6.1 An illustrated summary report will be prepared within two weeks of completion on site. The contents of the report will vary depending on the findings, but as a minimum will contain:

- A non-technical summary;
- A description of the investigation methodology;
- Relevant historic maps;
- A description of results including an assessment of any artefact or palaeo-environmental analysis undertaken;
- A plan showing the location of the trenches;
- Relevant plans, sections and photographs;
- A comment on the archaeological importance of the results, with reference to other published archaeological research from the area; and,
- An assessment of potential of the finds and archive for further analysis.

6.2 Should any finds or samples be recovered during the investigations then, following an initial assessment by the AC archaeology Finds Manager, the following specialists will contribute to the report as necessary:

- An assessment of any prehistoric ceramics will be provided by Henrietta Quinnell;
- Other ceramics will be assessed by Naomi Payne BA MA PhD MCIfA, Finds Manager, AC archaeology, or other regional specialist as required;
- Land snail analysis, environmental, geoarchaeological and radiocarbon sampling will be carried out by Mike Allen PhD MCIfA FLS FSA;
- Pollen analysis will be carried out by Rob Scaife BSc PhD FRGS;
- General plant macrofossils will be assessed by Wendy Carruthers BSc MSc MCIfA;
- An assessment of worked flint will be carried out by Julian Richards BA FSA MCIfA;
- Metalworking residues will be assessed by Dr Tim Young;
- An assessment of any human remains will be carried out by Charlotte Coles MA MCIfA;
- An assessment of animal bone will be reported on by Charlotte Coles MA MCIfA;
- An assessment of metal objects will be undertaken by Naomi Payne BA MA PhD MCIfA; and,
- Coins will be identified by Naomi Payne BA MA PhD MCIfA.

Other finds or environmental reports will be prepared by appropriate specialists or in-house staff as required.

6.3 The report will be submitted in digital (.pdf) format to DCCHET within c. two weeks of completion on site. Digital copies of the report will be produced for distribution to the client and the Local Planning Authority.

6.4 In the event that significant remains are recorded then, in line with government planning guidance, DCCHET may require publication of the results in conjunction with any further archaeological work carried out on the site. If such remains are encountered, the publication requirements, including any further analysis that may be necessary, will be confirmed by DCCHET.

7. HEALTH & SAFETY AND INSURANCE

7.1 Archaeological staff will operate under AC archaeology's Health and Safety Policy. All works will also be carried out in accordance with current Health and Safety legislation, to include (but not exclusively rely upon) the *Health and Safety at Work etc Act 1974*, the *Management of*

Health and Safety at Work Regulations 1999 and the Construction (Design & Management) Regulations 2007.

- 7.2 The Project Manager responsible for Health and Safety for AC archaeology is Simon Hughes. Simon is accredited under the *Site Manager's Safety Training Scheme (SMSTS)*.
- 7.3 In accordance with the provisions of the AC archaeology Health and Safety Policy, the AC archaeology site representative will be responsible for ensuring that operations under his/her control are carried out in accordance with the procedures outlined in 7.1 and in the site-specific risk assessment.
- 7.4 Archaeological staff will not work in unsafe or unhealthy conditions, even where not to do so will result in the possible under-recording of the archaeological resource. Safety helmets, high visibility vests and boots are to be used by all site personnel as necessary. Archaeological staff **must not** enter any area where there is a considered to be a health and safety risk that has not or is not being appropriately mitigated against.
- 7.5 All site staff carry *Construction Skills Certification Scheme (CSCS)* cards and senior members have up to date first aid qualifications, as well as CAT and Genny, banksmen and confined spaces certification. AC archaeology is registered as an approved contractor under the Worksafe Health and Safety Scheme (SMAS), Contractor's Health and Safety Assessment Scheme (CHAS) and CQMS Safety Scheme, as recognised by SSIP (Safety Schemes in Procurement).
- 7.6 AC archaeology carries Public Liability Insurance cover to £5,000,000, Employers Liability to £10,000,000 and Professional Indemnity cover to £5,000,000.

8. PERSONNEL, PROGRAMME AND MONITORING

- 8.1 The project will be managed by Simon Hughes, Project Manager, AC archaeology Ltd. Other personnel will be permanent and contract staff members of AC archaeology, all with suitable experience of this type of investigation and adhering to the ClfA Code of Conduct. The attending archaeologists will familiarise themselves with the content of this document prior to commencing the work.
- 8.2 The trial trenching is expected to take 3-4 weeks on site to complete. Two weeks' notice, or other period as mutually agreed, will be given to DCCHET prior to commencement on site.
- 8.3 The project will be monitored by the DCCHET Archaeology Officer for the local planning authority. Any variations to this document shall be agreed with them before they are carried out.

