

Modbury Neighbourhood Plan – Regulation 16 Consultation Responses – Re-Regulation 16 comments

Name/Organisation	Comments
Clr Bernard Taylor	<p>Good Morning Duncan, I would like to withdraw my objection to the inclusion of the east of Ayleston Park development and would like all my comments deleted. If you have any problem with this please let me know Kind Regards Bernard</p>
<i>Phil Smith</i> 1 Croft Cottages Galpin St Modbury PL21 0QB	<p>Dear Sir/Madam,</p> <p>I understand that, as a result of an error in the previous exercise, SHDC are re-running its Regulation 16 consultation on the draft Modbury Neighbourhood Plan.</p> <p>I have already given a detailed response to the original consultation and have been advised that the comments I made then will be taken into account in this new consultation. I am nevertheless writing afresh because of new developments which are not only exciting for the local community but also further underpin the environmental objectives of the plan. In particular they support the key proposal to substitute the previous development site at Penn Parks with an alternative at Ayleston Park which includes an increased element of affordable housing in perpetuity.</p> <p>The new developments involve the successful negotiation with the owner of the Ayleston Park development site for the transfer of additional land to the Parish Council for community use. I understand that, as a result, the Parish Council is proposing a further extension to the community woodland, an amenity area and a re-wilding project to increase biodiversity in the valley below the site.</p> <p>This only strengthens my view that the Neighbourhood Plan provides a robust and sustainable framework for the future development of Modbury and deserves to be submitted to referendum substantially unamended.</p> <p>Yours faithfully,</p>

Name/Organisation	Comments
Planning DCC County Hall Exeter planning@devon.gov.uk APPENDIX 1 DCC	<p>Dear Duncan,</p> <p>RE – Modbury Neighbourhood Plan 2015-2034: Submission Version – March 2020</p> <p>Thank you for providing the opportunity to comment on the Modbury Neighbourhood Plan. This response provides the formal views of Devon County Council in relation to:</p> <ul style="list-style-type: none"> • Local highway provision; • Flood risk; and • PROW. <p>The comments are included in the Appendix to the letter. Comments from the Historic Environment Service have been sent separately. If you have any questions please do not hesitate in contacting me. Yours sincerely, Mike Deaton Chief Planner</p>
Marrina Neophytou & Susan Watts Historic Environment Officers DCC 08/10/2020	<p>Modbury Neighbourhood Plan 2015-2034</p> <p>Submission Version March 2020</p> <p>1.1 Baseline Information</p> <p>The Devon County Historic Environment Record (HER) records that the plan area contains the following:</p> <p>Designated Heritage Assets:</p> <p>Grade I Listed Buildings: 1</p> <p>Grade II* Listed Buildings: 2</p> <p>Grade II Listed Buildings: 121</p> <p>Conservation Areas: 1</p> <p>Scheduled Monument 1</p>

Name/Organisation	Comments
	<p>Registered Historic Park/Garden 1 Locally Listed Assets 0 Assets on the Heritage@Risk 0 Register Undesignated Heritage Assets: approx. 380</p> <p>Historic Environment Team General Advice</p> <p>The historic environment will be a material consideration in deciding many of the planning applications submitted in your area. The National Planning Policy Framework (NPPF, Section 12, 125 Achieving well-designed places), says that <i>Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</i> Also Section 16, 185-188 on Conserving and enhancing the historic environment indicates that plans should make the most of 'heritage assets' (archaeological sites, historic buildings, landscapes) by setting out a <i>positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.</i></p> <p>The production of your Neighbourhood Plan is an ideal opportunity for you to determine what parts of your Historic Environment are important to the community and how they are best managed. You could think about how important these assets are to your community, to Devon or even nationally or internationally. Should the site or building be protected totally from development? Could it usefully be reused and incorporated into a development? Or is it not that important? What archaeological or historic areas and buildings could be used as community facilities or public open space? How can historic sites in the area be made more accessible to the community or linked together by existing or new public rights of way? How can historic sites, nature conservation and other local issues, such as highways and flood management, work together to make a better-quality environment all round?</p>

