

**Your Ref** APP/Y1138/W/22/3313401  
**Our Ref** DS/SJS/1883  
**Date** 27<sup>th</sup> July 2023



13a-15a Old Park Avenue  
Exeter  
Devon  
EX1 3WD  
United Kingdom  
t: +44 (0)1392 363812  
[www.pclplanning.co.uk](http://www.pclplanning.co.uk)

Andrew Luke  
The Planning Inspectorate  
Environmental Services  
Operations Group 3  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

[Environmentalservices@planninginspectorate.gov.uk](mailto:Environmentalservices@planninginspectorate.gov.uk)

Dear Mr Luke,

**TOWN & COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)  
REGULATIONS 2017 (THE 'EIA REGULATIONS')  
APP/Y1138/W/22/3313401: LAND AT HARTNOLLS FARM**

In response to the letter from PINS dated 14/07/2023 regarding the submitted Environmental Statement at the above site, and pursuant to Regulation 25 of the EIA Regulations the appellant is pleased to provide the following information.

**Characteristics of the Proposed Development**

The proposal is an outline application where the matters of Scale, Landscaping, Appearance and Layout are reserved for future consideration.

The physical characteristics of the proposed development are summarised on a Framework Plan that is attached to this letter (as appendix 1 - reference 0221\_001.pdf). This Framework Plan is included as part of the application details (on page 41 of the of the Design and Access Statement). Pages 40 and 41 of the DAS set out the development parameters (and the relevant extract from the DAS is included at appendix 2 to this letter). That Framework plan is also referred to at paragraph 1.5.2, page 12, of Volume 2 of the Environmental Statement (ES) and a copy provided at Technical Appendix 1.3 (of the ES).

The design parameters are also set out (within Chapter 1 of Volume 2 of the ES, in particular at paragraph 1.5.2).

Please note that there are no particular proposed decommissioning activities. The baseline conditions for the site (prior to submission of the planning application) was agricultural use (arable). Thus the only 'decommissioning' as such is the cessation of that use.

In terms of land use change that will involve:

- the cessation of the agricultural use
- the construction process

- the commencement of the mix of uses applied for

## Scoping

The scope of the ES does respond to the scoping opinion provided by the Council (dated 15/10/21). That letter, on page 5, identifies 14 matters to be considered within the ES. The scoping opinion letter was accompanied by a screening matrix (see appendix 3) that set out the Council's consideration of the issues/matters raised by the appeal proposals. It should be noted that, in most cases, the Council concurred with the appellant that the appeal proposals will not give rise to a significant effect (see column 3 of appendix 2). In the Council's own opinion it was only matters 1.1 (Natural Resources), 8.1 (Cultural Heritage/Archaeology) and 12 (Cumulative Effects). In all other respects the Council concurred with the appellant the proposals will not produce a significant effect. The appellant was therefore surprised that, in their scoping opinion letter (dated 15/10/21), that, having regard to the Government policy, set out in the PPG and in particular section 6 'Preparing an Environmental Statement' where it states that:

*"The opinion should be proportionate, tailored to the specific characteristics of the development and the main environmental features likely to be significantly affected."* Paragraph: 036 Reference ID: 4-036-20170728

and;

*"Requests for further information should be limited to the "main" or "significant" environmental effects to which a development is likely to give rise and must be on relevant matters and directly relevant to reaching a reasoned conclusion on the significant effects of the proposed development on the environment (regulation 26)."* Paragraph: 047 Reference ID: 4-047-20170728

that such a broad scope of ES was sought by the Council. The appellant commented on this, (at paragraph 1.5 of the Non Technical Summary [NTS]), pointing out that they would respond to the scope of the Council's scoping opinion as best as they were able having regard to the outline nature of the proposal and the fact that, in the Council's own opinion, most of the 14 matters/issues listed on page 5 of the Council's scoping opinion letter were agreed to be unlikely to produce a significant effect.

Thus, the appellant produced an ES with 15 chapters, using the following structure (see Table of Contents to Volume 2 of the ES dated October 2022):

- 1.0 Introduction
- 2.0 Consideration of Alternatives
- 3.0 Socio-Economic Effects

- 4.0 Arboricultural Impacts
- 5.0 Ecology and Biodiversity
- 6.0 Archaeology and Cultural Heritage
- 7.0 Transport & Accessibility
- 8.0 Flood Risk and Drainage
- 9.0 Air Quality
- 10.0 Ground Conditions and Contamination
- 11.0 Landscape and Visual Impact
- 12.0 Noise and Vibration
- 13.0 Waste Management
- 14.0 Utilities
- 15.0 Cumulative Effects

Please note that the NTS (October 2022) has 17 chapters. The discrepancy is that 'Site Description' and 'Description of the Proposed Development' sections are set out as chapters 2.0 and 3.0 in the NTS, whereas in Volume 2 of the ES those matters are included within Chapter 1.0. There is no difference in content, merely the organisation of that content.

In order to set out more clearly how the ES has responded to the 14 matters identified in the Council's scoping letter we set out below a table which compares the scope identified by the Council with the scope of the ES prepared by the appellant. That table clearly identifies which of the 14 substantive chapters of the ES have responded to which of the 14 matters identified by the Council in their scoping letter.

