

neighbourhood plans

From: Duncan Wills [REDACTED]
Sent: 14 December 2017 18:56
To: neighbourhood plans
Subject: H3-I10 Waterside Quarry

Dear Sir or Madam,

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.

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 fifty 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!

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 Coyde Ltd – a proposed development not included within the BPNP. The remaining two plots were sold as Amenity Land and this is the land defined by the H3-I10 proposal. In a written reply to a 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 five 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"*.

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 my opinion, and that of many local residents, that developing houses on this land (particularly the raised, east-facing part) would diminish and destroy its natural beauty, landscape character, tranquillity and biodiversity. In this respect proposal H3-I10 fails to satisfy Policy E1.1.

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 contend 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.

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.

It is perhaps worth observing here that the new landowner of the H3-I10 land felled a good number of mature trees shortly after buying this Amenity Land before Torbay Council applied permanent Tree Preservation Orders to the 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 paid from the public purse. And finally, it is perhaps also worth noting here that the new owner is Mr Adam Billings, 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 his own land.

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.

Conclusions

The Policies stated within the BPNP are really the only way that a lay person 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 contend that the H3-I10 proposal should be removed from the BPNP.

Yours faithfully,

Duncan R. Wills

[Redacted signature block]

neighbourhood plans

From: Duncan Wills [REDACTED]
Sent: 15 December 2017 18:00
To: neighbourhood plans
Subject: Waterside Quarry H3-I10

Dear Sir or Madam,

Some further objections to the flawed inclusion of Waterside Quarry in the BPNP document:

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document 8

States:

'Waterside Quarry 0.9 ha'

'Comment on Document 8

Factually incorrect and or misleading information ?

This refers to the area of land in the Quarry.

This is replacated several times in the document and we will come back to the relevance of this later.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Page 9/Document 21

Table 3.3: States:

'Waterside Quarry 0.9 ha'

'Comment on Page 9/21

Repeated factually incorrect and or misleading information ?

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Page 30/Document 42

5.6 Waterside Quarry

States:

'This former quarry site off Waterside Road comprises areas of grassland, scrub and trees. The eastern part of the site is elevated (comprising the former lip of the quarry), with views to the east and north east and is sloping. The western part of the site, within the former quarry, adjoins Dartmouth Road and is less sloping. **A small area of hardstanding is also present in the northern part of the site.** Site Development Potential This site is approximately **0.9 hectares**, which would typically yield approximately 21 homes. However, given the gradients and visual prominence of parts of the site it is considered that a realistic proposal would be for fewer dwellings. Residential development at this location would fit well with existing land uses in the area. The site has good public transport access, and **has good access from Waterside Road.**'

Comment Page 30/42:

There is no inclusion after 'This former quarry site off Waterside Road' that informs the public of the full facts that part of the land, the part described in the site appraisal, had recently been sold by Torbay Council as Amenity Land and why that was so.

This is very relevant to the public's decision making in being made aware of the full facts and circumstances.

They should for example be made aware of the recorded Comments by Liam Montgomery Head of Asset Management and Housing in answer to residents request for information about Waterside Quarry and why it was sold as Amenity Land (sic):

'As i am sure will appreciate when the Council make a decision to dispose of any asset they are committed to obtaining best value for that asset. This would involve a series of assessments to establish what potential the asset has and whether any upfront investment would ultimately deliver a greater return once sold. In the case of land they would look to consider what, if any, development options there are for the land, the types of uses that would be acceptable and then which will attribute the greatest value.

As part of this process, investigations, detailed communication and advice was sought with the planning department. The land had an urban landscape protection area status and because of this designation and tree coverage the clear advice received was that only part of the land was suitable for residential development. Outline planning permission was then obtained for the developable area to ensure that we maximised the value of the land.

