

## PLANNING APPLICATION REPORT

**Case Officer:** Jacqueline Houslander  
Staverton

**Parish:** Dartington **Ward:** Dartington and Staverton

**Application No:** 2428/18/FUL

**Agent/Applicant:**

Dartington Recreation Association c/o  
Mandy Burton  
Apple Tree Corner  
Forder Lane  
Dartington  
TQ9 6HT

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Forder Lane  
Dartington  
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**Site Address:** Meadowbrook, Shinnars Bridge, Dartington, Devon, TQ9 6JD

**Development:** Upgrade and extension to existing play park and creation of bike track in woodland recreation area

**Reason item is being put before Committee:** The local Ward Member is concerned about the impact of the BMX bike track on the biodiversity of the woodland, having regard to Policy DEV26 of the JLP and the Council's recent declaration of a biodiversity emergency



**Recommendation:** Approval

**Conditions** (list not in full)

1. Time limit
2. Accord with plans
3. Submission of tree protection methodology prior to construction of the bike track.

4. Submission of a plan indicating where the replacement planting will be carried out, prior to construction of cycle track.
5. Adherence to the Ecology report
6. Written confirmation that the provisions in the ecology report have been properly created by a suitably qualified ecologist.
7. Prior to construction provision of a LEMP to be approved by LPA.
8. No lighting within the woodland
9. Development to be carried out in accordance with the submitted FRA and the following mitigation and a flood warning and evacuation plan and appropriate signage alerting the public to the flood risks

**Key issues for consideration:** acceptability of this location for the play park and bike track; impact on trees; impact on landscape; impact on ecology; impact on flooding.

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**Site Description:** The site is at Meadowbrook play park which is located adjacent to three schools, and the outdoor swimming pool and community centre as well as a car park at Shinnars Bridge Dartington. There is a woodland included in the site and pedestrian access routes from the A385 and the access road to the community centre.

The play park has been described by the applicant (Dartington Recreation Association) as inadequate and dated, insufficient and not inclusive.

The woodland area is on the other side of the Bidwell Brook adjacent to the football pitch/playing fields. It is a small area of woodland which appears to be currently used by walkers in an informal manner.

**The Proposal:** To provide more exciting play equipment for a wider range of ages and abilities; attract active adults and children; a community hub and to provide a bike track in the woodland area.

Submitted in support of the application was a copy of the consultation event which took place in March 2015. The aim of the consultation was to get an initial impression of the needs and desires of the community for outdoor spaces in the parish in order to feed into the Neighbourhood Plan.

The conclusion of the report that there were a number of play and open spaces in the parish, but some were under threat of development. Safety was a concern and a desire to have car free walking and cycling routes. A need for multi-use community spaces was also identified As well as spaces which could act as a community focus.

Focus for improvements was around Meadowbrook and the Dorothy Elmhirst playing fields. Further consultations took place for both the play park and the bike track in June 2018 and February 2019 respectively.

The proposal for a bike track is supported by the Neighbourhood Plan, the local schools and the local BMX club. The track will consist of an inner pump track loop with berms (banked turns) and rollers and jumps and an outer skills loop, which will use the woodlands natural features and a range of surfaces to create varied and interesting obstacles. It will be suitable for 3 and 4 wheeled bikes as well as 2 wheeled bikes. The inner pump will be exciting and offer more advanced riders challenge.

Section 106 monies from local housing developments will contribute to the provision of additional sport and recreation facilities for Dartington Parish.

The play park alterations comprise:

Removal of splash pool

Hilltop lookout tower and flag

Toddler area with play frame, seating, role play and springers

Sensory play with music and sound

Inclusive path and tower

Outdoor table tennis and petanque court

Open area for flexible uses and community events

Trim trails equipment to top of mound, adventure slide and zip wire creating a circuit

Upgrades to swing sets, climbing frame and existing slide

Dynamic equipment including sunken trampolines, spinning net, roundabout and seesaw.

### **Consultations:**

- County Highways Authority: No comments
- Environmental Health Section: No comments
- Town/Parish Council: Object Insufficient work on traffic generation and parking associated with the scheme. Members of the public present at the meeting raised objections about the bike track and associated parking.
- Drainage: If the EA are content with the fluvial flood risk aspect of the proposal, the drainage engineers will comment on the surface water.