### Scoping Table

| Council List Number | Council Scoping Matter   | Chapter Number | Chapter Title                      |
|---------------------|--|----------------|------------------------------------|
| 1                   | Alternative and cumulative effects   | 2 and 15       | Alternatives<br>Cumulative Effects |
| 2                   | Socio-economic effects (including projected delivery of MDDC Local Plan 2013-2033 allocated employment land) | 3              | Socio-Economic Effects             |
| 3                   | Arboricultural impacts   | 4              | Arboricultural Impacts             |
| 4                   | Ecology and biodiversity   | 5              | Ecology and Biodiversity           |
| 5                   | Archaeology and cultural heritage  | 6              | Archaeology and Cultural Heritage  |

|    |  |    |                                     |
|----|--|----|-------------------------------------|
| 6  | Transport and accessibility (including any increase associated with required increased capacity to the AD plant) | 7  | Transport and Accessibility         |
| 7  | Flood risk and drainage  | 8  | Flood Risk and Drainage             |
| 8  | Air quality and dust   | 9  | Air Quality                         |
| 9  | Ground conditions and contamination  | 10 | Ground Conditions and Contamination |
| 10 | Landscape and visual impact (including physical and topographical changes and impact on Grand Western Canal)     | 11 | Landscape and Visual Impact         |
| 11 | Noise and vibration  | 12 | Noise and Vibration                 |
| 12 | Scarce resources (above and below ground including land, water, soil)  |    | See text below                      |
| 13 | Waste management.  | 13 | Waste Management                    |
| 14 | Utilities.   | 14 | Utilities                           |

It is notable that the only area of discrepancy in scope between the appellant and the Council is the matter of Scarce resources. However, it should also be noted that the Council's scoping letter carries on (on pages 6-12) to set out the expected scope of the ES, but that it does not set out anything in relation to the Scarce Resources matter so, reading the Council's scoping opinion as a whole there is no discrepancy. This conclusion is underpinned by the Council's screening matrix (attached as appendix 3) that was attached to the Council's scoping opinion letter (see page 3 of that letter) that identifies the scarce resources matter (item 1.3 in the matrix) as being of no likely significant effect (on the basis that no Grade 1 agricultural land will be lost as a result of this proposal). Thus, there is a discrepancy between the Council's screening position and its' scoping opinion.

The appellant has considered the matter of impact upon agricultural land in some depth and has produced an additional chapter to the ES to ensure that there can be no question that the ES has not responded to the scope of the Council's scoping opinion (as set out in their letter of 15/10/2021). This additional Chapter is entitled Scarce Resources and is Chapter 16 of Volume 2 of the ES.

## **Biodiversity**

Please find attached (as appendix 4) an Ecology Technical Note prepared by Environmental Gain Ltd that considers the matter of the linkage to the Tidcombe Fen SSSI in greater detail.

## **Conclusion**

We trust that this information responds satisfactorily to the points raised in your letter dated 14/07/2023. Please note that in order to facilitate the smooth running of the inquiry the appellant intends to undertake the following:

| Date     | Action  |
|----------|---|
| 27/08/23 | Issue Volume 1 – Non Technical Summary (Revised) to PINS, LPA and Halberton PC<br>Issue Volume 2 - Chapter 16 – Scarce Resources to PINS, LPA and Halberton PC<br>Issue copy of this letter along with appendices to LPA and Halberton PC |
| 01/08/23 | Place Public Notice in the Mid Devon Gazette, to enable 30 day consultation on those documents, along with the appendices to this letter  |
| Ongoing  | Copy any public responses to the consultation documents to the LPA, Halberton PC and PINS.  |