9. COPYRIGHT

- 9.1 AC archaeology Ltd shall retain full copyright of any report under the Copyright, Designs and Patents Act 1988 with all rights reserved, excepting that it hereby provides an exclusive licence to the Client for the use of the report by the Client in all matters directly relating to the project. Any document produced to meet planning requirements may be freely copied for planning, development control, education and research purposes without recourse to the Copyright owner subject to all due and appropriate acknowledgements being provided.

10. SOURCES CONSULTED

AC archaeology 2009. *Tiverton Eastern Urban Expansion Area: Archaeological and Cultural Heritage Assessment*

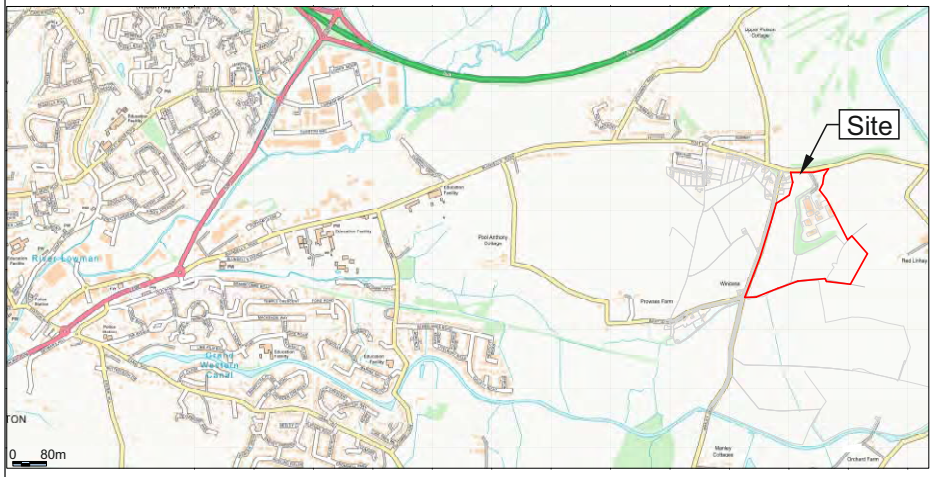
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Cotswold Archaeology 2020, *Land at Hartnoll Farm, Tiverton, Devon: Historic Environment Desk-Based Assessment*. CA Report: CR0538-1

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Proposed trenches

AC archaeology

PROJECT
Hartnolls Farm, Tiverton, Devon

TITLE
Fig. 1: Site and proposed trench location plan

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Appendix 7
Transport Note

This note confirms that the outline application for the extension of the existing business park for up to 3.9ha of employment land and up to 150 dwellings (21/01576/MOUT) was considered acceptable by the Local Highway Authority following consideration of the submitted Transport Assessment and further information.

Should the proposed employment uses come forward alone, the existing access is considered to provide a safe access of sufficient capacity. In addition, the traffic impact of the development would not have a severe impact on the operation or safety of the local road network. Finally, the site is considered accessible with improvements to local sustainable access infrastructure along Post Hill, to be confirmed at the s278 detailed design stage.

Appendix 8
Energy Feasibility Report

CarbonPlan Engineering

... delivering quality engineering services



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Energy Feasibility Report – Rev B

For

Hartnoll Business Park Centre Extension, Tiverton

For



June 2021



Revisions schedule		
Issue Date: 26 th April 2021		
Report prepared by: Dan Castle, Director, Carbon Plan Engineering		Date: 21 st April 2021
Checked by: Alan Calcott, Director, Carbon Plan Engineering		Date: 26 th April 2021
Status	FINAL	
Revision	Date	Changes
A	13 th May 2021	Amendments made in line with discussions and commentary
B	9 th June 2021	Final Issue

Please do not print unless necessary

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1. Executive Summary

1.1 Introduction

Carbon Plan Engineering have been asked to provide a feasibility report to set out the low carbon strategy in support of a planning application for new employment area adjacent to Hartnoll Business Centre.

This feasibility study focuses on connecting the heating and hot water systems for the new employment area to an existing nearby Anaerobic Digester system operated by the owner of the business park. The Anaerobic Digester is currently utilised for electric and heat generation on the site of the existing farm adjacent to the existing business Park. The objective of this report is to show whether the proposed new commercial development can utilise waste heat from the Anaerobic Digester system and to ascertain if there is sufficient spare capacity in the system to deliver the projected demands of the new site. This will support Mid Devon District Council in their Decarbonisation programme and significantly reduce the impact on global warming as a result of the operation of the new site.