Environment Agency: A planning condition relating to flood risk must be applied to any consent granted because part of the site lies in Flood Zone 3 and the condition would mean that the proposed development meets the NPPF requirements

Police Architectural Liaison: the Police have no objections to the proposal but ask that from a designing out crime, fear of crime and antisocial behaviour perspective the following attributes of Crime Prevention through Environmental Design (CPTED) are considered and implemented wherever possible. This includes measures such as convenient and safe routes; avoid conflicting uses being located next to each other; information boards; opportunities for natural surveillance; potential to extend CCTV; Clear sight lines should be maintained across the play park and woodland bike track promote a sense of ownership, respect, territorial responsibility and community; Management and maintenance; anti-graffiti finish applied; repair and management protocols;

### Biodiversity:

This consultation response has been copied in full into the Planning Report because of the objections received about the biodiversity impact of the proposal.

This consultation response has been prepared following a site visit and upon review of the following documents/plans:

Various plans associated with the proposed bike track

Design & Access Statement

Ecological Impact Assessment (EclA)

Contractor's Method Statement

The consultation response takes into account relevant policy in the JLP (namely DEV26), as well as other national policy (namely Habitats Regulations, NERC Act), and other best practice guidance, policies and legislation as required/relevant.

The submitted EclA is informed by a desk study and site assessment undertaken by the consultant ecologists in June 2018. The EclA considers the anticipated effect of the proposal upon wildlife, primarily assessing the likelihood of presence of protected species and habitats using the site, and the implications of the proposal upon any present. The EclA includes avoidance and mitigation measures where necessary to avoid or minimise (to an acceptable level in terms of legislation and policy) impacts upon wildlife.

The key points noted within the report are:

- The semi-natural broadleaved woodland has parts which are indicative of 'wet woodland' (a Devon BAP priority habitat, and NERC s41 habitat of principal importance – the objective for this woodland being 'no further loss') but not typical given the varied structure and composition of the woodland. The wood shows signs of a transition to a drier woodland and trees which favour such drier conditions as reflected by the tree species mix.
- The woodland site considered unlikely to be ancient in origin (historical tithe maps indicating the land was pasture), although some ancient woodland indicator species were recorded in low frequency.
- There are a network of informal paths within the woodland, with bare soil and little vegetation upon the paths.
- The site is not part of a nationally or locally designated site. The site falls within a sustenance zone associated with the South Hams SAC.
- No trees are proposed for removal or lighting required. Three oak trees (to be retained) on the boundaries of the woodland are identified as having moderate potential for roosting bats while other trees in the woodland do not have necessary features to support bat roosts. The woodland edges and corridor along Bidwell Brook are likely to support foraging and commuting bats (of most species, including Greater Horseshoe bats) – this can be assumed.
- The site is suitable for hazel dormice foraging and nesting, with some connectivity to the wider landscape and habitats to the northwest. Given the size of the woodland and current use (informal paths) the woodland does not have a continuous understorey and is considered sub-optimal habitat, nonetheless, there is potential that the woodland could be used by dormice (noting the reference in the report to low density of population of 2.2 dormice per hectare – this woodland being 0.2ha).
- The site may support toads, and breeding birds, with recommendations for avoidance, mitigation and also site enhancements made by the ecologist accordingly.
- Otters may use the Brook for foraging and transit, however are unlikely to use the woodland for breeding/resting up.
- The site has connectivity (via woodland and the Bidwell Brook) to habitats within the wider landscape – i.e. the woodland/Brook can be assumed to contribute to part of a wider ecological network.

## **Discussion**

- The proposal may require some removal of branches obstructing safe use of the tracks. There is expected to be some minor removal of understorey. Neither are significant with respect to the woodland continuing to function as a supporting habitat to any protected species that may use the woodland (including dormice and bats) and play its role in contributing to the wider ecological network beyond the site boundaries.

The proposal is not contrary to policy with parts of the woodland being indicative of 'wet woodland.'

- There is no likelihood of significant effect on the South Hams SAC – greater horseshoe bat use of the woodland and adjacent habitats would not be affected by the proposal given the lack of lighting and minor scale of understorey removal. No further surveys are necessary to support this conclusion.
- The BMX tracks will follow existing tracks created by informal public use which are primarily already bare soil without vegetation.
- The EclA includes suitable avoidance and mitigation measures with respect to the approach to construction to ensure no contravention of wildlife legislation (including relating to dormice, breeding birds, bats, badger, otters).
- Enhancements are included in an effort to secure biodiversity net gain – these relating to bird nesting and bat roosting provision, and log piles suitable for reptiles and invertebrates, as well as increasing wildlife value of the adjacent woodland through creation of a glade. Management of these enhancements will be secured via a Landscape and Ecological Management Plan for the woodland.