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	<p>Section 2</p> <p>2.2 Historic Context</p> <p>This could be expanded or include some of the information given below in History and Heritage 4.13 (p14). Expanding these sections will help give Modbury a greater sense of its history and its place in time. It is history and development of Modbury that have led, as you say in Section 4.13, to the town's 'special and distinctive character'.</p> <p>For example, earliest indicators of activity date to the Neolithic (MDV79709) and enclosures visible as cropmarks may be associated with Iron Age or Romano-British settlement. Settlement is also evident at Oldaport Camp (MDV4861), which is a Scheduled Ancient Monument. There are two phases of occupation evident here, the earliest of which is probably Romano-British. (Roman pottery and a dolphin brooch have also been found in the area.) The second phase is probably 11th century, when it is suggested that the defences were constructed to ward off Viking attacks. Further earthworks and enclosures are suggested by place names recorded in the Modbury tithe apportionment of 1841, including Little Oldbury, Great Oldbury, Yonder Castle and Castle Park. You have mentioned Domesday but the Domesday name <i>Motbilia</i> is also worth noting. The first element <i>Mot</i> means a meeting place, suggesting that it could have been the centre for the Saxon Hundred prior to its move to Ermington. The second element, <i>Bilia</i> or Burgh means a defensible position. We suggest that you include the date of Domesday, 1086, as not everyone will know.</p> <p>There are documentary references to a priory mill at Swanbridge in the 12th and 13th centuries. An archaeological watching brief undertaken at the 'Stevens Garage' development site in 2003 revealed medieval remains suggestive of a ford or culvert, which was subsequently re-configured into a pond possibly providing a head of water for a mill.</p> <p>You have included a photo of Runaway Lane (Section 4.13, p15) but you could expand on the details in the text. At the beginning of the English Civil War Modbury was the centre of a fierce campaign. In 1642 prominent local Royalist</p>

Name/Organisation	Comments
	<p>landowners mustered 4000 solders at Modbury who were defeated by Parliamentary forces. The following year the Royalists reoccupied and defended the town. They were attacked by a much larger Parliamentarian army and after a 13-hour battle were forced to retreat. Runaway Lane is said to commemorate this, and Ordnance Survey maps mark the battlefield to the east of the town (MDV5070)</p> <p>Section 4</p> <p>Development Sites</p> <p>4.6-4.12</p> <p>Currently, there are three areas of development within Modbury Parish which have been identified by the Plymouth and South West Devon Joint Local Plan. These are located west of Palm Close (under construction), west of Barracks Road (under construction), and Penn Park. The Neighbourhood Plan Steering group suggest that the proposed development at Penn Park is not a strategic proposal and recommend an alternative location East of Ayleston Park, (referred to here as the Site). The Site is south of several grade II and grade II* listed buildings which date from the 16th century onwards and include Old Train and West Cottage, Pound House and Pound House Barn and the Gatehouse. Also, within the Site, the Devon Historic Environment has recorded the remains of an earthwork enclosure of probable medieval to post-medieval date and earthworks pertaining to historic field boundaries. A programme of archaeological works would be recommended for this site and should include liaising with the South Hams Conservation Officer, a heritage and setting assessment in support of the planning application and a programme of archaeological works which may be required either prior to or as a condition of the planning application submission.</p> <p>History and Heritage</p> <p>4.13</p> <p>As it stands very little of the history of Modbury is given. As with section 2.2 above this section could be expanded. Alternatively, the history and</p>

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	<p>development of Modbury could be included as an Appendix within the plan and referenced from both 2.2 and 4.13.</p> <p>You mention an index of historic assets in AC archaeology's Historic Environment Impact Assessment. Is this available online? Incidentally, this is now footnote 19, not 15).</p> <p>You have included the number of listed buildings but you could mention particularly noteworthy ones such as the Church of St George 14th century, listed Grade I, Croppins Combe, originally an open hall house retaining 16th century trusses, Old Train and West Cottage from the 16th and early and 17 century in date and Grade II*. This was a former courtyard house and included a service wing, carriage house and stables. Chaine House, Grade II*, which was once an important clothier's house. There are several great street scenes images included in the plan and show off the character of Modbury, however, can the images be labelled with location, street name etc? The church spire was struck by lightning at some point in the past and later replaced, this would be a good anecdote to mention. A medieval priory is also recorded within the churchyard. There is also a registered Park and Garden at Flete.</p> <p>You could mention the non-designated heritage assets in the text as well as the designated heritage assets using the HER data attached. Also, there are no locally listed heritage assets within the parish. The Neighbourhood Plan could be used as a starting point for the community to get together and draw up a local list. You can consider what makes up the characteristics of the town, such as street signage, cobbled surfaces, gates, boundary walls and structures such as historic pumps, a post box etc.</p> <p>The footnote references given in the text to the Historic Landscape Characterisation, Modbury Heritage and the Conservation Area Appraisal are also incorrect. If the Neighbourhood Plan is to be made available online, then you could include links to these sites as part of the footnotes</p> <p>4</p> <p>Historic maps such as the 1841 parish tithe map and the first and second edition Ordnance Survey maps could also be included to show how the town has</p>