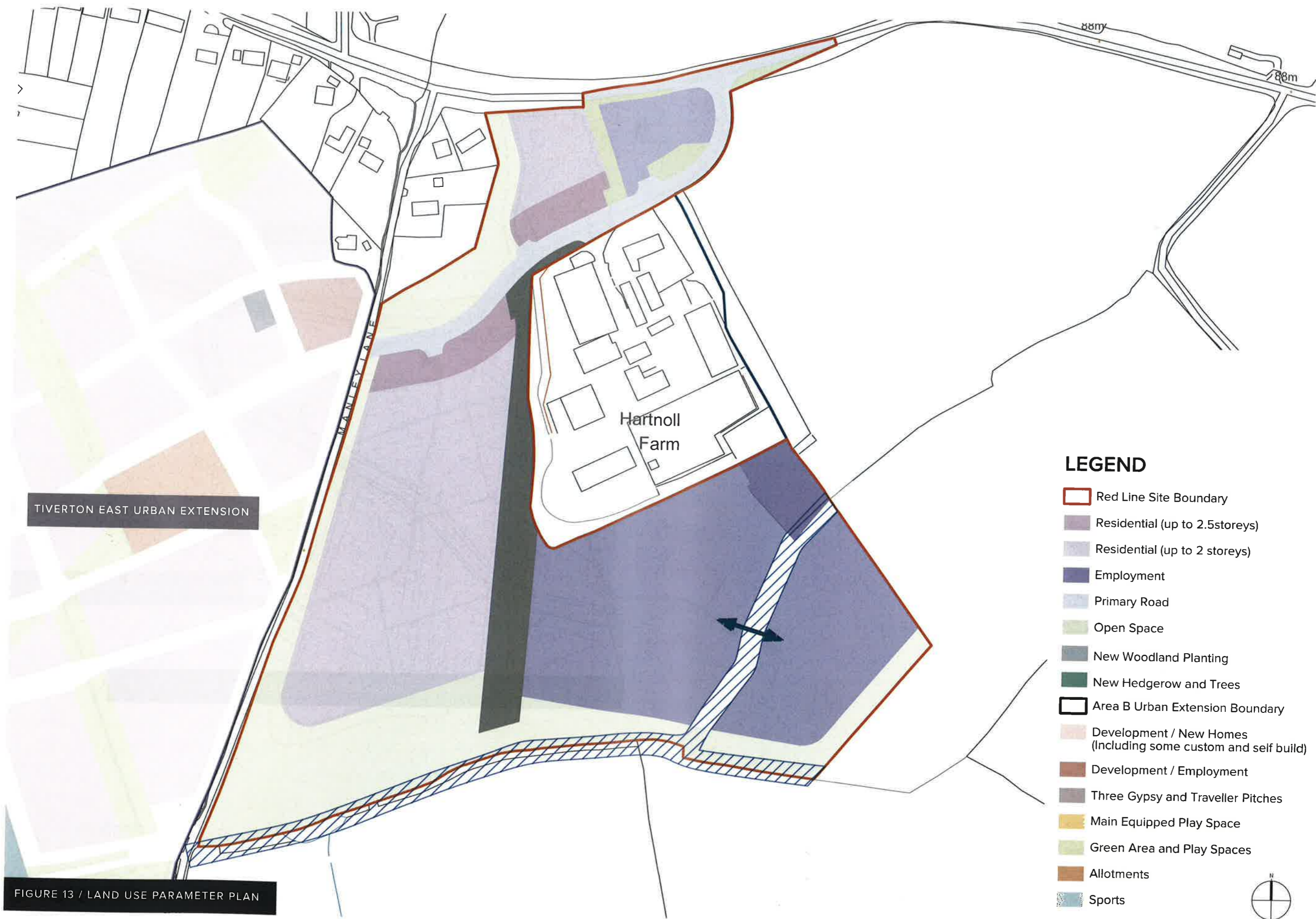
Kind regards,



David Seaton, BA (Hons) MRTPI  
**For PCL Planning Ltd**  
**e: [d.seaton@pclplanning.co.uk](mailto:d.seaton@pclplanning.co.uk)**

Enc. Appendices 1 - 4  
 Revised Volume 1 Non-Technical Summary  
 Volume 2 – Chapter 16

**Appendix 1**  
**Framework Plan 0221\_001**



TIVERTON EAST URBAN EXTENSION

Hartnoll Farm

MANLEYANE

**LEGEND**

- Red Line Site Boundary
- Residential (up to 2.5storeys)
- Residential (up to 2 storeys)
- Employment
- Primary Road
- Open Space
- New Woodland Planting
- New Hedgerow and Trees
- Area B Urban Extension Boundary
- Development / New Homes (Including some custom and self build)
- Development / Employment
- Three Gypsy and Traveller Pitches
- Main Equipped Play Space
- Green Area and Play Spaces
- Allotments
- Sports



FIGURE 13 / LAND USE PARAMETER PLAN

**Appendix 2**  
**DAS Extract**





# HARTNOLL FARM

TIVERTON

# DESIGN AND ACCESS: PARAMETERS & PRINCIPLES

## 4.1. Introduction

This part of the Design and Access Statement communicates the design principles and concepts that have been applied to particular aspects of the proposal in respect of use and amount, access, landscaping, layout and appearance of the development.

### Use and Amount

This addresses how much development is proposed. For residential development, this means the number of dwellings proposed for residential use and the density, whilst for employment this comprises the amount of gross area available.

### Access

This covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning, treatment and types of access. It also includes circulation routes and how these fit into the surrounding access network.

### Landscape

This covers the treatment of private and public space which enhance or protect the sites amenity through hard and soft measures, for example through planting of trees or hedges.

### Layout and Appearance

This includes the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development. It also includes the aspects of a building or place that determine the visual impression it makes, excluding the external built form of the development.

## 4.2. Development Parameters

The proposed development of Hartnoll Farm is a mixed use scheme consisting of an extension to the employment park and new residential with a range of housing types catering for the differing needs of residents, which is set in a network of multi-functional green corridors accessible to both new residents and the wider community. The proposed green open spaces across the site will accommodate a variety of uses and activities, including informal recreation, dog-walking, surface water attenuation, permeable woodland, and children's play.