### **Conclusion**

With respect to policy and general approach to projects that may impact wildlife/habitats of interest, the mitigation hierarchy is the overarching principle – i.e. avoid impact, mitigate and as a last resort compensate. In this case, it would be remiss of me not to note that avoiding the siting of the BMX track within the woods would of course be a preference and instead siting the track on for example amenity grassland which has negligible ecological value. I note consideration of alternatives is made within the Design and Access Statement and it would be beyond the scope of my role/this response to assess these. This consultation response considers the acceptability of the proposal as submitted within this woodland site.

The woodland clearly has wildlife value, be that wet woodland, or in a form that may be transitioning to a drier woodland (reflected by species such as oak, ash, hazel and hawthorn), its recognised role in supporting protected species, and its contribution to the wider ecological network (including adjacent woodlands). The woodland is currently used by the public as per the network of informal paths, and applying the avoid/mitigate approach, with impact on the woodland habitat being minimised by routing the BMX track along these existing tracks. Habitat removal (in terms of understorey/branches) is limited and not such that would have a significant ecological impact on either the status of the woodland, ability to support protected species, or its contribution to a wider ecological network (it does not fragment the habitat onsite, or isolate the site in terms of continuity as part of a habitat corridor).

Measures to avoid or mitigate impacts during construction are detailed within the EclA and will be secured by condition, and the Tree Specialist has identified measures relating to the trees themselves. It is also necessary to apply a condition restricting the introduction of any lighting (albeit none is proposed, it is essential to ensure none can be erected in the future).

In terms of biodiversity net gain/enhancements, several measures are included both for protected species, and also to seek to increase the wildlife value of the woodland. If considering the biodiversity balance, whether the enhancements would secure a notable increase in biodiversity value over the existing could be considered questionable, however with respect JLP Policy Dev 26.5 which states; *'the level of biodiversity net gain required will be proportionate to the type, scale and impact of development'* and taking into account the proposed enhancements, I think it would unreasonable to suggest that the proposal is not policy compliant. (The same follows for Paragraph 170 of the NPPF which requires

developments to enhance the natural and local environment by '*minimising impacts on and provide net gains for biodiversity*' and Paragraph 175 '*opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*').

If minded to approve the application, please apply the following **conditions**:

- Adherence to recommendations within section 4 of the EclA.
- Provision of enhancements within section 5 of the EclA. Written confirmation that provisions have been properly erected/created upon completion to be provided by a suitably qualified ecologist.
- Prior to construction, provision of a LEMP (which could incorporate the tree planting and management prescriptions as requested by the Tree Specialist) detailing ongoing management of enhancements and woodland.
- No lighting shall be erected which would illuminate the woodland.

NB – I note reference in the Contractors Method Statement to removal of turf, topsoil, branches and deadwood from site. This is inconsistent with the recommendations of the EclA and should be amended.

(Note an amended methodology was submitted which addresses this last point).

Arboriculturalist:

The proposed route was assessed during an initial site visit and it is noted that the track principally follows the existing unmade track through the wooded area, avoiding the dominant trees. The discrete woodland forms a cohesive element of a much larger linear wood and as such it's safe retention is vital to ensuring continuing varied woodland and wildlife benefits.

There is likely to be a limited adverse on the health of trees whose roots are capped by the track to some degree, to offset this I would expect a number of mitigation tree whips to be planted as per the arborists recommendations, detailed in a plan with planting and management prescriptions included. A tree risk assessment of the proposed route should be undertaken in advance where matters of adequate height clearances, risk of falling parts onto track users, possible impact on stems and so on are assessed and a tree surgery schedule prepared in advance of any works. The track should be detailed to be retained on its edges by pinned tannalised boards, and no concrete footings used.

I do not consider that the actual track installation requires detailed arboricultural supervision during the works if consent follows. Matters of avoidance of tree damage should be addressed by the arborist including but not limited to

- a. Weight of plant intended to be used for the works
- b. Boom heights
- c. Use of non-toothed buckets to level (not lower) soil horizons
- d. Mitigation planting prescribed
- e. Storage of materials/ plant outside of the work zone.

To address the need for the required information a Tree Protection Method statement should be submitted for review prior to any commencement on site.

**Recommendation**

- No objection on arboricultural merit subject to submission of the noted Tree Protection Methodologies including construction activity control and mitigation planting proposals

**Representations:**

**Representations from Residents**

Comments have been received both in support and objecting to the proposals.