The proposals will help meet the challenge of climate change by supporting a low carbon future incorporating energy efficiency features and with the inclusion of renewable energy systems which is a key development policy objective for the council.

1.2 Summary Conclusions

We have carried out a review of the anticipated heating demands from the proposed new employment area and we have found that

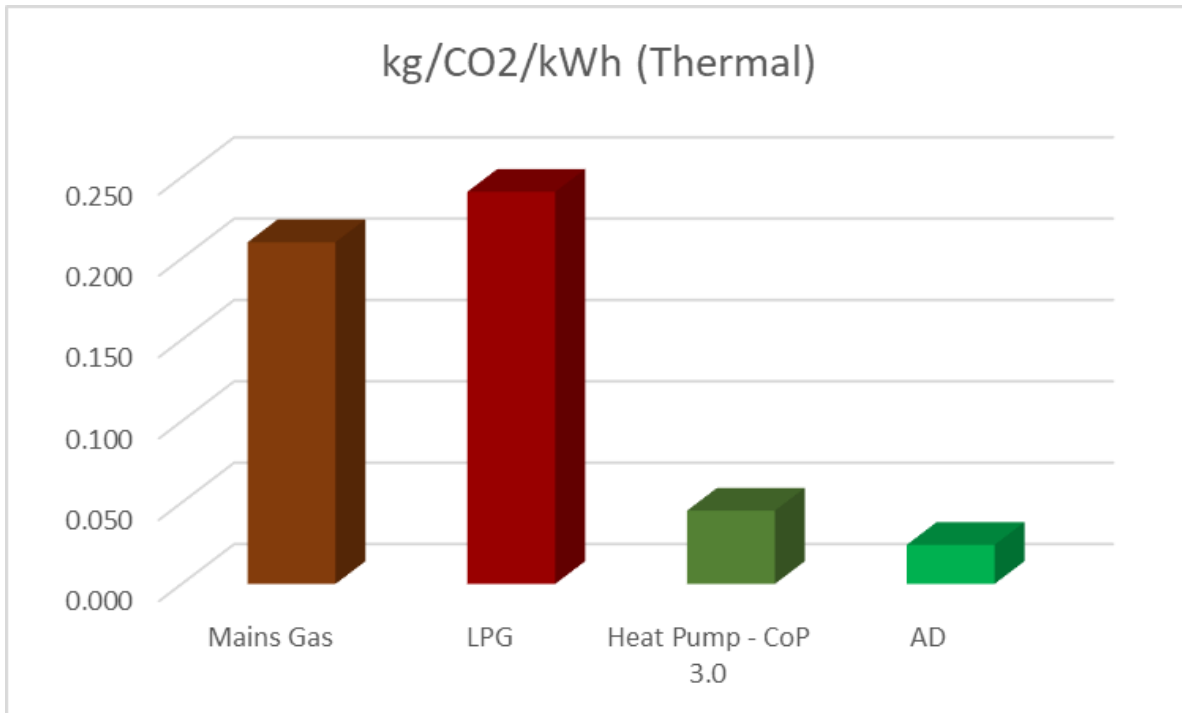
- 100% of the total annual energy demands can be provided by the spare heat from the existing Anaerobic Digestion system**
- 89% of the estimated peak thermal load for the proposed development could be delivered from the existing system with no modifications**
- The future available capacity from the expansion of heat sources on the farm would deliver 100% of this peak thermal load**
- 100% of the electricity demands from the proposed site can be met by the current electrical generation**

In our opinion this is an exciting opportunity to develop a very low carbon business park in a suitable location in the heart of Devon. The co-location of the existing Anaerobic Digester, its capacity for growth and the potential for the significant heat demands of a new business park to be delivered in such a way is both innovative and forward thinking having a clear regard for climate change objectives.

In terms of reductions in CO₂ emissions the table and chart on the following page shows the current (SAP 10.1) carbon factors for typical thermal energy and shows what level of reduction in CO₂ emissions could be achieved through connection to the various systems discussed in this report.

Table 1.1 SAP 10.1 Carbon Factors

	Mains Gas	LPG	Heat Pump - CoP 3.0	AD
kg/CO ₂ /kWh (Thermal)	0.210	0.241	0.045	0.024
Change against mains gas		115%	79%	89%



If these figures are mapped onto the heating demands of the site – estimated as being circa 1,900MWh per year then:

- ❑ **The baseline impact using natural gas for heating = 317.3 Tonnes CO₂ per year**
- ❑ **The impact if heated with the AD system = 36.3 Tonnes CO₂ per year**

The use of the AD system would likely provide a saving of up to 281Tonnes CO₂ per year – equivalent to an estimated 88% reduction on CO₂ emissions. The exact level of reduction would be determined during the detailed design stages and is largely dependant upon the final mix of end uses.



