
Subject: FW: OFFICIAL: FW: Late Submission to IE 2/7/2018

From: (redacted)
Sent: 02 July 2018 06:05
To: NP Programme Officer
Subject: Late Submission to IE 2/7/2018

Dear Ms McCann,

Please accept and consider the contents of my relevant late submission in relation to:

Brixham Peninsula Neighbourhood Plan Answers to Your Questions Waterside Quarry H3-10

I am a resident of the Waterside Area and declare an interest in what is taking place in relation to the BPNP as my family and I will have to live with the future consequences for many years.

Understandably therefore I am someone who correctly takes an interest in what is happening and asks questions.

If I make an honest mistake I will absolutely apologise.

I believe in openness, truth, and honest opinion in matters of public interest.

I would therefore wish to comment upon the BPNF Answers to your Questions.

Your questions themselves are really quite easy to answer but I understand why they have been asked.

Size of Site and its Boundary.

The BPNP has confusingly joined together the Amenity Land, which is the contentious issue, with another plot that was sold with planning to Coyde Construction Ltd.

Coyde Construction Ltd have also raised issues in relation to this I believe.

I would Respectfully suggest that the Examiner consult Torbay Council for the sales details of the plots and sizes as sold at auction in June 2014.

This will tell exactly the size and area of the Amenity Land.

I would also respectfully suggest an independent site visit would assist, if not already done, due to the unusual topography of the land.

Whether or not the Site is part of an Urban Landscape Protection Area.

Yes it is part of an ULPA.

Is Access to the Site Achievable and Deliverable ?

No it does not seem achievable and deliverable for these reasons. The Dartmouth Road has a bus and cycle lane adjacent to the site in order to afford priority to the public service. In order to cut a road access to the site from the Dartmouth Road would mean opening up the carriageway to all traffic. Waterside Road access has a documented dispute between the Amenity Landowner and others with

potential High Court Action. This is over a small access of possibly a couple of metres. See P/2016/0824 Objection from Amenity Landowner which states: New drawings such as drawing 2274/01 Rev C dated April 2017 now show the right of way being blocked in its entirety with little or no substitute provision.

Again I would respectfully suggest an independent site visit would assist in this, if this has not already been done.

Ecology

Greater Horseshoe Bats do appear to be in the quarry. There is Photographic evidence. It is also well known by immediate residents who have witnessed bats this summer. These are arguably the best witness's, although of course not experts. However the experts do not appear to agree anyway. The residents do I believe meet the stringent tests of R v Turnbull for identification. (How far away were they, light conditions, time etc). Also it is well known that Coyde Construction Ltd, who have been open and honest to Residents, have delayed building in the area of the quarry for some years and changed their plans several times due to the Greater Horseshoe Bats. Why would Coyde's go to such trouble if there were no Greater Horseshoe Bats ?

I would now wish to comment on the following paragraphs that are of note:

Paragraph 4 The site boundary as shown in the BPNP Housing Site Assessment (Page 58).

When looking on the BPNP website there was no plan shown on Page 58 that I could see. However there is one earlier in the document that confusingly includes a parcel of land which was not sold as Amenity Land, but was sold to Coyde Construction Ltd as building land. This gives the initial impression that there is easy and full access to Waterside Road.

On page 50 of the same document it gives the SHLAA status as 2008 not mentioning the update 2013 SHLAA.

More of that later as this is a common theme.

Paragraph 11 ,12, and 13 Highlights a completed development P/2008/150 adjacent to the quarry stating:

'having an acceptable impact on ULPA with the potential for the landscaping mitigating to improve the landscape character of the area.'

It seems to have been overlooked that there was a 106 agreement as a condition of P/2008/150

This included the planting of many small trees and gate for access maintenance to the Amenity Land that is now proposed in the BPNP. (The gate is still there, but a number of trees were removed in the land clearance after its sale as Amenity Land).The planting of the trees of perhaps up to 100, at the time re-assured residents that the Amenity Land would not be built upon and left as an open space for wildlife.

Paragraph 14 Again mention of the SHLAA 2008 which is now redundant.

No mention of the SHLAA 2013 update which importantly states:

Appendix H Sites Below Study Threshold:

Goodrington Quarry (Also known as Waterside Quarry) was unlikely to achieve **6 or more houses**. Being promoted by TDA.

Whether this include the 3 already proposed by Coyde's on the land sold for building I am not sure.

When we then look at what the TDA Head of Assessment Housing says on the 22/5/2017 (sic) below and the 106 Agreement as mentioned above, it perhaps gives an indication of why the land was sold cheaply as Amenity Land by Torbay Council and not intended to be built upon.

'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

Paragraph 21. Mention of the outdated 2008 SHLAA again.

Paragraph 31. This seems to imply to me that the residents, of which I am one, were fed with factually inaccurate information by Torbay Council particularly in relation to the Mike Oxford report in June 2017, which lead to our concerns. I and others had many concerns way before that on many issues both ethical and ecological. This was after learning somewhat belatedly about the BPNP in March 2017.

Paragraphs 38,39,40,41. The issue of the Green Ecology records was raised soon after Residents including myself had read the BPNP Draft in Brixham Public Library in March 2017. In the draft it stated in relation to Waterside Quarry that an extensive clearance took place on the site (That is the Amenity Land) 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. At the time I thought this odd as Coyde Construction were going to so much trouble due to the Greater Horseshoe Bats in the quarry.

It is of note that the Greena Ecological Consultancy Addendum Ecological Survey Report is dated July 2017.

I would respectfully suggest that perhaps reasonable questions to ask to clarify the issue are:

When did the residents ask the question about Green Ecology records? That would be March 2017.

When were the comments from Torbay Council received ?

When were Forum Volunteers aware of the Green Ecology and when was the information downloaded ?

Paragraph 52. 'no reason to conclude they should prevent development of the allocated site'.

This is a clever argument but has missed the point completely. If the Amenity Land included in the plan is developed, and not just the land sold with planning, then this will mean that the whole quarry will be developed.

It is difficult to see that this in its entirety will not have an effect on the wildlife and habitat including the Bats foraging and roosting area.

Paragraphs 59. Unfortunately I am unable to comment on the study by Professor John Altringham as I cannot find it in the public domain. The only search reference that I can find on the web is in relation to th BPNF answers to the IE's questions. If this is to be introduced should it not be read by all ?

It is difficult to see why such a small section of land with so many issues should be included in the plan.

An extraordinary amount of effort and resources seems to have gone into promoting this part of the plan when it is clearly against the wishes of the immediate residents and others.

Many Thanks For Your Time.

Mike Dixon

1st July 2018.

1, Waterside Road.

TQ4 6LJ

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