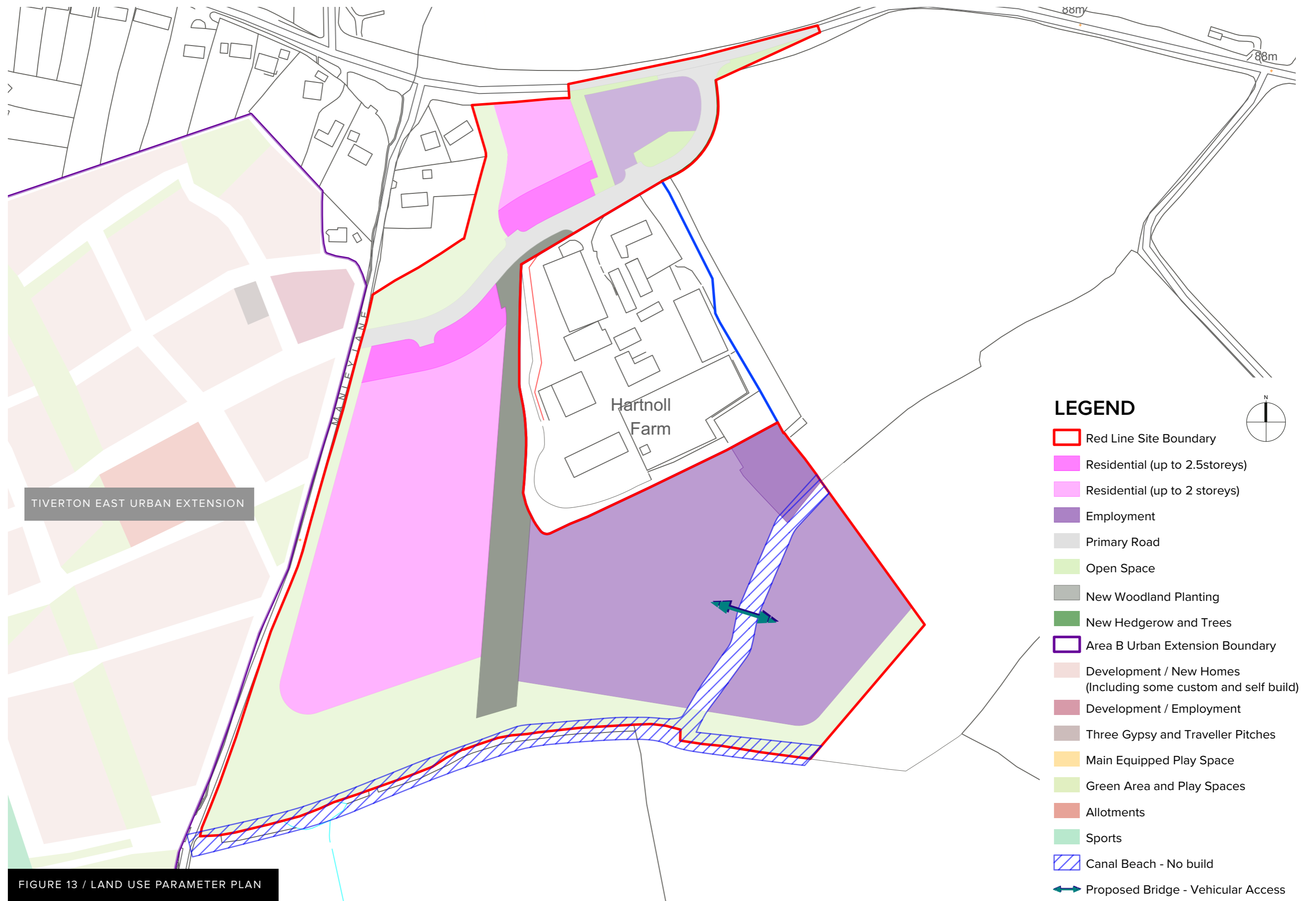
## 4.3. Use and Amount

This submission seeks to make efficient, effective use of the land and offers a design which has been influenced by its location on the edge of the Tiverton Eastern Urban Extension and the character of the surrounding area. The proposal comprises up to 3.9 hectares of new employment land to the south of the existing Hartnoll Business Centre and in addition up to 150 residential dwellings.



















## 4.4. Scale of Development

The residential development will mainly be two-storey housing except along the link road which could be up to two and a half storeys. This would be consistent with the typical height of development seen in the surrounding residential areas. Building heights within the proposed employment area would be addressed at Reserved Matters application stage.

| Name                         | Area (Ha)    | % of Area    |
|------------------------------|--------------|--------------|
| Red Line Site Boundary       | 12.36        | 94%          |
| Residential                  | 3.60         | 29.2%        |
| Employment (Existing)        | 0.21         | 1.7%         |
| Employment (New)             | 3.86         | 31.2%        |
| Primary Road                 | 0.62         | 5.0%         |
| <b>Sub-Total</b>             | <b>8.29</b>  | <b>67.1%</b> |
| Open Space                   | 3.07         | 24.8%        |
| New Woodland Planting        | 0.72         | 5.8%         |
| Employment Canal Breach Area | 0.28         | 2.3%         |
| <b>Sub-Total</b>             | <b>4.07</b>  | <b>32.9%</b> |
| <b>Total</b>                 | <b>12.36</b> | <b>100%</b>  |



**LEGEND**

-  Red Line Site Boundary
-  Residential (up to 2.5storeys)
-  Residential (up to 2 storeys)
-  Employment
-  Primary Road
-  Open Space
-  New Woodland Planting
-  New Hedgerow and Trees
-  Area B Urban Extension Boundary
-  Development / New Homes (Including some custom and self build)
-  Development / Employment
-  Three Gypsy and Traveller Pitches
-  Main Equipped Play Space
-  Green Area and Play Spaces
-  Allotments
-  Sports
-  Canal Beach - No build
-  Proposed Bridge - Vehicular Access

TIVERTON EAST URBAN EXTENSION

FIGURE 13 / LAND USE PARAMETER PLAN

**Appendix 3**  
**Screening Matrix**

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS  
2017 SCREENING MATRIX**

| <b>1. CASE DETAILS</b>   |               |   |
|--|---------------|---|
| <b>Case Reference</b>  | 21/01576/MOUT | <b>Brief description of the project / development</b><br>Outline planning application for the extension of the existing business park, residential development of up to 150 dwellings and associated open space and infrastructure. |
| <b>Applicant</b>   |               |   |
| <b>LPA</b>   | MDDC          |   |
| <b>2. EIA DETAILS</b>  |               |   |
| <b>Is the project Schedule 1 development according to Schedule 1 of the EIA Regulations?</b>                                   |               | No  |
| <b>If YES, which description of development (THEN GO TO Q4)</b>  |               | Click here to enter text.   |
| <b>Is the project Schedule 2 development under the EIA Regulations?</b>  |               | Yes   |
| <b>If YES, under which description of development in Column 1 and Column 2?</b>  |               | Urban development project including more than 1ha of urban development which is not dwellinghouse development and an overall area of development that exceeds 5has.   |
| <b>Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?</b> |               | Yes   |
| <b>If YES, which area?</b>   |               | Tidcombe Fen SSSI; scheduled monument (long barrows); Somerset Levels & Ramsar Site   |
| <b>Are the applicable thresholds/criteria in Column 2 exceeded/met?</b>  |               | Yes   |
| <b>If yes, which applicable threshold/criteria?</b>  |               | The area of the development exceeds 1 hectare and exceeds the overall area of 5ha.  |
| <b>3. LPA/SOS SCREENING</b>  |               |   |
| <b>Has the LPA or SoS issued a Screening Opinion (SO) or Screening Direction (SD)?</b>   |               | No  |
| <b>If yes, is a copy of the SO/SD on the file?</b>   |               | Click here to enter text.   |
| <b>If yes, is the SO/SD positive?</b>  |               | <SELECT>  |
| <b>4. ENVIRONMENTAL STATEMENT</b>  |               |   |
| <b>Has the applicant supplied an ES for the current or previous (if reserved matters or conditions) application?</b>           |               | No  |