1.3 Site Description

Hartnolls Business Park is a successful existing rural business hub located on Uplowman Road, Tiverton. It is well connected to the M5, is served by an existing bus route and only 2 miles from Tiverton town centre. The development proposals being put forward are to expand the site for both residential and employment purposes.



This analysis focusses on the proposed extension to the employment area – as connections and metering to these future buildings will be relatively straightforward.

Existing Buildings

The existing business park has employment spaces with a total utilised area of circa 25,000m², although only circa 9,010m² currently has uses which require heating and hot water. We have assumed the following ratios in our analysis to calculate its heating and hot water demands.

- ❑ 63% of space is untreated i.e. it has no heating and minimal DHW (Domestic Hot Water) demands
- ❑ 37% of space therefore has space heating requirements

The areas with space heating on the existing site have been evaluated and broken down approximately as shown in Table 1.2 on the following page.

Table 1.2 Breakdown of existing uses

Description	Units	Area (m2)	% age
Total Office Area	15	3,221	35.7%
Total Warehouse / Industrial Area	7	3,322	36.9%
Total Manufacturing Area	5	1,688	18.7%
Total Retail Area	2	550	6.1%
Gym	1	230	2.6%
Totals	30	9,010	

It is known that the client's business case predicts a similar breakdown of occupiers to the existing site and based upon identified market demand. This means that the buildings uses and the energy consumption of the new site will be roughly proportional to the increase in utilised area.

Existing Anaerobic Digester

The existing Anaerobic Digester (AD) is approximately 100m west of the proposed development and has a maximum output of 1,498kW. Of this a total of 426kW of peak thermal energy is available for export from the system as it is currently run, however gas production could be increased to provide 675kW of peak capacity.

In addition, we have been advised that the available heat will be increased in the near future through the provision of a new Ground Source Heat Pump (GSHP) to deliver additional heat to the farm processes. There is likely to be some additional capacity in this system as well; increasing the potential total capacity available to circa 1 MW over time as the GSHP comes on stream.

1.4 Methodology

To understand the likely thermal demands from the site we have undertaken the following 3 steps: **review, modelling and analysis**. This allows us to effectively understand the benefits of the potential connection to the existing AD system and to ascertain whether it is feasible and desirable to make such a connection.

1.4.1 Review

The first stage of this work is to establish the likely mix of buildings on the site and to discuss with the client team how the buildings are likely to be used and operated. To allow this we have reviewed the existing site uses and superimposed these onto the proposed commercial spaces. This enables us to:

- Establish existing heating and hot water demands in terms of peak and annual loads
- Review the electrical infrastructure requirements

1.4.2 Modelling

Modelling outcomes, reference benchmarks and our experience have then been used to determine the loads from the entire site and to model these against the existing waste heat profile from the AD system.

1.4.3 Analysis & recommendations

Through the above process we have modelled the energy for each building and combined these into a site wide model. We can then use this data to inform recommendations on whether the connection is technically feasible and financially viable.

1.5 Review of uses and Energy Demands

The current proposals at Hartnoll Business Centre are for 32,640m² (Gross) of new commercial / employment space. With treated spaces proposed of approximately the same areas as those noted in Table 1.2 this gives:

- 23,350m² of untreated space (71%)
- 9,290m² of treated space (29%)

The mix used for this analysis is presented in Table 1.3 however this would be subject to change.

Table 1.3 Breakdown of new uses

Description	Area (m ²)	% age
Total Office Area	3,321	35.7%
Total Warehouse / Industrial Area	3,425	36.9%
Total Manufacturing Area	1,740	18.7%
Total Retail Area	567	6.1%
Gym	237	2.6%
Totals	9,290	

To understand the peak and annual energy demands, the proposed total areas (m²) for each type of proposed building are multiplied by the most appropriate energy density benchmarks available. These are summarised in Table 1.4 below along with the areas for each use type.

We have assumed that the buildings energy consumption will be “Good Practice” as far as energy benchmarks are concerned. We have also assumed that hot water demand in the untreated buildings will be minimal and so have added in an additional 10% requirement to the total while for electrical demands we have used the same figures as for the Manufacturing / 12 Hr warehouse.