A decision was then made to sell the land in 5 separate Lots, again to maximise the return for the Council. When then marketing land and assets it is important that as a seller you do not mislead any potential purchaser into thinking that the land or asset is suitable for something for which it might not be. This is even more important when the person is both the landowner (seller) and Local Planning Authority. As a consequence the 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.

In terms of title restrictions to protect land use then this is looked at on a case by case basis and whether or not applying a restriction to the title helps generate the best returns for the Council.

As you know one of those amenity Lots ended up selling for a figure broadly equal to the residential plot values which vastly exceeded the value estimated and the remaining one was then sold for a value more in line with what we would have expected.

Hopefully this provides some context to the process and addresses the questions you raised.'

Kind regards

Liam Montgomery

Head of Asset Management and Housing

TDA

Further Comment Page 30/42.

Factually incorrect and or misleading information ?

Area is not 0.9 as described, please see below e-mail from Chair of BPNP which verifies this as highlighted in red for clarity and note date of e-mail i.e. before the second draft was published.

E-mail from Chair of BPNP to residents.

On 2017-05-26 18:31 states:

'A second and further external expert assessment of the allocation was obtained from AECOM before the publication of the BPNF 2016 Draft which has been the subject of public consultation in 2017

<http://www.aecom.com/press/aecom-is-set-to-deliver-a-wide-range-of-planning-and-environmental-services-to-help-communities-across-england-develop-their-neighbourhood-plans-and-shape-development-and-growth-in-their-local-area/>

This can be found in the draft NP

<https://brixhampeninsula.files.wordpress.com/2017/01/housing-site-assessment.pdf>

You will see that they advise 21 houses, and counsel fewer. **Their site size is wrong at 0.9h. It should read 0.79h'.**

Further Comment Page 30/42.

It does not have a small area of hard standing as stated under 5.6.

In fact this section of the land seems to already belong to Coyde's Builders and is fenced off.

Please refer to Torbay Planning, Planning Document P/2016/0822, 7 April 2017 O.S. Map Plot 3, Coydes Construction.

A recent site visit seems to confirm this.

Consequently the lower part of the quarry does not have good access from Waterside Road.

In fact the access is currently in dispute with threats of potential legal action. (Documents P/2016/0824 Objection 15/5/2017).

All documents are on Planning Application P/2014/0045 and P/2016/0824 Waterside /Goodrington Quarry.

This is not however easily searched and time consuming with documents easily missed. We have taken copies for ease of reference.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Page 34/document 46

Table 6.2 States:

'Suitability of sites for taking forward for the purposes of the Brixham Brixham Plan'

'WatersideQuarry **Yes** ——with a reduced density and development that is sympathetic to the existing treelines and views'.

Comment on Page 34/46

Arguably a decision made on factually incorrect and or misleading information ?

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document 249

Comment Document 249:

Factually incorrect and or misleading information ?

This is a fundamental issue.

The map as published in the Site Appraisal appears to indicate the site boundary by a red line. The Yellow line appears to indicate the land purchased by Coyde's Builders which is not part of the Site Appraisal.

Land shown on the top left hand boundary which is adjacent to Dartmouth Road, including a small area of hard standing and which is included in the site appraisal by the red line, seems to actually belong to Coyde's Builders and has done so since June 2014.

Please refer to Planning Document P/2016/0822 7 April 2017 O.S. Map Plot 3 Coyde's Construction.

It is currently fenced off and already has planning permission for a house.

If this is so then the site appraisal will have counted additional land for houses and also made it appear that there is access to the lower quarry from Waterside Road.

This presumably if so is why the area size was later stated as incorrect, as cited in the BPNP Chairs e mail 26/5/2017, but nothing seems to have been done to alter the published documents.

Further Comment Document 249

States:

'Site location General description Split level areas of grass, scrub and trees with a **small area of hardstanding** situated between Waterside Road and Dartmouth Road. Parish Name Goodrington Gross area (Ha) Total area of the site in hectares **Approx. 0.9 ha.**'

Again appears to be duplication of factually incorrect and or misleading information ?