| Question   | <b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b><br>(Yes/No or Not Known (?) or N/A)<br><br>Briefly explain answer to Part 2a and, if applicable and/or known, include name of feature and proximity to site<br><b>(If answer in Part 2a / 2b is 'No', the answer to Part 3a / 3b is 'N/A')N</b> |  | <b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b><br>(Yes/No or Not Known (?) or N/A)<br><br>Is a significant effect likely, having regard particularly to the magnitude and spatial extent (including population size affected), nature, intensity and complexity, probability, expected onset, duration, frequency and reversibility of the impact and the possibility to effectively reduce the impact?<br>If the finding of no significant effect is <b>reliant on specific features or measures</b> of the project envisaged to avoid, or prevent what might otherwise have been, significant adverse effects on the environment <b>these should be identified in bold.</b> |  |
|--|--|--|--|--|
| <b>1. NATURAL RESOURCES</b>  |  |  |  |  |
| <b>1.1</b> Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the topography of the area?   |  | Yes, levelling of land to allow development of industrial and residential units and associated infrastructure. | Yes  | Whilst the levelling is localised to allow for development of the site, the spatial extent, permanence and non-reversibility of the levelling would be significant. <b>The impact will be reduced by keeping built development away from the more sensitive areas of the site, such as hedges, Ailsa Brook, existing residential development, Golf Course and Grand Western Canal.</b> |
| <b>1.2</b> Will construction or operation of the project use natural resources above or below ground such as land, soil, water, materials/minerals or energy which are non-renewable or in short supply? |  | Yes  | No   | The construction will use land, water, materials and non-renewable energy, only as generally required for a construction project.  |
| <b>1.3</b> Are there any areas on/around the location which contain important, <b>high quality or scarce resources</b> which could be affected by the project, e.g.                                      |  | No. Whilst the development site includes agricultural land it is designated Grade 2 and 3 agricultural land.   | No   | Grade 1 best and most productive agricultural land will not be lost as a result of this application.   |

| Question   | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons<br>(Yes/No or Not Known (?) or N/A) |   | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?<br>(Yes/No or Not Known (?) or N/A) |  |
|--|---|---|--|--|
| forestry, agriculture, water/coastal, fisheries, minerals?   |   |   |  |  |
| <b>2. WASTE</b>  |   |   |  |  |
| <b>2.1</b> Will the project produce solid wastes during construction or operation or decommissioning?  |   | The project is likely to produce solid wastes during operation.   | No   | The wastes will be limited to the extent of the development of the site. Not all end users have yet been identified. <b>The development will be subject to a waste strategy.</b>                                     |
| <b>3. POLLUTION AND NUISANCES</b>  |   |   |  |  |
| <b>3.1</b> Will the project release pollutants or any hazardous, toxic or noxious substances to air?   |   | No  | N/A  |  |
| <b>3.2</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?  |   | There is potential for noise and light to be produced during the construction of and from the operation of the development. | No   | The nature of the development would mean that the emissions of noise and light would be localised and not significant. <b>The development will be subject to a Construction Management Plan and a Lighting Plan.</b> |
| <b>3.3</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?  |   | No  | No   | Surface water will be discharged into the ground and surface water attenuation features. <b>The development will be subject to a SuDs strategy.</b>  |
| <b>3.4</b> Are there any areas on or around the location which are already subject to pollution or environmental damage, e.g. where existing legal environmental standards are exceeded, which could be affected by the project? |   | No  | N/A  |  |

| Question   | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons<br>(Yes/No or Not Known (?) or N/A) |  | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?<br>(Yes/No or Not Known (?) or N/A) |   |
|--|---|--|--|---|
| <b>4. POPULATION AND HUMAN HEALTH</b>  |   |  |  |   |
| 4.1 Will there be any risk of major accidents (including those caused by climate change, in accordance with scientific knowledge) during construction, operation or decommissioning?   |   | No   | N/A  |   |
| 4.2 Will the project present a risk to the population (having regard to population density) and their human health during construction, operation or decommissioning? (for example due to water contamination or air pollution)  |   | No, construction management would be controlled.   | No   | <b>The development will be subject to a Construction Management Plan.</b>   |
| <b>5. WATER RESOURCES</b>  |   |  |  |   |
| 5.1 Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?  |   | Yes, part of the site is within Flood Zone 2. This being principally associated with existing ditches. No part of the site is within Flood Zone 3.   | No   | <b>No built development would not take place within Flood Zones 2 &amp; 3. Surface water would be managed in accordance with a SUDs scheme and Environment Agency requirements.</b> |
| <b>6. BIODIVERSITY (SPECIES AND HABITATS)</b>  |   |  |  |   |
| 6.1 Are there any protected areas which are designated or classified for their terrestrial, avian and marine ecological value, or any non-designated / non-classified areas which are important or sensitive for reasons of their terrestrial, avian and marine ecological value, located on or around |   | Within close proximity to the Tidcombe Fen SSSI and catchment area, Grand Western Canal Country Park and County Wildlife Site.<br><br>However, the site has no specific designation, There is a watercourse on the south western boundary of the site. | No   | The watercourse will be buffered by green infrastructure and only non-polluted surface water will drain into the GI and watercourse.  |



| Question  | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons<br>(Yes/No or Not Known (?) or N/A) |   | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?<br>(Yes/No or Not Known (?) or N/A) |  |
|---|---|---|--|--|
| the location and which could be affected by the project? (e.g. wetlands, watercourses or other water-bodies, the coastal zone, mountains, forests or woodlands, undesignated nature reserves or parks. (Where designated indicate level of designation (international, national, regional or local))).  |   |   |  |  |
| <b>6.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?  |   | Yes, protected species within the hedgerows, ditches, trees (and groups of) through and on the boundaries of the site and nearby Grand Western canal and Former Railway Line. | No   | The effects on protected species is likely to be localised and <b>subject to mitigation being conditioned on the planning permission</b> , is unlikely to have an effect on the conservation status of species. Even without mitigation, the effect would be localised only. |
| <b>7. LANDSCAPE AND VISUAL</b>  |   |   |  |  |
| <b>7.1</b> Are there any areas or features on or around the location which are protected for their landscape and scenic value, and/or any non-designated / non-classified areas or features of high landscape or scenic value on or around the location which could be affected by the project? <sup>1</sup> Where designated indicate level of designation (international, national, regional or local). |   | No, but Knighthayes Historic Park and Garden is a modest distance away.   | No   | Designated landscape setting unlikely to be affected to any significant degree.  |
| <b>7.2</b> Is the project in a location where it is likely to be highly visible to many   |   | Yes. Grand Western Canal Country Park   | No   | Views of much of the site would be screened by existing and proposed landscape planting. Long distance views possible but development would  |