Table 1.4 Benchmark source are overall area for analysis

Zone	Benchmark	Area m ²	% age
Office	Office CIBSE TM46	3,321	35.7%
Manufacturing	Manufacturing CIBSE Guide F Table 20.1	3,425	36.9%
Suppliers Depot	Distribution warehouse CIBSE Guide F table 20.6	1,740	18.7%
Retail	DIY Stores CIBSE Guide F Table 20.1	567	6.1%
GYM	Dry sports centre local CIBSE Guide F	237	2.6%

From the above we have utilised the benchmarks set out in Table 1.5 and to predict the peak and annual site energy usage.

Table 1.5 Benchmark values

Benchmark Figures		
Zone	Fossil Fuels (heating/hot water) kWh/m ² /year	Electricity kWh/m ² /year
Office	120	95
Manufacturing	175	29*
Suppliers Depot	114	53
Retail	149	127
Gym	158	64
Untreated Storage	10% of total	29

*we have used this electrical demand for the untreated storage.

1.6 Modelling Outcomes

The next step is to evaluate the overall and peak energy demands for the site and the outcomes of this are presented in the tables below.

The total annual energy demands are presented below in table 1.6.

Table 1.6 Total energy demands

Zone	Fossil Fuels (heating/hot water) MW/year	Electricity MWh/year
Office	399	316
Manufacturing	599	99
Suppliers Depot	198	92
Retail	84	72
Gym	37	15
Untreated Storage	193	677
Totals	1,511	1,271

The total peak loads are presented below in Table 1.7 taking account of diversity in consumption.

Table 1.7 Peak energy demands

Zone	Peak	
	Fossil Fuels kW	Electricity kW
Office	217	172
Manufacturing	326	54
Suppliers Depot	76	35
Retail	32	28
Gym	10	4
Untreated Storage	131	460
Totals	793	753

1.7 Analysis and recommendations

Thermal Energy

From the above we can see that the estimate peak thermal load is around 796kW and the likely energy demand is circa 1,511MWh per year.

As noted above there is 675kW of spare thermal capacity in the current system which would deliver:

- ❑ 89% of the total peak demand
- ❑ 1,919 MWh of heat running 10 hours per day or over 100% of the total energy requirements

As we would expect on any system there is an imbalance between the size of the peak demand and the total annual consumption.

Electrical Energy

The overall peak demands of the proposed site is circa 753kW which is broadly equivalent to 1,000kVa of supply requirements.

In addition to this the Anaerobic Digester generates around 7,927MWh of electricity which is exported each year to the national grid. This would provide sufficient electricity for both the current site and the future proposals.

Conclusions

This development proposal is a genuine example of utilising a low carbon CHP system.

The existence of the AD in close proximity to the proposed development site (fed by a locally sourced green fuel supply) offers a unique opportunity that, to the best of our knowledge, cannot be replicated elsewhere in Devon.

This marks the development proposal out from other forms of CHP (for example at Cranbrook or Pinhoe) that are fuelled by gas.

The under-utilisation of the existing system offers an opportunity to link the new commercial development to a connection and supply to the new commercial floorspace, and the opportunity to retrofit the existing commercial units. So long as the new development is designed to be connected to the existing heating supply on the site Anaerobic Digester system it then this would achieve a genuine low carbon business park that has no precedent in Devon (or wider afield across the South West). It would be an exemplar of low carbon business practice.

Recommendations

The following recommendation should be taken forward once initial approval for the site is given through the outline application process.

The peak load could, and should, be managed with local DHW (Domestic Hot Water) storage, system wide controls and energy efficient building design to help flatten out the peak thermal and electrical demands.

Once the mix of units is better defined more work should be carried out to ascertain a better view on heating demands and profiles. This should also be mapped onto a build and occupation programme to ensure that sufficient peak capacity is provided as the site develops.

A high level design should be developed for the heating distribution network. This will allow a firm cost to be determined and allow for predictive energy and financial modelling to be undertaken.

The electrical infrastructure of the existing site should be provided on a 'private wire' basis so that the electricity generated by the Anaerobic Digester system can be directly wired to the new development.

Appendix A – Anaerobic Digester – Existing data

System Capacity

The gas from the AD system is used to fuel the following systems with a total capacity of 1,498kW

- Biogas CHP 1 → 499kW Thermal
- Biogas CHP 2 → 599kW Thermal
- Biogas Boilers (2 No) → 200kW Thermal

Of the above capacity the system currently has 426kW of heat available based on existing patterns and feed stock. It has been confirmed that with some additional feedstock this could be increased to 675kW.