Name/Organisation	Comments
	<p>developed. A map highlighting some of the archaeological sites within the parish such as the findspots of the Roman pottery and brooch and Oldaport Fort could also be included.</p> <p>4.14</p> <p>Promoting public awareness of and enjoyment of the historic environment. Many aspects of the parish could be emphasised using heritage trails. The trails can help connect the urban and rural settings. The trails could be in any form such as a guidebook, signage, engraved stones and public art. The heritage trails bring together community participation, encourage 'ownership' of the area and adds to community development. Developers should be asked to include appropriate enhancement of trails within the design of new developments and/or through the contributions to developing the 'virtual' trail.</p> <p>This can also cross over into the Green Infrastructure of the Parish promoting walking and cycling routes. Cycle/walking trails can link up dispersed green spaces such as woodland, parkland areas and historic trails such as Runaway Lane. Cycle trails was touched upon in The Vision 3.2g and 3.2h, p9 and could be expanded upon using the example above.</p> <p>Policy MNP4 Heritage and Conservation (p15)</p> <p>Refer to NPPF section 16. Protection of nationally important heritage assets, non-designated heritage assets and indicators of unrecorded heritage assets should be considered. As well as buildings, this also includes below and above ground archaeological remains of earlier settlements, landscape features and historic structures and features.</p> <p>Further suggestions</p> <p>Many towns and villages around the country are reinstating some of their orchards and creating community orchards, which a parish such as Modbury could benefit from. The Orchard Project works in partnership with communities to plant, manage, restore and harvest orchards in community areas. This link provides further information http://www.theorchardproject.org.uk/.</p>

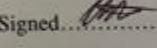
Name/Organisation	Comments
John Archibald	<p>I wish to submit an additional comment on the MNP. Please make ensure the Independent Examiner sees it.</p> <p>Thank you,</p> <p>John Archibald</p> <p>This gateway is 4.2 metres wide from stone wall to stone wall. It is the only access from Old Traine field to the bottom end of Ayleston Park. If 40 dwellings were built on that field, all vehicular access for resident's cars, deliveries and commercial vehicles would have to enter and leave through this gateway. Clearly an impractical proposal; it is very steep as well as very narrow.</p>
M E RANWELL	<p>Dear Sirs</p> <p>In my view, the traffic congestion and parking problems in Modbury are so increasingly severe that no further developments of any size should be approved, or even planned, until these fundamental infrastructure issues are addressed and resolved.</p> <p>Yours faithfully</p>
Rosaline Fortescue	<p>To whom it may concern re the above,</p> <p>As I a previous resident in Modbury for some years I was surprised to receive a copy of the proposed "swap "of the development plan from the approved Pennpark to Old Traine Field.</p> <p>This is a discussion that has been raised many times over the years and has been dismissed for very good reasons all of which have been covered very comprehensively in the Modbury Neighbourhood Plan document I received.</p> <p>Historically it was not for nothing that the site for Ayleston Park ,(and now Old Traine Field)were sites that were on the market for years of no interest to developers as viable, (as I recall even back then the original plan was to build affordable housing on Ayleston Park). Eventually Knapp Homes came along as private developers and ended up building a different sort of housing to what was originally desired.(Which in the end I think has given a good balance of a mix of housing in the town.)Its residents are not holiday home owners and are very much contributors to the community in every way.</p>

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	<p>However Knapp Housing struggled to make the profits hoped for mainly due to water problems coming off the field and horrendous costs of foundations going down 14 ft in some cases. There have I understand been ongoing flooding problems from field and stream and insurance claims since. I am not sure who picked up the bill for all the work done on the stream to keep it on its course (.Probably Knapps who I suspect wished they had never started this whole project!) Given the accent on green agendas, and the development of interest in protecting our wild life, and the growing appreciation now being shown by young families and the population generally in these matters this project is very short term thinking .</p> <p>A government housing representative was last week on radio four discussing the possibility of ill conceived local planning of the big building projects to come.</p> <p>He stated that they would be "sensible ,sensitive and intelligent" This planned swap of an already approved plan for an alternative so dubious and illogical that meets none of these criteria.</p> <p>> It will also I fear come at great cost to local residents via council bills as contractors who on coming in with low costs to the council will be back with increased costs,as they discover, as did Knapps ,the true realities of the cost of building on a soggy slope, and all the other very practical problems the Train Field development will bring in the future .For the disabled ,and young families,(with or without cars ,)getting to the local school .</p> <p>> The plans so comprehensively researched over the years and expressed in the Modbury Neighbourhood Plan are I would suggest "sensible,sensitive and intelligent".</p> <p>This is a first for me to write such an email but it is guided by my great interest concern and affection for Modbury and the people living there, and remembering the very practical kindness I received locally on the death of my husband. A good place to live with good people.</p>
Valerie Scott Tel: 01548 810336	<p>Ann</p> <p>Congratulations on being able to submit the Submission Version of the Modbury Neighbourhood Plan. It reads very well and I am very impressed with your well thought out policies. It will be interesting to see how the voting goes when you do reach the referendum stage.</p> <p>I just have two comments to make. The first related to Policy MNP5: Housing Development criterion 3. Are you requiring at least 30% affordable housing to be provided on site and is so should this be made clear in the wording of the policy?</p>