<sup>1</sup> See question 8.1 for consideration of impacts on heritage designations and receptors, including on views to, within and from designated areas.

| Question  | (Part 2a) / (Part 2b) – Answer to the question and explanation of reasons<br>(Yes/No or Not Known (?) or N/A) |   | (Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?<br>(Yes/No or Not Known (?) or N/A) |  |
|---|---|---|--|--|
| people? (If so, from where, what direction, and what distance?)   |   |   |  | be seen in the context of existing and proposed Tiv EUE.   |
| <b>8. CULTURAL HERITAGE/ARCHAEOLOGY</b>   |   |   |  |  |
| <b>8.1</b> Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local). |   | Yes. Scheduled ancient monument (long barrows). Also Locally designated 'flint fields'. Archaeological investigations are incomplete and will be required.<br>There are Listed buildings in proximity including on West Manley Lane and within Halberton. | Yes  | The impact of the development will be subject to detailed archaeological investigations and <b>subject to mitigation conditioned on the planning permission. The impact may be reduced by keeping built development away from the more sensitive areas</b> this including long views from listed buildings where development would be <b>screened by existing and proposed landscape planting.</b> |
| <b>9. TRANSPORT AND ACCESS</b>  |   |   |  |  |
| <b>9.1</b> Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?  |   | Yes, Grand Western Canal Country Park – walking and SUSTrans cycle route. Former railway line – walking and Sustrans route.   | No   | Direct impact limited and <b>mitigated by landscape planting.</b>  |
| <b>9.2</b> Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?  |   | No.   | No   | Increase in traffic localised and not considered to be significant in EIA terms.   |
| <b>10. LAND USE</b>   |   |   |  |  |
| <b>10.1</b> Are there existing land uses or community facilities on or around the   |   | Yes. Proposed Tiverton Eastern Urban Extension including a mix of uses and up to 1830 dwellings.  | No   | Some housing borders the site, but effects are not considered to be significant in EIA terms.  |

| Question  | <b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b><br>(Yes/No or Not Known (?)) or N/A) |   | <b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b><br>(Yes/No or Not Known (?)) or N/A) |   |
|---|---|---|--|---|
| location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation. |   | The Anaerobic Digestion (AD) plant 250m to the east of the application area.<br>Existing dwellings of Pool Anthony, Post Hill and Halberton.<br>Tourist destination: Grand Western Canal and Sustarans routes |  | <b>Development closest to housing to be mostly residential. Residential and employment development to be screened by green infrastructure.</b>  |
| <b>10.2</b> Are there any plans for future land uses on or around the location which could be affected by the project?  |   | Yes, housing allocation to the west of the site (Tiverton Eastern Urban Extension).   | No   | Development on the Tiverton EUE, closest to the application area, awaits final approval of masterplan SPD. Proposed secondary point of access could be beneficial for that development but the nature of the development associated with this EIA unlikely to have significant effects on future housing proposals. |
| <b>11. LAND STABILITY AND CLIMATE</b>   |   |   |  |   |
| <b>11.1</b> Is the location susceptible to earthquakes, subsidence, landslides, erosion, or extreme /adverse climatic conditions, e.g. temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?                       |   | No  | N/A  |   |
| <b>12. CUMULATIVE EFFECTS</b>   |   |   |  |   |
| <b>12.1</b> Could this project together with existing and/or approved development result in cumulation of impacts together during the construction/operation phase?   |   | Yes. The development proposal is close to existing and approved development that would result in a cumulative impact during both construction and operation stage.  | Yes  | This is a significant proposal of 3.9ha of employment land and 150 dwellings with associated infrastructure including that from the AD plant to serve new and existing employment units. The cumulative effects are considered to be significant in EIA terms.  |

| Question   | <b>(Part 2a) / (Part 2b) – Answer to the question and explanation of reasons</b><br>(Yes/No or Not Known (?)) or N/A |    | <b>(Part 3a) / (Part 3b) (only if Yes in part 2a) – Is a Significant Effect Likely?</b><br>(Yes/No or Not Known (?)) or N/A |  |
|--|--|----|---|--|
| <b>13. TRANSBOUNDARY EFFECTS</b>   |  |    |   |  |
| <b>13.1</b> Is the project likely to lead to transboundary effects? <sup>2</sup> |  | No | No  |  |

---

<sup>2</sup> The Regulations require consideration of the transboundary nature of the impact. Due to the England's geographical location the vast majority of TCPA cases are unlikely to result in transboundary impacts.

## 5. CONCLUSIONS – ACCORDING TO EIA REGULATIONS SCHEDULE 3

The development is likely to lead to significant effects during construction, operation or cumulatively with other development, that would make it development requiring submission of an Environmental Statement. There would be some localised effects that will be dealt with during the planning application process. In addition, the development exceeds the levels set out in the Government's set of indicative thresholds and criteria.

## 6. SCREENING DECISION

|   |     |
|---|-----|
| <b>If a SO/SD has been provided do you agree with it?</b> | N/A |
| <b>Is it necessary to issue a SD?</b>                     | Yes |
| <b>Is an ES required?</b>                                 | Yes |

## 7. ASSESSMENT (EIA REGS SCHEDULE 2 DEVELOPMENT)

### OUTCOME

|   |                      |   |
|---|----------------------|---|
| <b>Is likely to have significant effects on the environment</b>         | ES required          | ✓ |
| <b><u>Not</u> likely to have significant effects on the environment</b> |                      |   |
| <b>More information is required to inform direction</b>                 | Request further info |   |

|             |                  |
|-------------|------------------|
| <b>NAME</b> | Christie McCombe |
| <b>DATE</b> | 15 October 2021  |

**Appendix 4**  
**Ecology Technical Note**

A large background image showing a vibrant green field of grass with a soft bokeh effect of light circles, transitioning from a light blue sky at the top to a bright green field at the bottom.