Support: (18 letters)

- Fantastic idea. What is needed in Dartington
- The playground and the woodland offer amazing opportunities for sport and recreation for the Parish.
- The designs are considering the natural environment including the trees
- The design maximises the use of natural materials
- The bike track contractors demonstrate a clear consideration of the woodland and have a track record of constructing tracks without impacting on the surrounding natural environment
- The large trees are staying so the woodland habitat will remain
- A key focus for the area has been improved recreation facilities
- At a time when children do not get enough outdoor activity this will help.
- It will also provide a place for community bonding.
- A worthwhile development
- The play park update is well overdue
- The bike track is a great idea and will enhance the use of the wood
- It has been a carefully planned proposal taking into account the biodiversity of the area and makes as little impact as possible
- Dartington has had to see an increase of 63% more dwellings in the last 15 years. This means more young people. The play parks in Totnes and Dartington are woefully inadequate and its time some investment was made in these facilities.
- It will provide a focal point for people in the area.
- There has been an impressive amount of time talking to people about the proposals.
- The play area has been dedicated to play since 1963. Improving these facilities has been highlighted repeatedly on the last decade or more.
- The plans take full account of the ecology of the area.
- It is hoped that the cycle track between Totnes and Dartington will be more used to access these facilities
- The design of the park and cycle track are engaging
- The facilities are away from homes so will not cause disturbance.
- Meadowbrook has the potential to become a hub for recreation and leisure in the area.
- Improvements to the park could pave the way for upgrading the swimming pool, tennis courts and community centre building.
- As a local business owner I am keen for people to enjoy the area and the ecology appears to have been given due consideration in the plans.
- Policy DEV27 Green and Play spaces supports development where it enhances the value of green space through sports, play provision and education. The proposal is positively aligned with Policy SO11 promoting healthy lifestyles and promoting outdoor activities in a safe and easily accessible environment.
- The positive impacts on health, wellbeing, community cohesion outdoor education far outweigh the negatives.
- An improvement to this area is long overdue.
- Good for locals and visitors

Objections (five)

- Not in favour of the cycle track because the woodland has species which indicate that it is an ancient woodland and therefore protected by law
- It has taken more than a thousand years to form and cannot be recreated or mitigated

- The wood is visited by many red and amber species - spotted fly catcher, song thrush, lesser spotted woodpecker, marsh tit, grey wagtail, otters, dormice, eels, salmon, trout, three species of bat, and is the flyway of Greater Horseshoe bats. Rare wet woodland plants including ragged robin and monkshood are found here too.
- This woodland is part of an essential wildlife corridor for many species. Other areas of this vital linear habitat have been damaged (Brimhay, Origins and Tweed Mills) making it even more essential.
- Removing the understorey and top soil and covering large areas with aggregate and asphalt will destroy and displace the above species forever
- Mature oak trees known as bat roosts have been identified in the report as needing limbs removed for the bike track and may well eventually be felled.
- The ecologists report claims that the woodland is drying out despite having many features of and species indicating wet woodland; a habitat protected by law as a priority habitat in the Biodiversity Action Plan due to its extreme rarity.
- The bike track is in an area identified as Flood Zone Three and a flood evacuation plan is proposed for cyclist's use.
- Only a Preliminary Ecological Assessment has been carried out. In such an important habitat containing European Protected Species, bat and bird surveys should have been carried out throughout the seasons.
- Despite acknowledging the damage light causes to Greater Horseshoe and other bats, the report states that lighting maybe used at a future date to deter criminal behaviour. Lighting cannot be prevented or controlled by planning.
- The report looks at the site as a small isolated area, whereas it is part of a vital corridor and should been seen in combination with the other linked habitats.
- A climate emergency has been declared locally and nationally. Removal of trees and other ecology and replacement with synthetic materials and impermeable ground cover conflicts with this
- No explanation is given as to why the bike track must be in this woodland. There are plenty of other sites
- No projections have been made for its usage. The provision is that of a city or theme park and will attract users from miles around. Existing parking is inadequate and large volumes of traffic will be generated on the already over polluted A385.
- Twenty nine pieces of play equipment in a small space is an over provision for the village. Building towers and a plastic tube on the mounds will be highly visible and is inappropriate for a rural setting.
- Impermeable and artificial surfaces will create increased run off into the Bidwell Brook.
- Out of character to provide so may facilities in such a small area
- Ait will be free and therefore will draw a large no. of visitors from outside the area and the resultant traffic generation.
- Many people will bring children and bikes form outside the area and create traffic problems.
- The track should have been provided off the existing cycle track between Totnes and Dartington
- Allowing people to arrive by car would be contrary to the climate change emergency.
- When planning facilities for our children's future, we must not create more traffic, air pollution and damage to the environment by loss of habitats and trees.
- The artificial surfaces, which include tarmac, artificial grass, self binding gravel, rubber banded mulch and grass matting all add to the urban feel and to the increase in runoff and flash flooding of the brook.

