

neighbourhood plans

From: James Mitchell [REDACTED]
Sent: 14 December 2017 11:54
To: neighbourhood plans
Subject: A Bad Apple in the Brixham Peninsula Neighbourhood Plan (BPNP)

Dear Sir/Madam,

1. I write to contest the inclusion of the proposed development of the H3-I10 Waterside Quarry site within the Brixham Peninsula Neighbourhood Plan (BPNP) on the grounds that it fails to satisfy a number of key Policies contained within the Plan.
2. **Policy E1.1.** Policy E1.1 states that “The natural beauty, landscape character, tranquillity and biodiversity will be preserved and enhanced.” Since the Waterside Quarry stopped operating over 50 years ago, this land has been largely allowed to return to nature. It also appears entirely possible that the raised portion of this land that slopes down to the East towards the Bay may never have been actually quarried and therefore never previously developed – this observation is supported by the presence of unworked cliff edges down from this raised portion of land to the lower portion of land and these cliff edges presumably represent the physical boundary of the area actually quarried. There was certainly no visible evidence of this raised portion having been part of a Quarry site until the new landowner made great efforts to import a pile of large rocks **from offsite** onto this raised, East-facing portion of land – presumably with the necessary approvals!
3. On page 56 of the BPNP Housing Assessment, the part dealing with the H3-I10 Waterside Quarry proposal concludes that the site is Suitable, Available and Achievable. However, Torbay Council sold the Waterside Quarry site in 2014 in five parcels. Three parcels of land were sold with provisional planning permission to Coydes Builders – a proposed development not included within the BPNP. The remaining 2 plots were sold as **Amenity Land** and this is the land defined by the H3-I10 proposal. In a written reply to a written question concerning the sale and potential development of this Amenity Land, Torbay Council’s Head of Asset Management and Housing has explained that prior to selling at auction, Torbay Council had divided the Waterside Quarry site into 5 adjoining lots to maximise the return for the Council. He explained that “*land with planning permission was marketed as suitable for residential and the remainder was then marketed for the use that planners confirmed would be acceptable, amenity land. I can assure you that if there was any possibility of obtaining a residential planning permission on the remaining plots then the Council would have.*” It is difficult to reconcile this statement from the Authority with the claim in the BPNP that the H3-I10 proposal is “Suitable” and “Achievable”.
4. The raised portion of this amenity land that slopes to the East is very much an established and essential ‘Green’ area to local residents. It is very much my opinion, and that of many of my neighbours, that developing houses on this land (particularly the raised, East-facing part) would diminish and destroy its natural beauty, landscape character, tranquillity and biodiversity. Therefore, I believe that proposal H3-I10 fails to satisfy Policy E1.1.
5. **Policy E3.** It is very disappointing to note that Policy E3.1 somehow fails to mention any ‘Settlement Gaps’ involving Broadsands. We live on the very Northern fringes of Broadsands and we contest that the green wedge provided by the Waterside Quarry site is an essential ‘Settlement Gap’ between Broadsands and Paignton – essential to avoid us becoming part of an aimless urban sprawl. Policy E3.2 should apply equally to Broadsands where it states that: “Within the settlement gaps no development that visually and /or actually closes the gaps between these urban areas will be permitted.” Therefore, I believe that proposal H3-I10 fails to satisfy Policy E3.

6. **Policy E8.2.** Policy E8.2 states that “In particular, development will not be permitted where it would • threaten the habitat of the Greater Horseshoe Bat, its roost, its strategic flyways and its sustenance zones. I believe that Torbay Council Planning Department is well aware of the confirmed presence of Greater Horseshoe Bats in the old Waterside Quarry land.

7. It is perhaps worth observing here that the new landowner of the H3-I10 land cut down a good number of mature trees shortly after buying this Amenity Land and in a short window of opportunity between temporary and permanent Tree Preservation Orders applying to these trees. It is perhaps also worth noting here that the new landowner also dug up and destroyed a good number of wild bushes and shrubbery shortly after buying the land and in between an interim and full Bat Survey conducted on this land – both surveys having been commissioned by the BPNP Forum. And finally, it is perhaps also worth noting here that the new owner is Mr Adam Billings and/or his mother - the Deputy Chair of the BPNP Forum. A Deputy Chair might be forgiven an oversight due to division of work load within a complex undertaking like this but it is disappointing to think that the landowner could be unaware of the significance and timings of Bat Surveys planned for their land.

8. Notwithstanding the destruction of what may have constituted important strategic flyways and sustenance zones to the Greater Horseshoe Bat, it is encouraging that the land is recovering quickly and subsequent Bat Surveys, conducted since these trees and much of the surrounding habitat were cut down, have again confirmed the continuing presence of Greater Horseshoe Bats in the Waterside Quarry. Therefore, I believe that proposal H3-I10 fails to satisfy Policy E8.2.

9. **Conclusions.** There is much to like and support within the BPNP. It clearly represents the hard work and honest endeavours of many members of the BPNP Forum. The Policies stated within the BPNP are really the only way that a lay person like myself can understand what its aims, objectives and constraints are. There is an expectation that the Policies will be applied fairly, equally and impartially in all cases. It is therefore disappointing that there is one bad apple amongst it – the H3-I10 Waterside Quarry proposal. I conclude and contest that the H3-I10 proposal should be removed from the BPNP.

Yours faithfully

Wing Commander (Retired) James Mitchell MSc BEng CEng MRAeS RAF

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