The danger is if you repeat inaccurate information often enough it will be taken as factual.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document 250

States:

'Is the site:

Greenfield: Land (or a defined site) usually farmland, that has not previously been developed.

Brownfield: Brownfield Previously developed land **which is or was occupied by a permanent structure**, including the curtilage curtilage of the developed land and any associated fixed surface infrastructure.

Mixture

Unknown

If a mixture, please provide details i.e. northern part of site Brownfield, Brownfield southern part Greenfield.'

Comments Document 250

It is shown as a Brownfield site in the Site Appraisal.

There is however no evidence to show that it is or was occupied by a permanent structure in relation to the correct area shown on the plan, and therefore does not meet the definition.

There have been no known structures there for the last 10 years at least.

The plan then seems to contradict this by stating under the section marked Mixture:

'The site is a former quarry. Existing/ previous use The site was previously a quarry.'

The plan is answered as if the land were a Mixture.

This indicates that the correct designate should not be Brownfield.

The relevance of this is recording as a Brownfield this gives the unfair impression to those who have not visited it that the site is semi industrial and unpleasant.

Brownfield sites within the defined Settlement Boundaries (Policy E2) are the preferred locations for development.

It was a former quarry but was subsequently landscaped as an Amenity Area and had been used as a green area by the community for many years.

It currently has Tree Preservation Orders, and the intention was for Torbay Council to enforce even more TPO's.

Unfortunately through documented error, these Orders were not enforced, and trees were expeditiously cut down, as evidenced by an answer to Query raised by resident of Waterside Road Ref 269564 Torbay Council 12/5/2016

'I can confirm that upon transfer of the land from public to private ownership that a Tree Preservation Order was served upon it. An objection was received upon the serving of the order from the successful purchaser and to ensure full openness of decision and fairness for all parties a review of the order was undertaken. This review found the requirement for the serving of the order to be sound and that the trees detailed should be protected. It was recommended as part of the review the order be amended and re-served to ensure it was fully fit for purpose and would be readily defensible if breached.

Prior to the re-serving of the order a number of trees within the site were felled over the course of the intervening weekend. Some were part of the order; whilst others were not suitable for protection and not protected. The Local Authority has now protected the trees remaining following the felling works.'

The site was also subject to a previous 106 agreement for the planting of further trees.

This took place at the time of and in relation to planning permission being granted to Waterside View, adjacent to the quarry.

All of this information seems to have been ignored in the Site Assessment.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document 251

States:

'How the site is currently accessed? Is it accessible from the highway network? Provide details of site's connectivity by car, public transport, cycle and by foot i.e. distance to nearest motorway, A road or B road, national cycle network, bus stop or rail station.

The site is accessed by Waterside Road, and has good links to the Torbay bypass via Dartmouth Road. The site is served by bus stops in both directions with frequent buses to Brixham, Paignton and Newton Abbot. Both stops are less than 100m from the site. Paignton Railway Station is 3.8km to the north by road.'

Comment Document 251

Factually incorrect and or misleading information ?

Only part of the area is accessed by Waterside Road.

The access to the lower part of the quarry appears to be currently in dispute with pending potential legal action. (Documents P/2016/0824 Objection 15/5/2017).

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document Document 256

States:

'Is the site affected by any of the following? Ecological value? **Could the site be home to protected species such as bats**, great crested newts, badgers etc.? **Yes. Comments. There are several mature trees on the site, with some potential for ecological value.**'

Comments Document 256

This is one of the most contentious and fundamental issues as conveniently there is no mention whatsoever of Greater Horseshoe Bats under comments, a highly protected species that have been shown to be roosting in the quarry and foraging there.

Please see the:

Brixham Neighbourhood Plan

Review of Greena GreenaEcological Consultancy's Ecological Survey Report and HRASite Appraisal for Two Residential and Two Employment Sites

Comments provided for Torbay Council

By Michael Oxford, Greenbridge Ltd

Advising South Devon Councils on HRA and SAC Bat Issues

17th May 2017

This is report that goes into some 21 pages and should be read in relation to Waterside Quarry and Greater Horsehoe Bats.