- The structures chosen we understand are durable with a good life, but being so, they are less natural than the locally made wooden play structures that would have been more appropriate and more natural in such a rural location.
- to provide play facilities at the expense of natural habitats when there are many other sites on this land and elsewhere along the Totnes- Dartington cycle path is both unacceptably damaging and ignoring the wishes of almost all children, who would not wish wildlife to be damaged for their enjoyment.
- The s106 money that is received from developers- who have already caused loss of many habitats in Dartington, should not be funding yet more habitat loss.
- The site is part of a network of wildlife corridors and the greater horseshoe bat flyway network. It links directly to the Dart and is a BAP priority habitat (wet woodland) also ancient woodland.
- Insufficient surveying of the protected species, bats reptiles dormice etc.
- This woodland is part of a woodland corridor from Peak Plantation opposite Droridge Lane to Lownard and on through Week. All species using it will travel between the habitats seamlessly.
- The brook is used by eels (extremely endangered), brown trout and salmon. All are very sensitive to pollution and runoff. Having far more impermeable surfaces close by- even after the dangers of runoff from the construction will be a real threat to the water quality of this brook for aquatic life.
- The track will be a visual urban style intrusion into a rural natural area.
- The DRA did not really consider other sites or whether this 'surplus area' was important as a wildlife habitat.
- A great opportunity to really engage children with wildlife, its needs and involve them in conserving wildlife has been lost here. Bird hides, quiet paths, leaving areas to regrow naturally and adding new trees to increase the wildlife corridor could provide a quiet contemplative area for children to relax and engage with nature after the bustle of the new play park on the other side of the brook.

A letter has been received from the applicants in response to the objections raised the main points are summarised as follows:

- Meadowbrook is surrounded by three schools, so the families that use the track after school, and during the school day, would be there already, not increasing vehicle journeys or parking requirements. The combined number of pupils is around 500. In the heart of Dartington, Meadowbrook is in walking (cycling) distance of most of the residents of the Parish.
- It can also be reached along the cycle path that links Totnes and Dartington, and it's possible that more families may be encouraged to cycle to school, and to visit the recreation facilities at Meadowbrook, with the prospect of a visit to the bike track, reducing traffic congestion.
- There is a 60 space car park adjacent to the proposed track, managed by Dartington Hall Trust who are in support of the project. During the school day, staff will bring pupils to use the track from Bidwell Brook school and from the River Dart Academy. Parking can be difficult during the school day, but at that time, there's unlikely to be many visitors in cars.
- For people coming in cars after school and at weekends there is plenty of car parking space at Meadowbrook. There is ample additional parking at The Shops at Dartington, across the road from the proposed track, and linked by pedestrian crossing.
- I would estimate the track would have 20 - 30 visitors after school, mostly pupils and families from Dartington Primary, and residents of Dartington and Totnes arriving by bike. At the weekends and holidays, we might have 50 visitors per day, weather

dependent. If the usage becomes an issue in the future, it's possible to fence the area and run closed sessions to control numbers.

### **Relevant Planning History**

14/0911/76/1: OPA

Proposal Erection of 34 dwellings and construction of access/service roads and sewage treatment works

SiteAddress adjoining Special School Dartington

Decision Refusal: 25 Aug 76

14/1236/83/3: FUL

Proposal Trim trail

SiteAddress Playingfield opposite Dartington Central Office Dartington.

Decision Conditional approval: 08 Nov 83

### **ANALYSIS**

#### Principle of Development/Sustainability:

The proposal is a community based project, to provide facilities for the local community. In terms of sustainability, and the strategic sustainability policies SPT1 and SPT2, the facilities are located at the edge of the village of Dartington, but close to two local schools and a public car park. SPT1 includes the principles of sustainable development which are around economy; social and environmental issues. The proposal will not necessarily bring direct economic benefits to the community as it is a facility for the community, however there will be indirect benefits in that it will encourage visitors to use the facilities, who will potentially then visit the local shops.

From a social perspective the proposal will provide better facilities for the local community to use; the bike track will promote health and also links with the cycle route into Totnes, which also promotes health benefits. It will also be free from discrimination as it will be accessible to all.

Environmentally, the proposal will better manage the woodland area where the proposed bike track is located and improve the play facilities in the park area. There are of course some concerns about the potential impact on the biodiversity of the woodland and on the trees. These issues will be explored more fully in the relevant sections further on in the report.

SPT2 provides more detailed guidance on sustainable development, which should ensure there is reasonable access to vibrant mixed use centres, including shops, health and wellbeing and community facilities; higher density living where good transport services exist; high levels of digital connectivity; have a good balance of housing types and tenures; promote resilience to future change; well served by public transport; have safe and accessible to the local wildlife rich environment with well-designed public and natural spaces; have services and facilities that promote equality and inclusion; have appropriate facilities to meet the needs of the local community; provide a sense of identity including the protection and enhancement of the natural and historic environment; explore opportunities for renewable energy and provide positive outcomes.