Electricity Generation

Currently around 85% of the electricity generated by the system is exported to the national grid equating to roughly 7,927MWh of electricity per year.

Operating Hours

The Anaerobic Digestion system is a continuous process and so the CHP engines can run 24 hours a day, other than when servicing is required.

Approximately 4% of the total hours are lost due to maintenance, but this could be scheduled to suit the energy demands in the future.

The demands from the driers are also consistently 24 hours per day.

Servicing

Each of the CHP engines is serviced once a month and this takes around 8 hours

In addition, every 12,000 hours (17 months) each of these need a rebuild which takes about 4 days

It will be necessary to ensure continuous heating supply while these works are undertaken.

Appendix B – Existing site uses

The existing site has office, retail, manufacturing, depot, gymnasium, and outdoor storage. Each unit and its respective usage, area, and proportion of site are listed in the following pages.

Table 3.1 Existing site uses

Offices

Unit	Area m ²	Proportion of site
Ground Floor Meriel Suite	60	0.2%
1st Floor	71	0.2%
Unit 20 & 24	488	1.5%
Unit 25	186	0.6%
Unit 8C	91	0.3%
Unit 7A	266	0.8%
Unit 8 Offices	35	0.1%
Unit 19	395	1.2%
Unit 23	120	0.4%
C3	463	1.4%
C5	465	N/A
C1	186	N/A
C4	232	N/A
Unit 5A and C2	93	N/A
Unit 2 Ground Floor Willox Suite	504	1.5%

Manufacturing

Unit	Area m ²	Proportion of site
Unit 4A-4C	494	1.5%
Unit 1	422	1.3%
Unit 18	960	2.9%
Unit 7B	177	0.5%
Unit 15 and 16	537	1.6%
Unit 5	298	0.9%

Retail

Unit	Area m ²	Proportion of site
Unit 21	395	1.2%
Unit 2A	155	0.5%

Outdoor Storage

Unit	Usage	Proportion of site
Unit 18	Automatic Saw Manufactures	31.6%
Unit 5A and C2	Roofers	3.7%
C1	Office	6.1%
C3	Tractor sales and repair	15.3%
C4	Roofing contractors	7.7%
C5	self-storage	15.3%

Other

Unit	Area SQM	Proportion of site
Unit 8a b	230	0.7%

Appendix 9
Costs Feasibility Report

CarbonPlan Engineering

... delivering quality engineering services



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Cost Feasibility Report – Rev -

For

Hartnoll Business Centre Extension, Tiverton

For



Waddeton Park Ltd

May 2022



Revisions schedule		
Issue Date: 27 th May 2022		
Report prepared by: Dan Castle, Director, Carbon Plan Engineering		Date: 25 th May 2022
Checked by: Alan Calcott, Director, Carbon Plan Engineering		Date: 27 th May 2022
Status	FINAL	
Revision	Date	Changes
A	6 th June 2022	Electrical costs added

Please do not print unless necessary



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1. Executive Summary

1.1 Introduction

Carbon Plan Engineering have been asked to provide a financial analysis for the proposed costs of a heat distribution system in support of a planning application for a proposed new employment area adjacent to Hartnoll Business Centre.

This study focuses on connecting the heating and hot water systems to the new employment area from an existing nearby Anaerobic Digester system operated by the owner of the business park. The Anaerobic Digester is currently utilised for electric and heat generation on the site of the existing farm adjacent to the existing business Park. The objective of this report is to show the anticipated level of costs for connecting to the new commercial development such that it can utilise waste heat from the Anaerobic Digester system. This has been requested to support the application by Mid Devon District Council.

1.2 Summary of previous Conclusions

Carbon Plan Engineering previously carried out a review of the anticipated heating demands from the proposed new employment area and we have found that

- 100% of the total annual energy demands can be provided by the spare heat from the existing Anaerobic Digestion system**
- 89% of the estimated peak thermal load for the proposed development could be delivered from the existing system with no modifications**
- The future available capacity from the expansion of heat sources on the farm would deliver 100% of this peak thermal load**
- 100% of the electricity demands from the proposed site can be met by the current electrical generation**

In our opinion this is an exciting opportunity to develop a very low carbon business park in a suitable location in the heart of Devon. The co-location of the existing Anaerobic Digester, its capacity for growth and the potential for the significant heat demands of a new business park to be delivered in a sustainable way is both innovative and forward thinking having a clear regard for climate change objectives.