Also see:

Ecological Assessments Documents Torbay Planning P/2016/0824

In particular

Greenecology

Goodrington Quarry, Waterside Road, Paignton

Bat Addendum Report February 2017 A report on behalf of Coyde Construction Ref: 0053-BAR-A

This report has 27 pages in relation to Waterside Quarry and Greater Horseshoe Bats.

Page 22 and 23 has thermal imaging of the bats in Goodrington Quarry Waterside Road.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document Document 257

States:

'Are there any known legal or ownership problems such as unresolved multiple ownerships, ransom strips, tenancies, easements, covenants or operational requirements of landowners?'

The answer to this is in the plan is 'No'.

Comments Document 257

Factually incorrect and or misleading information ?

Again there currently appears to be a legal dispute with possible pending Court action. See Planning Application P/2014/0045 Waterside /Goodrington Quarry for evidence.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal Document Document 258

States:

'Conclusions Site name/number: Waterside Quarry Please tick a box

The site is appropriate for development This site has **minor constraints** The site has significant constraints The site is unsuitable for development Potential housing development capacity (estimated as a development of 30 homes per Ha): **c.21 homes- however fewer would be more appropriate.**

Explanation / justification for decision to accept or discount site. Residential development at this location would fit well with existing land uses in the area. The site is somewhat constrained by Tree Preservation Orders, and distances to some community facilities. However, with a reduced density and development that is sympathetic to the existing treelines and views, it is considered that the site is appropriate for taking forward as an allocation for the purposes of the Neighbourhood Plan.'

Comments Document 258

Under conclusions box crossed as 'minor constraints.'

This is on the information recorded in the site Appraisal, some of which we hopefully have now questioned its accuracy and validity.

Given all of the issues highlighted and documented it is our contention that this should be now be more accurately recorded as:

'The Site is unsuitable for housing development'.

It is also interesting to note the observation that 'The site is somewhat constraint by Tree Preservation Orders' in light of the comments on document 250 above.

Duncan and I then reviewed the **Habitat Regulations Assessment Screening: Brixham Peninsula Neighbourhood Plan (2012- 2030) Brixham Parish Council August 2017**

This was carried out on their behalf by AECOM.

We specifically looked in relation to Waterside Quarry.

Again the documents and pages do not always correspond. Where appropriate we have cited both in context.

Greena Ecological Consultancy. November 2016 Final Report, as still included in the Habitat Regulations Assessment Screening Brixham Peninsula Neighbourhood Plan (2012-2030) August 2017, Document 67 Page 25.

States:

'Monitoring at Waterside Quarry was limited to the end of bat active season and further surveys were originally recommended. However, an extensive clearance took place on the site making the land no longer suitable as a Greater Horseshoe foraging habitat and due to the lack of connectivity with the surrounding landscape. Further surveys were therefore no longer recommended and no further surveys took place.'

Comments Document 67 Page 25.

This was originally read by residents as stated that an extensive clearance took place by the landowner and there were no Greater Horseshoe Bats in the quarry. End of.

Residents were not happy with this, kicked up a fuss, and asked why the land had been cleared before a full survey took place, not a monitoring, and why other surveys on public record were not taken into account that showed there were Greater Horseshoe bats in the quarry.

Some examples on public record would again be:

Greenecology Goodrington Quarry, Waterside Road, Paignton

Bat Addendum Report February 2017 A report on behalf of Coyde Construction Ref: 0053-BAR-A

This report has 27 pages in relation to Waterside Quarry and Greater Horseshoe Bats and includes Page 22/23 thermal imaging of the bats in Goodrington Quarry Waterside Road.