In the case of the play park and the bike track, it is located within walking distance of most, if not all residents of Dartington, it will provide an improved play park for the children in the community, at the schools as well as visitors to the area; the village is identified in the Joint

Local Plan for Plymouth and West Devon as a smaller town or key village, it states that these settlements...*“play an important role in supporting the dispersed villages and hamlets that are located throughout the rural areas, and which sustain a large number of rural communities. In order to maintain their function, a proportionate amount of new growth is appropriate to ensure that services and facilities are not lost, but can be sustained and enhanced where appropriate.”*

Facilities such as this are thus a vital component of the facilities that such villages offer to the wider rural communities as well as the local community.

Public Transport is well provided for in Dartington and the cycle track to Totnes is nearby and easily accessible from the play park and cycle track. It is considered that the proposal makes a contribution to the village which means that the proposal would comply with SPT2.

The proposal thus also supports the hierarchy of settlements identified in policy TTV1.

TTV2 provides detailed *“objectives of rural sustainability”* The proposal meets these objectives by retaining and enhancing important community facilities and the delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors.

Policy DEV1 seeks to ensure that health and amenity is protected when development occurs. Amongst the requirements of the policy is the need to ensure that developments are accessible to all people. The proposal site has two special schools very close by, both of whom are in support of the proposal because of the potential benefits it could have to the pupils who attend, some of whom have physical disabilities and some with mental health disabilities. The bike track is able to be used by 2, 3 and 4 wheeled bikes.

Concerns have been raised by some objectors that the tranquillity of the woods would be affected by the bike track and so this may deter some members of the population from using the woods. However it is likely that there will be times when the bike track is not being used and so the tranquil nature of the woodland would prevail.

It is considered that the applicants have made good efforts to make the space and track as accessible to as many parts of the population as possible.

Policy DEV2 is concerned with Air, water, soil, noise, land and light. Developments should avoid harmful environmental impacts and health risks; avoid or mitigate impacts in an Air Quality Management Area (the application site is not within such an area); prevent deterioration of and where appropriate enhance and restore water quality and limit the impact of light pollution on local amenity and intrinsically dark landscapes and nature conservation; remediate contaminated land; protect soils on the best agricultural land; maintain or improve the noise environment and not cause an impact on any protected European Site.

Some concerns have been raised about the impact of the bike track in particular on Bidwell Brook, and on the woodland understorey. However as will be discussed below, both the ecologist and arboriculturalist are satisfied that the proposal is policy compliant.

Policy DEV3 is concerned with Sports and Recreation. The policy supports sport, physical activity and active leisure. The development proposal could be seen to be such a use. A need was identified for the enhancement of the play park and the cycle track through the work on community needs undertaken for the Neighbourhood Plan. The proposal therefore would comply with part 1 of the Policy.

Policy DEV27 seeks to protect and support green spaces. The proposal can be seen to help with this aim. It is enhancing an existing green space and adding the cycle track provision, meaning that the value of that green space is enhanced.

In principle the proposal meets the relevant policies as discussed.

#### Design/Landscape:

Policy DEV20 relates to place shaping and the quality of the built environment. Whilst the proposal is for play equipment and a cycle track, it would still impact on the local area and so should be considered in relation to the policy. The overriding aim of the policy is to *“Development proposals will be required to meet good standards of design, contributing positively to both townscape and landscape”*.

In this case the play park facilities have been the subject of numerous consultations throughout the evolution of the proposal and changes made as a result of those consultations, including reducing the overall numbers of pieces of equipment; using more natural materials and colours, creating more open space next to Meadowbrook Community Centre and adding more sensory play equipment. A wheelchair accessible second lookout tower has since been provided and a covered seating area.

So whilst there are a number of concerns expressed in the letters of objection about the equipment, it can be seen that considerable consultation has taken place to arrive at the scheme now before us. There are a number of different pieces of equipment which will provide a wide variety of play options. The existing landscape has been used to locate certain pieces of equipment. The equipment is what would be expected in a play park and is considered to be an acceptable design solution.

With regard to the cycle track, because of the sensitivities around the woodland and potential habitats and impacts on trees, the proposal has a light touch and uses natural materials where possible to prevent it appearing out of place. Again it is considered that the materials and light touch impact is appropriate in the woodland setting from a design perspective.

#### Neighbour Amenity:

There are no immediate residential neighbours and so the impact on residential amenity is not an issue in this case.