1.3 Site Description

Hartnolls Business Centre is a successful existing rural business hub located on Uplowman Road, Tiverton. It is well connected to the M5, is served by an existing bus route and only 2 miles from Tiverton town centre. The development proposals being put forward are to expand the site for both residential and employment purposes, however the connection to the AD system is only proposed for the employment uses.



Therefore this analysis focusses on the proposed extension to the employment area – as connections and metering to these future buildings will be relatively straightforward.

Existing Anaerobic Digester

The existing Anaerobic Digester (AD) is approximately 100m west of the proposed development and has a maximum output of 1,498kW. Of this a total of 426kW of peak thermal energy is available for export from the system as it is currently run, however gas production could be increased to provide 675kW of peak capacity.

In addition, we have been advised that the available heat will be increased in the near future through the provision of a new Ground Source Heat Pump (GSHP) to deliver additional heat to the farm processes. There is likely to be some additional capacity in this system as well; increasing the potential total capacity available to circa 1 MW over time as the GSHP comes on stream.

1.4 System Analysis – Thermal

To understand the likely costs for the connection to the AD system we have developed the following initial sketch design with PCL planning to enable us to calculate the likely route and length of pipework connections from the existing AD plant to the individual units. As with the previous report we have had to make an estimate of the likely number of individual units.



The main 200mm flow and return pipework travels across the fields to the South of the proposed site from the existing AD system – shown in white – and then connects to a primary heat station which distributes the heat to all other parts of the site using 100mm flow and return pipework.

4 No smaller heat stations then split up the heat distribution to individual parts of the employment uses and from these 65mm flow and return branches to individual connections are made to heat exchangers within each unit.

This proposal is conceptual at this stage but has a reasonable degree of capacity, however at this time it is not possible to create a detailed formal design.

1.5 Financial Analysis – Thermal

Costs for various pipework sizes and installation costs have been provided by Logstor UK Limited and Proven Project Construction Ltd.

The following table provides the base costs used in the analysis.

	Linear Meters (single direction) No Of Units	Description / Notes	Unit Cost	Total Cost
Main pipework in Fields	418.27	200mm Flow and Return pipework in fields - White	£650 / lm	£543,751
Main pipework under roads	60	200mm Flow and Return pipework under roads - Green	£850 / lm	£102,000
Main Heat Station	1 No	Primary distribution node with pumps	£50,000 / unit	£50,000
Secondary Main Heat pipework	235	100mm Flow and Return pipework under roads - Green	£550 / lm	£258,500
Secondary Heat Station	4 No	Secondary distribution node with pumps	£35,000 / unit	£140,000
Secondary Distribution	290	100mm Flow and Return pipework under roads - Purple	£350 / lm	£203,000
Individual Connections	29	Heat exchanger and metering in each building	£8,500 / unit	£246,500
Individual Connection Pipework	260	65mm Flow and Return pipework under roads to connect to buildings - Purple	£200 / lm	£104,000

£1,647,751

NOTES:

- 1) Lengths of pipework are doubled to account for Flow and Return
- 2) Heat Station costs include local pumps
- 3) Individual connections include for heat metering
- 4) No allowance for thermal storage has been made within the buildings
- 5) No allowance has been made for modifications to the AD system to accommodate the new connections
- 6) Electrical connection and distribution costs are not included

The above costs **are** base costs and we advise that the following are added as a minimum:

- Surveys = £25,000
- Design = £75,000
- Contingency = 20% - this is high as there are many unknowns
- Inflation = 15% per 6 month period from now
- Overheads and profit = 19%

Taking all the above and bringing them together into a likely contract sum we can assume the following as being a reasonable capital cost assuming that the works progress within 12 months.

Main capital costs	£1,647,751
Surveys	£25,000
Design	£75,000
Contingency	£329,550
Inflation (1 year)	£494,325
	£2,077,301
Overheads and profit	£394,687
Total costs	£2,471,988

1.6 System Analysis – Electrical

To understand the likely costs for the electrical connections we have used the same data as above in terms of routing and lengths for simplicity however there are a number of further considerations that need to be accounted for,

We have assumed that the AD system would provide electricity to the site using a private wire “behind the meter” arrangement. This means that the electricity from the AD system would be supplied directly to the new commercial units via a submetering arrangement without any energy being imported from the grid. However when the AD system was not working – i.e. for maintenance – the electricity supply would be provided from a normal main connection; which means that a full grid connection would be required.

A dynamic supply arrangement would be required whereby the electricity not consumed by the new site was still exported to the grid. This arrangement would also ensure that when the AD system was not working there would be a supply from the grid to the commercial units.

The above systems are complex and require the same infrastructure costs as a normal grid connections as well as extensive controls to dynamically manage the import and export of electricity.