Brixham Neighbourhood Plan Review of Greena Greena Ecological Consultancy's Ecological Survey Report and HRA Site Appraisal for Two Residential and Two Employment Sites Comments provided for Torbay Council By Michael Oxford, Greenbridge Ltd Advising South Devon Councils on HRA and SAC Bat Issues 17th May 2017

This is report that goes into some 21 pages and should be read in relation to Waterside Quarry and Greater Horse Bats.

Perhaps as a result of this we now have:

**Habitat Regulations Assessment Screening:
Brixham Neighbourhood Peninsula Plan (2012- 2030) August 2017
Identified Site Potential effect on greater horseshoe bats Reference Document 29**

States:

'Waterside Quarry No buildings. Habitat subject to week-long monitoring in 2015 where no greater horseshoe bats were recorded. It is recognised that this does not meet the survey standards set out for South Hams SAC for a project application, but is included purely for information. The site has since been cleared (according to the Greena Ecological Consultancy report from November 2016) and is thus no longer suitable for greater horseshoe bats. The site was however resurveyed over a 3 month period from April – June 2017 and no horseshoe bats were recorded on the site'

**Habitat Regulations Assessment Screening:
Brixham Neighbourhood Peninsula Plan (2012- 2030) August 2017
Identified Site Potential effect on greater horseshoe bats Reference Document 74**

States:

'An extensive clearance of the Waterside Quarry site took place in winter 2015/2016 and the site became unsuitable for Annex II species of bats. Accordingly, no further surveys at the Waterside Quarry site took place.'

**Habitat Regulations Assessment Screening:
Brixham Peninsula Neighbourhood Plan (2012- 2030) August 2017 Document 97**

States:

'Waterside Quarry site was resurveyed in April 2017 and recommended to be studied further in order to determine the usage of the site by bats. Study of previous records from the area revealed confirmed presence of Greater and Lesser horseshoe bats on the adjacent land (not part of this proposal).'

**ADDENDUM ECOLOGICAL SURVEY REPORT BRIXHAM PENINSULA NEIGHBOURHOOD PLAN
31st July 2017 Final report Document 84**

'5. Waterside Quarry was only surveyed late in the season and full survey has been recommended. Repeated Batcorder surveys continued in April, May and June 2017 in order to establish how, if at all, is the site used by Greater and Lesser horseshoe bats throughout the season. No Horseshoe bat activity was recorded during the 3 monthly placements of two recording devices.'

Comments on all the above

It is difficult to have any confidence in the **Habitat Regulations Assessment Screening:
Brixham Peninsula Neighbourhood Plan (2012- 2030) Brixham Parish Council August 2017**

This is in relation to the Waterside Quarry.

This is due to the above apparent inconsistencies and changes, perhaps only taking place after protest by residents.

It would appear that two separate Ecological studies show there are Greater Horseshoe bats in the Quarry with very conclusive and compelling infra thermal imaging evidence.

For whatever reason the Brixham Neighbourhood Plan seems to want to show the opposite.

The full evidence should therefore go before an independent adjudicator.

Yours faithfully,

Duncan R. Wills



Duncan

This is a draft information that I propose we as a group submit to Torbay and the adjudicator.

Please see what you think.

Regards

Mike

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Page 9/Document 21

Table 3.3: Indicative number of dwellings, village sites Site name Size (ha)

Waterside Quarry 0.9 ha 21

Comment on Page 9/21

Incorrect and misleading information ?

Please see below further comments to verify this.

AECOM Brixham Peninsula Neighbourhood Plan 30 Site Appraisal October 2016 Page 30/Document 42

5.6 Waterside Quarry

This former quarry site off Waterside Road comprises areas of grassland, scrub and trees. The eastern part of the site is elevated (comprising the former lip of the quarry), with views to the east and north east and is sloping. The western part of the site, within the former quarry, adjoins Dartmouth Road and is less sloping. A **small area of hardstanding is also present in the northern part of the site.** Site Development Potential This site is approximately **0.9 hectares**, which would typically yield approximately 21 homes. However, given the gradients and visual prominence of parts of the site it is considered that a realistic proposal would be for fewer dwellings. Residential development at this location would fit well with existing land uses in the area. The site has good public transport access, and has good access from Waterside Road.