#### Highways/Access:

The Highway Authority have not made any comments on the planning application. In terms of potential traffic impacts which was a concern raised by the Parish Council, there is a reasonable sized car park adjacent which already serves the Community Centre and schools as well as those walking in the woods or on the playing fields. It is likely that local children using the park may well come from the schools located nearby in which case they will walk to the park. The site is also well within the village and so many, if not all people wanting to use the facilities could walk or indeed cycle. There will be a potential for more visitors to use the park and cycle track in the future. If the cycle track becomes successful, it may be that people will cycle to it using the cycle track from Totnes, or use the car park and possibly also the car park for the Dartington shops. The majority of users are however likely to be local people and with the car park next door, it is considered that there is adequate provision for the enhanced leisure facilities proposed.

#### Biodiversity:

Policy DEV26 in the JLP, seeks to protect biodiversity. There have been a number of objections with concerns about the ecology and biodiversity of the woodland area in particular. The applicants submitted an ecology report which was given consideration by the Council's ecologist. His full comments are supplied above in the Consultations section. The ecologist notes the hierarchy for consideration of wildlife and protected species – *“avoid impact, mitigate and as a last resort compensate”* In noting that hierarchy, he indicates that *“avoiding the siting of the BMX track within the woods would of course be a preference and instead siting the track on for example amenity grassland which has negligible ecological value.”*

He also acknowledges that the applicants in coming up with the proposal had considered other sites. The D and A submitted with the application confirms that *“several locations were considered for the bike track. The play mounds were ruled out as they are a focus for play, and there would be a risk to users of having bikes and children on foot in the same vicinity and they would be suitable for a pump track with regular bumps on which to practice kills..... There is an open area of land towards Week, but this area is much less accessible and bike users would have to cross the football pitch, potentially damaging it, use the path past the front door of Lownard Cottage and be close to the houses at Origins potentially causing a nuisance.*

The applicants have been asked again if there are any other alternative locations within their area for the track and they have confirmed that they have looked at the other options and the woodland with the various mitigations proposed is the option they have come up with. In reviewing the ecologists comments with regard to mitigating the activity. He confirms that *The woodland clearly has wildlife value, be that wet woodland, or in a form that may be transitioning to a drier woodland (reflected by species such as oak, ash, hazel and hawthorn), its recognised role in supporting protected species, and its contribution to the wider ecological network (including adjacent woodlands).*

In terms of the impact the development would have on the woodland however he is satisfied that *“The woodland is currently used by the public as per the network of informal paths, and applying the avoid/mitigate approach, with impact on the woodland habitat being minimised by routing the BMX track along these existing tracks. Habitat removal (in terms of understorey/branches) is limited and not such that would have a significant ecological impact on either the status of the woodland, ability to support protected species, or its contribution to a wider ecological network (it does not fragment the habitat onsite, or isolate the site in terms of continuity as part of a habitat corridor).*

Policy DEV 26 requires that **“Development should support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area.”** Specifically it requires the highest possible protection to European sites. The site does not lie within the South Hams SAC. And in any case the use of the woods would not be affected by the works needed on the understorey, as confirmed by the Councils ecologist in his response above.

The ecologist concludes in relation to biodiversity gain (part 5 of Policy DEV26) *“In terms of biodiversity net gain/enhancements, several measures are included both for protected species, and also to seek to increase the wildlife value of the woodland. If considering the biodiversity balance, whether the enhancements would secure a notable increase in biodiversity value over the existing could be considered questionable, however with respect JLP Policy Dev 26.5 which states; ‘the level of biodiversity net gain required will be proportionate to the type, scale and impact of development’ and taking into account the proposed enhancements, I think it would unreasonable to suggest that the proposal is not*

*policy complaint. (The same follows for Paragraph 170 of the NPPF which requires developments to enhance the natural and local environment by 'minimising impacts on and provide net gains for biodiversity' and Paragraph 175 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity').*

*In concluding, the ecologist considers the proposal to be policy compliant and thus accepts the development subject to conditions"*

As such there are no objections from the Ecologist for the development provided conditions relating to

- Adherence to recommendations within section 4 of the EclA.
- Provision of enhancements within section 5 of the EclA. Written confirmation that provisions have been properly erected/created upon completion to be provided by a suitably qualified ecologist.
- Prior to construction, provision of a LEMP (which could incorporate the tree planting and management prescriptions as requested by the Tree Specialist) detailing ongoing management of enhancements and woodland.
- No lighting shall be erected which would illuminate the woodland.