1.7 Financial Analysis – Electrical

Costs for various elements have been taken from other projects and subject to detailed design and actual quotes from the District Network Operator (DNO).

The following table provides the base costs used in the analysis.

	Linear Meters (single direction) No Of Units	Description / Notes	Unit Cost	Total Cost
Mains Substation	1 No	Primary substation - assumed to be at site boundary	£200,000 / unit	£200,000
Main pipework in Fields	480	HV cabling from AD system to site boundary across fields	£2,167 / Lm	£1,040,000
Main pipework under roads	60	HV cabling from AD system to site boundary under roads	£2,708 / Lm	£162,500
Secondary Main Heat pipework	525	LV Site distribution throughout entire site up to buildings	£465 / Lm	£244,125
LV Switchgear	1 No	LV Site control gear as required by legislation	£50,000 / unit	£50,000
Individual Connections	29 No	Sub metering and connections to each unit	£2,500 / Lm	£72,500
Dynamic control systems	1 No	Dynamic control system to manage import and export	£250,000 / unit	£250,000

£2,019,125

NOTES:

- 1) Total system description is notional
- 2) Individual connections include for sub metering to be in line with regulatory compliance
- 3) No allowance for electrical storage has been made within the buildings
- 4) No allowance has been made for negotiations with DNO nor further HV connection costs

The above costs **are** base costs and we advise that the following are added as a minimum:

- Surveys = £10,000
- Design = £25,000
- Contingency = 20% - this is high as there are many unknowns
- Inflation = 15% per 6 month period from now
- Overheads and profit = 19%

Taking all the above and bringing them together into a likely contract sum we can assume the following as being a reasonable capital cost assuming that the works progress within 12 months.

Main capital costs	£2,019,125
Surveys	£10,000
Design	£25,000
Contingency	£403,825
Inflation (1 year)	£605,738
	£2,457,950
Overheads and profit	£467,011
Total costs	£2,924,961

Appendix 10
KLP Letter dated 27/03/23

Waddeton Park Ltd - Attn Mr G Keay
C/o PCL Planning Ltd
13A -15A Old Park Avenue
Exeter
EX1 3WD

27th March 2023

Dear Mr Keay

Re Land at Hartnoll Farm, planning proposal for 150 dwellings and 3.9ha of employment land.

I have been asked to provide a high level comment on the viability of delivering the employment element of the mixed use proposal at Hartnolls Farm and in particular the prospects of incorporating locally generated heat and power from the nearby CHP plant.

In commenting it might be helpful to record that I am a Fellow of the Royal Institution of Chartered Surveyors with many years of post-qualification experience specialising in property development, a Registered Valuer, member of the Institute Of Rating and Valuation and member of the Chartered Management Institute. I am also Managing Director of Kitchener Land and Planning a specialist practice advising landowners on the sale of development land across the Southwest.

I have been provided with feasibility and cost estimate reports prepared by Carbon Plan Energy which detail that the cost of provision for heat would be £2.471 million and for power would be £2.924 million which is a total of £5.395 million.

The employment element of the proposal comprises 3.9 hectares or 9.63 acres and at this outline stage even if it was the case that the whole area was developable the abnormal cost of CHP provision would exceed £1.38 million per hectare or £560,000 per acre.

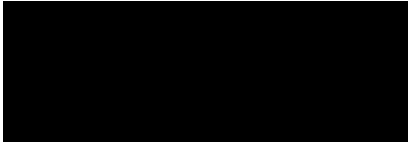
My expectation would be that developed conventionally using mains electricity and perhaps mains gas for heating and before consideration of any additional costs from the upsized access road that might link to the Tiverton EUE the employment land and other utility provisions including foul and surface water drainage as well as ground conditions I would expect the employment land with planning permission to have a value or perhaps £300,000 to £350,000 per acre. So as such whilst I would expect the employment land to be viable if conventionally developed it would be economically impossible to do so incorporating CHP.

Tel: 01392 879300 | **Email:** sales@klp.land | **Website:** www.klp.land

If it were desired to make use of CHP then some form of substantial grant or subsidy would be necessary to meet the bulk or all of the costs of CHP provision without which there is no prospect of the employment development being brought forward with CHP.

In the context of the mixed use proposal the proposed residential use has the potential to generate a return to the landowner that would be sufficient to provide the cross subsidy required to deliver the CHP if that was desired by the developer.

Yours sincerely



Andrew J Kitchener FRICS IRRV (Hons) MCMI
Managing Director
Kitchener Land and Planning