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	<p>My second comment relates to Policy MNP9: Town Centre Shopping. I am sure that SHDC will also pick this up but this policy will need to be changed and probably deleted altogether due to a change in the Use Classes Order which came into force on 1st September 2020.</p> <p>Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Statutory Instrument 2020 No 757 (link attached) a new Use Class (Class E: Commercial, Business and Service) has been created. This includes the following uses:</p> <ul style="list-style-type: none"> (a) Shops or retail uses; (b) Restaurants and cafes; (c) The provision of the following: <ul style="list-style-type: none"> i. Financial services, ii. Professional services (other than medical), iii. Any other service which is appropriate to provide in a commercial, business or service locality; (d) Indoor sport, recreation or fitness centres, not involving motorised vehicles or firearms; (e) Medical or health services; (f) Crèches, day nurseries and day centres (not including a residential use); (g) For: <ul style="list-style-type: none"> i. Offices, ii. Research and development, or iii. Any industrial process, being a use which can be carried out in any residential area without detriment to the amenity to the amenity of the area. <p>Public houses and drinking establishments (previously Class A4) and hot food takeaways (previously Class A5) are now sui generis uses.</p> <p>https://www.legislation.gov.uk/uksi/2020/757/made</p> <p>I also attach a useful guide in relation to the new Use Classes Order.</p> <p>I wish you all the best and hope that your Neighbourhood Plan will soon be adopted.</p>

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Valerie Scott	<p>Ann</p> <p>I forgot to add that there is also a new Class F: Local Community and Learning which may be of interest to you. This is split into two parts;</p> <p>Class F.1 Learning and non-residential and non-residential institutions and Class F.2 Local community. Class F2 includes a shop mostly selling essential services, including food, to visiting members of the public in circumstances where –</p> <ul style="list-style-type: none"> (i) The shop's premises cover an area not more than 280 sqm, and (ii) There is no other such facility within 1000m radius of the shop's location. <p>Details of this are also set out in the Statutory Instrument 2020 No 757 and in the Guide to Use Classes Order. I am not sure of the size of the Co-op store and whether this would fall within this definition.</p> <p>https://www.legislation.gov.uk/uksi/2020/757/made</p>
Vanessa Whiffin	<p>① Why can't some Lomes be built east of Aylestone Park and some further ones at Palm Cross?</p> <p>② I'm concerned about the Aylestone Park site because of potential flooding and the need to 'raise' lower land & level out the area.</p>

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Ian Strachan	<p>I strongly support building on the 'East of Aylston Park' site with genuinely affordable homes. I object to the 'Pennpark' site as it all new build in one area of Modbury and lacks safe pedestrian access. I also object to the anonymous 'Stop the Swap' campaign which seeks to mislead the democratic choice of Modbury residents with misleading information.</p>
Rachel Carter, MEd (Dist), PGCE, RN, RSCN, RNT, HV Programme Lead for MSc and MNurs in Pre-registration Nursing, Lecturer Child Health Nursing. Faculty of Health: Medicine, Dentistry and Human Sciences 8 Portland Villas University of Plymouth Plymouth PL4 8AA Tel 01752 (5)86507 Email r.carter@plymouth.ac.uk	<p>Dear planning, I would like to email to give my views on the 2 proposals for Modbury development. I am in favour of the Penn Parks option as it is easier regarding building access for large vehicles etc and later as easier for new locals to access the main road avoiding congestion and busyness in the narrow streets of Modbury. I am concerned about the East of Aylston site regarding difficulty of access for the builders and developers. I am also concerned about losing green and natural habitat sites and walking areas in the town. Modbury has only a few walks directly from the town for residents without needing to use a car to get to them and this is one of the main local walks. I am also worried about increasing traffic in the already crowded narrow arterial routes around that area of Modbury.</p> <p>Therefore I support Penn Park site and oppose Aylston site. Thank you for taking my views into consideration.</p> <p>With very best wishes, Rachel</p>
David James	<p>Dear Sir,</p> <p>I write to express my objection to the Modbury NPG proposal to substitute the Aylestone site from the planned Penn Park site.</p>