Comment Page 30/42:

There is no inclusion after 'This former quarry site off Waterside Road' that informs the public of the fact that part of the land, the part described in the site appraisal, had recently been sold by Torbay Council as Amenity Land.

This would have been very relevant to the public's decision making.

Please see Comments by Liam Montgomery Head of Asset Management and Housing to residents: .

As I am sure will appreciate when the Council make a decision to dispose of any asset they are committed to obtaining best value for that asset. This would involve a series of assessments to establish what potential the asset has and whether any upfront investment would ultimately deliver a greater return once sold. In the case of land they would look to consider what, if any, development options there are for the land, the types of uses that would be acceptable and then which will attribute the greatest value.

As part of this process, investigations, detailed communication and advice was sought with the planning department. The land had an urban landscape protection area status and because of this designation and tree coverage the clear advice received was that only part of the land was suitable for residential development. Outline planning permission was then obtained for the developable area to ensure that we maximised the value of the land.

A decision was then made to sell the land in 5 separate Lots, again to maximise the return for the Council. When then marketing land and assets it is important that as a seller you do not mislead any potential purchaser into thinking that the land or asset is suitable for something for which it might not be. This is even more important when the person is both the landowner (seller) and Local Planning Authority. As a consequence the 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.

In terms of title restrictions to protect land use then this is looked at on a case by case basis and whether or not applying a restriction to the title helps generate the best returns for the Council.

As you know one of those amenity Lots ended up selling for a figure broadly equal to the residential plot values which vastly exceeded the value estimated and the remaining one was then sold for a value more in line with what we would have expected.

Hopefully this provides some context to the process and addresses the questions you raised.

Kind regards

Liam Montgomery

Head of Asset Management and Housing

TDA
Tor Hill House
Union Street
Torquay
TQ2 5Q

Further Comment Page 30/42.

Incorrect and misleading information ?

Area is not 0.9 as described, please see below e-mail from Chair of BPNP which verifies this as highlighted in red for clarity.

It does not have a small area of hardstanding as stated under 5.6. This section of the land already belongs to Coyde's builders and is fenced off.

Consequently the lower part of the quarry does not have good access from Waterside Road.

In fact the access is currently in dispute with threats of potential legal action. Please see documents on Planning Application P/2014/0045 Waterside /Goodrington Quarry.

E-mail from Chair of BPNP to residents.

On 2017-05-26 18:31, Stockman, Jackie wrote:

A second and further external expert assessment of the allocation was obtained from AECOM before the publication of the BPNF 2016 Draft which has been the subject of public consultation in 2017

<http://www.aecom.com/press/aecom-is-set-to-deliver-a-wide-range-of-planning-and-environmental-services-to-help-communities-across-england-develop-their-neighbourhood-plans-and-shape-development-and-growth-in-their-local-area/>

This can be found in the draft NP

<https://brixhampeninsula.files.wordpress.com/2017/01/housing-site-assessment.pdf>

You will see that they advise 21 houses, and counsel fewer. **Their site size is wrong at 0.9h. It should read 0.79h.**

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Page 34/document 46

Table 6.2: Suitability of sites for taking forward for the purposes of the Brixham Plan

Waterside Quarry Yes – with a reduced density and development that is sympathetic to the existing treelines and views.

Comment on Page 34/46

Arguably decision made on inaccurate and misleading information ?

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Document 249

Comment Document 249:

Incorrect and misleading map published ?

Please see below. Land shown on top left hand boundary showing small area of hardstanding, included in the plan, actually belongs to Coyde's Builders and has done since June 2014 and already has planning for a house.