## HARTNOLLS FARM, TIVERTON

### Ecology Technical Note – Tidcombe Lane Fen

**Environmental Gain Ltd**

Unit 8 Westway Farm  
Bishop Sutton  
Bristol  
BS39 5XP

**01225 459564**

[enquiries@engain.com](mailto:enquiries@engain.com)

[www.engain.com](http://www.engain.com)

**Client:** Waddeton Park Ltd  
**Ref:** eg18835.05

**Appeal Ref:**  
APP/Y1138/W/22/33134

21 July 2023

## REVISION HISTORY

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## 1. INTRODUCTION

- 1.1. Engain undertook ecological assessments of a proposed development at Hartnolls Farm, which is the subject of an appeal against Mid Devon Council's decision to refuse planning permission. The Outline planning application (reference 21/01576/MOUT) is for:

*“Outline for the extension of existing business park for up to 3.9ha of employment land and up to 150 dwellings with associated infrastructure and access with all other matters reserved”.*

- 1.2. Following examination of the Environmental Statement accompanying the planning application by the Secretary of State, clarification has been requested regarding the proposed development's potential effects on Tidcombe Lane Fen Site of Special Scientific Interest (SSSI). The letter from the Secretary of State (dated 14<sup>th</sup> July 2023) requests:

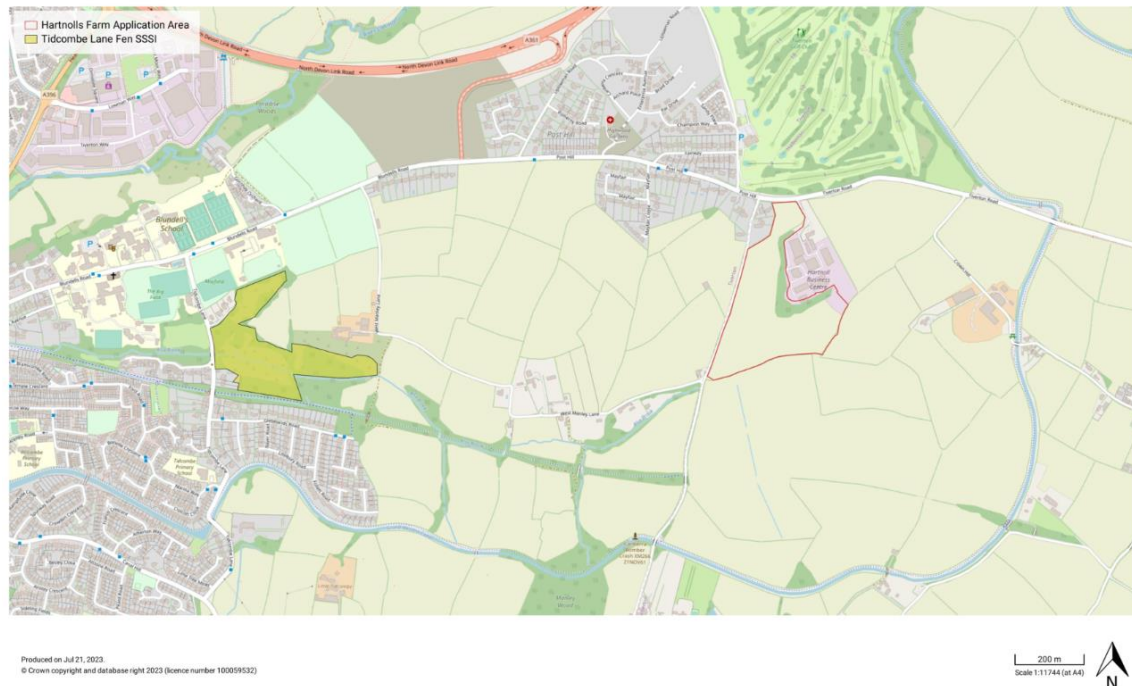
*“a revised assessment of effects on Tidcombe Lane Fen Site of Special Scientific Interest (SSSI) to include appropriate cross reference between the flood risk / drainage and biodiversity assessment...to resolve the conflict between the flood risk and drainage assessment and the ecology assessment which conclude differently on the existence of a potential link to this site.”*

- 1.3. The purpose of this Ecology Technical Note is to provide the requested clarification.

## 2. REVISED ASSESSMENT OF EFFECTS

- 2.1. The boundary of the proposed development is approximately 990m east of the boundary of Tidcombe Lane Fen SSSI (**Figure 1**).

**Figure 1, "Location of the Proposed Development in Relation to Tidcombe Lane Fen SSSI"**



- 2.2. The Ecological Appraisal submitted with the application and included as Appendix 5.1 in Volume 2 of the Environmental Statement (report reference eg18835.002, dated 19<sup>th</sup> November 2020) concludes in paragraph 5.1 in regard to potential effects on Tidcombe Lane Fen SSSI:

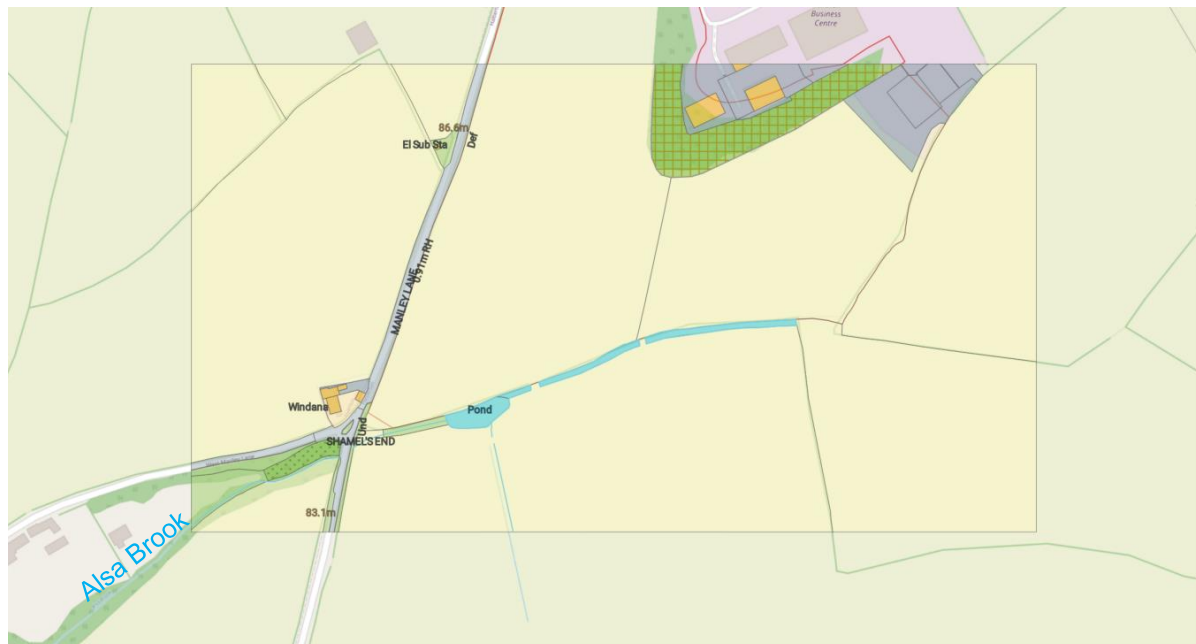
*“The site is sufficiently distant from Tidcombe Lane Fen that it is not directly hydrologically linked to it. The topography between the site and the Fen includes a shallow valley running east to west, but there is no continuous watercourse linking the two sites. Any proposed development would be bound to follow suitable measures to avoid runoff of soils or other materials into watercourses and therefore no effects are likely to occur.”*

- 2.3. The Flood Risk Assessment submitted with the application as Appendix 8.1 in Volume 2 of the Environmental Statement (report reference: 529/FRA2 V2 – 23.06.21) states in Section 3.5 however that:

*“Alsa Brook feeds the Tidcombe Lane Fen SSSI and the existing runoff rates should not be reduced greatly or there will be a negative impact on the wetland habitat that is now nationally scarce and rare in Devon. The habitat is sensitive to changes in its hydrological catchment and is dependent on a continuous water supply, high water table, occasional flooding and good water quality.”*

- 2.4. Whilst the connection between the site and the Alsa Brook is not “continuous” (**Figure 2**), the Flood Risk Assessment correctly identifies the potential for there to be a negative impact on the SSSI if there were to be changes to the water supply or water quality as a result of the development.

**Figure 2, "The Proposed Development Boundary in Relation to the Alsa Brook"**



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100 m  
Scale 1:3000 (at A4)



- 2.5. The Flood Risk Assessment sets out the measures that would be required to address these potential impacts, which comprise the use of wetland areas, pipes, swales and porous paving to manage water flow and quality. These measures were carried forward into the illustrative design as set out in the Framework Plan (Drawing Reference DE\_425\_SK11 Revision D) included as Appendix 1.3 in Volume 2 of the Environmental Statement.

- 2.6. The Flood Risk Assessment concludes that:

*“It can be demonstrated that with the input of mitigation measures, the proposed development of the site can deliver similar runoff rates to maintain the flows that feed the Tidcombe Lane Fen SSSI.”*

- 2.7. The existing arable land use extends up to the southern boundary of the site, leaving the existing watercourse adjacent to the proposed development site’s southern boundary unbuffered from agricultural runoff and the soils exposed to the risk of erosion. The measures proposed in the Flood Risk Assessment and the landscaping scheme would create a wide buffer of perennial vegetation and water management features between the developed areas and the southern edge of the proposed development boundary. This will create an ecological corridor for wildlife, protect the soils from erosion and provide a buffer the watercourse from pollution. Research indicates that buffer strips of between 15m and 25m are most effective at removal of nutrient pollution (Tsai *et al.* 2016, Zabronsky, 2016). The proposed landscape buffer between the development and the southern edge of the site is between 15m at its narrowest point and 65m at its widest and is therefore likely to provide an effective buffer against nutrient pollution.
- 2.8. Natural England provided their consultation response to the application in a letter dated 26<sup>th</sup> August 2021 (their reference: 364346). Their advice was that, subject to confirmation that the development will connect to the mains sewer and the inclusion of a planning condition requiring the provision of a detailed sustainable drainage scheme (SuDS) to deal with surface water, the proposals would not be likely to adversely affect Tidcombe Lane Fen SSSI. Draft planning conditions were provided in Natural England’s response. This approach was endorsed by the Council’s Flood and Coastal Risk Management Team in their consultation response dated 23<sup>rd</sup> September 2021.

### **3. CONCLUSION**

- 3.1. The conclusion of the revised assessment is that there is potential for the proposed development to have an impact on the Tidcombe Lane Fen SSSI, but that the proposed SUDS and landscaping strategies would be sufficient to avoid adverse effects.
- 3.2. This conclusion is supported by consultation responses provided by Natural England and the Council's Flood and Coastal Risk Management Team.

## 4. REFERENCES

Tsai, Y., H. Zabronsky, B. Beckage, A. Zia and C. Koliba. (2016). A Review of Phosphorus Retention in Riparian Buffers: An Application of Random Effects Meta- and Multiple Regression Analyses. *J. Environ. Qual.* 1-29.

Zabronsky, H. (2016). Phosphorus Removal in Agricultural Riparian Buffers: A Meta-Analysis.  
Zhang, T., Wang, Y., Tan, C., Welacky, T. (2020b). An 11-Year Agronomic, Economic, and Phosphorus Loss Potential Evaluation of Legacy Phosphorus Utilization in a Clay Loam Soil of the Lake Erie Basin. *Frontiers in Earth Science.*





Environmental Gain Ltd  
Unit 8 Westway Farm  
Bishop Sutton  
Bristol  
BS39 5XP

01225 459564  
[enquiries@engain.com](mailto:enquiries@engain.com)  
[www.engain.com](http://www.engain.com)