#### Trees:

The Councils arboriculturalist made comments in relation to the proposal and raised no objection. He acknowledged that there may be some impact on the trees health as a result of the track on the roots of some of the trees, but in order to compensate for that he would expect to see some new whips planted. He also requires a condition to be imposed to secure a Tree protection methodology.

When assessing the proposed development the Arboricultural officer confirmed that the route proposed through the woodland avoided the dominant trees. He also recommended that the track should be retained on its edges through the use of tannalised boards and not concrete footings.

Policy DEV28 relates to development which affects trees, woodlands and hedgerows. It indicates that development which would impact on Ancient Woodland; aged or veteran trees or woodlands of high amenity should not be permitted. The woodland here is not designated as Ancient Woodland and as indicated above the route avoids all of the dominant trees. It is therefore considered that the proposal does not harm the woodland and trees in this setting subject to the conditions recommended.

#### Flood risk:

Part of the site lies within Flood Zone 3 and so as such the Environment Agency are the competent Authority to consider the development. The EA are satisfied that "the proposed development is 'water compatible' and as such have no objection to the proposed development. They did have some queries with the Flood Risk Assessment submitted however and so have recommended a planning condition to ensure that the Development is flood resilient.

#### Planning balance and conclusion

The application has been submitted by Community based Association in order to try to enhance the community play facilities in Dartington, which has been acknowledged as being inadequate/ requiring improvement. The letters of support for the proposal indicate a strong degree of community buy in to the project and the facilities it will provide. There are however some concerns about the potential impact on the wildlife which might use the area and the woodland. When reviewing these concerns in the light of the specialist consultees - Ecologist and Arboricultural experts, neither find the proposal to be contrary to current planning policy.

Whilst the ecologist did indicate that it would be preferred if it was on amenity grassland, he also noted that there would not be harm caused by the proposal as long as relevant conditions were applied to any consent. The woodland is already used for informal walking paths and so human influence is already impacting in the area. Provided the works to install the track is properly managed and in accordance with the appropriate LEMP and Tree methodology, it is considered that the application meets planning policy and so as such should be approved.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **Planning Policy**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

**The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.**

SPT1 Delivering sustainable development  
SPT2 Sustainable linked neighbourhoods and sustainable rural communities  
TTV1 Prioritising growth through a hierarchy of sustainable settlements  
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area  
DEV1 Protecting health and amenity  
DEV2 Air, water, soil, noise, land and light  
DEV3 Sport and recreation  
DEV20 Place shaping and the quality of the built environment  
DEV26 Protecting and enhancing biodiversity and geological conservation  
DEV27 Green and play spaces  
DEV28 Trees, woodlands and hedgerows  
DEV32 Delivering low carbon development  
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 91,96,127, 164, 175 and guidance in Planning Practice Guidance (PPG).

**Neighbourhood Plan:** Dartington currently does not have a Neighbourhood Plan in place.

**Considerations under Human Rights Act 1998 and Equalities Act 2010**

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) .....received by the Local Planning Authority on .....

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to the construction of the cycle track a tree protection methodology shall be submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with the agreed methodology.

Reason: To protect the trees on the site

4. Prior to the construction of the cycle track, a plan indicating the planting and management prescriptions for the whips ( as mitigation) shall be submitted to and agreed by the Local Planning Authority. The planting shall then be carried out in accordance with the agreed plan

Reason: To ensure there is appropriate mitigation for the potential impact on the health of any existing trees.

5. The recommendations, mitigation and enhancement measures of the Ecology report, by Tor Ecology on 11/07/18, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

6. The enhancements referred to in Section 5 of the Ecology Report by Tor Ecology on 11/07/18, shall be carried out prior to the construction of the cycle track and written confirmation provided that the work has been properly erected / created upon

completion of the enhancements. The written confirmation to be supplied by a suitably qualified ecologist within 2 months of the completion of the works.

Reason: To ensure there is a net gain in biodiversity.

7. Prior to the construction of the cycle track, a Landscape and Ecological Management Plan (LEMP), shall be submitted including details of the ongoing management and enhancements of the woodland. The LEMP shall be submitted to and approved by the Local Planning Authority and the works shall then be carried out in accordance with the agreed LEMP.

Reason: In the interests of the wildlife on the site.

8. There shall be no lighting erected in or near to the woodland area without the prior written consent of the Local Planning Authority.

Reason: To protect wildlife.

9. The development shall be carried out in accordance with the submitted flood risk assessment (ref: John Grimes Partnership, July 2018) and the following mitigation measures it details:
  - A flood warning and evacuation plan shall be put in place to inform staff and users of the park what to do before, during and after a flood.
  - Signage shall be displayed to warn members of the public of the flood risks to the site.

Reason - To reduce flood risks to site users.