Further Comment Document 249

Site location General description Split level areas of grass, scrub and trees with a **small area of hardstanding** situated between Waterside Road and Dartmouth Road. Parish Name Goodrington Gross area (Ha) Total area of the site in hectares **Approx. 0.9 ha**

Again appears to be duplication of incorrect and misleading information.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Document 250

Is the site:

Greenfield: Land (or a defined site) usually farmland, that has not previously been developed.

Brownfield: Previously developed land **which is or was occupied by a permanent structure**, including the curtilage of the developed land and any associated fixed surface infrastructure.

Greenfield Brownfield

Mixture

Unknown If a mixture, please provide details i.e. northern part of site Brownfield, southern part Greenfield

Comments Document 250

It is shown as a brown field site in the plan.

There is no evidence to show that it is or was occupied by a permanent structure. There have been no structures there for the last 10 years at least.

The plan then goes on to contradict this by stating:

If a mixture, please provide details i.e. northern part of site Brownfield, southern part Greenfield

The site is a former quarry. Existing/ previous use The site was previously a quarry.

This indicates that the correct designate should therefore be a mixture.

By recording as a Brownfield this gives an unfair advantage as this designation will be given priority.

**AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016
Document Document 251**

How the site is currently accessed? Is it accessible from the highway network? Provide details of site's connectivity by car, public transport, cycle and by foot i.e. distance to nearest motorway, A road or B road, national cycle network, bus stop or rail station.

The site is accessed by Waterside Road, and has good links to the Torbay bypass via Dartmouth Road. The site is served by bus stops in both directions with frequent buses to Brixham, Paignton and Newton Abbot. Both stops are less than 100m from the site. Paignton Railway Station is 3.8km to the north by road.

Comment Document 251

Misleading or inaccurate information ?

Only part half of the area is accessed by Waterside Road. The access to the lower part of the quarry is in dispute and has threats of legal action.

Please see documents on Planning Application P/2014/0045 Waterside /Goodrington Quarry.

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Is the site affected by any of the following? Yes No Comments Ecological value? Could the site to be home to protected species such as bats, great crested newts, badgers etc.?

There are several mature trees on the site, with some potential for ecological value.

Comments Document 256

This is one of the most contentious issues as conveniently there is no mention whatsoever of Greater Horseshoe Bats, a highly protected species that have been shown to be roosting in the quarry and foraging there,

Please see the attached report which goes into some 21 pages.

Brixham Neighbourhood Plan

Review of Greena Ecological Consultancy's Ecological Survey Report and

HRA Site Appraisal for Two Residential and Two Employment Sites

Comments provided for Torbay Council

By Michael Oxford, Greenbridge Ltd

Advising South Devon Councils on HRA and SAC Bat Issues

17th May 2017

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Document Document 257

Are there any known legal or ownership problems such as unresolved multiple ownerships, ransom strips, tenancies, easements, covenants or operational requirements of landowners?

The answer to this is No

Comments Document 257

Inaccurate or misleading information ?

There currently appears to be a legal dispute See Planning Application P/2014/0045 Waterside /Goodrington Quarry.
for evidence.

AECOM Brixham Peninsula Neighbourhood Plan Site Appraisal October 2016 Document Document 258

Conclusions Site name/number: Waterside Quarry Please tick a box The site is appropriate for development This site has minor constraints The site has significant constraints The site is unsuitable for development Potential housing development capacity (estimated as a development of 30 homes

per Ha): c.21 homes- however fewer would be more appropriate. Explanation / justification for decision to accept or discount site. Residential development at this location would fit well with existing land uses in the area. The site is somewhat constrained by Tree Preservation Orders, and distances to some community facilities. However, with a reduced density and development that is sympathetic to the existing treelines and views, it is considered that the site is appropriate for taking forward as an allocation for the purposes of the Neighbourhood Plan.

Comments Document 258

Shown as minor constraints on the plan.

This is on the information shown.

Given all of the Highlights now Documented this should be shown as the site has significant restraints or unsuitable for housing development.