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	<p>I have lived in Modbury for over 30 years and have seen the town develop, change and grow over the years. With time one key issue which continues to cause problems is traffic and parking. Why, then is it considered better to develop Aylestone which will generate even more traffic issues both during development and the eventual increase of vehicle movements from 40 new houses?</p> <p>The arguments have already been made, but I oppose the proposal to build at Aylestone.</p>
Cllr Bernard Taylor	<p>Good Morning Duncan,</p> <p>I would like to withdraw my objection to the inclusion of the east of Aylston Park development and would like all my comments deleted.</p> <p>If you have any problem with this please let me know</p> <p>Kind Regards Bernard</p>
Lucy Croft	<p>Council, Federation House, 17 Station Road, Plymouth PL1 3JG</p> <hr/> <p>I support genuinely affordable homes for Modbury people now and for future generations.</p> <p>Tick box if you agree <input checked="" type="checkbox"/></p> <p>Signed... </p> <p>Name... <u>LUCY CROFT</u></p> <p>Other comments I would like to make on the Neighbourhood Plan are below:</p> <p><input type="text"/></p>
Stephanie Parker- Stephenson Lead Adviser (Sustainable	<p>Hi Duncan,</p> <p>The response from the neighbourhood planning group is fine and I don't intend on raising any further issues at this stage.</p>

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Development) Devon, Cornwall and Isles of Scilly Natural England,	Kind regards Steph Parker-Stephenson
William Peters	<p>Objection to MNP POLICY 3</p> <p>My wife and I DO NOT support the proposed alteration to the development swap for the following reasons.</p> <p>When the Ayleston Park and Tuckers Brook sites were developed it was stated by the highways authority that the road into these sites was only suitable for fifty dwellings, this number has almost been reached so adding another forty dwellings will create at least another eighty cars and all the associated delivery vehicles etc going in both directions per day, this undoubtable would only be the start as more properties would soon be added once the forty have been built. If it was unsuitable twenty years ago how is it suitable now when there is far more traffic!</p> <p>Brownston Street is already grossly congested so adding even more vehicles is plainly a very bad idea, the entrance to Silverwell Park becomes severely congested by the residents of Brownston St, Old Train and visitors parking there on the pavements and corners often leaving their vehicles days and even weeks at a time thus leading to some residents in Silverwell not being able to park outside their own properties and reducing the road to single file sometimes with insufficient room for larger vehicles to pass.</p> <p>The only sensible way to mitigate these problems would be to put in a new road into the proposed site from higher up Dartmouth Road near the communications mast if this was done it would accommodate all the future properties that will undoubtable be built there.</p> <p>Residents of the alleged affordable houses the number of which will undoubtable be reduced due the difficulty of developing the site will certainly have children so walking to school on the far side of Modbury will mean walking on a road with no pavements which will be busier than at present, if they don't walk then there will be even more cars parked at the school during drop off and pick up times, the site at Penn Parks would be much closer and it would be easy to refurbish the short existing footpath at Coppers Corner and could be included in the planning permission for that site at the developers expense. As there is no employment in Modbury for new residents they will have to commute to Plymouth, Exeter or Lee Mill so vehicular traffic from Penn Parks would have easy access to the A379 without adding to the through traffic in Modbury town.</p>

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	<p>I believe due to the lie of the land this development will lead to the flooding of numbers 7 & 9 Ayleston Park as this has already happened on several occasions in the past during heavy rain, this water comes from the higher ground so a concrete wall and two 150mm pipes were installed at the lowest point to alleviate this but these two larger pipes connect to one 100mm drainage pipe which takes water from roofs of number 9 this already runs at full capacity during periods of heavy rain, normally small pipes run into large pipes not vice versa I have seen flood water running out of this property at full width of the 4.0 metre entrance gates more hard surfaces can only exacerbate the problem, and the new flood relief scheme recently completed will have no effect on this.</p> <p>The 2019 Re-consultation paper is unsafe and should be given no credence whatsoever as the replies to it should only be from local people and not businesses or people who live outside of Modbury, the results were not collated by an independent body and therefore it would be easy to manipulate replies to achieve the desired result, the outcome of which was then sat on for many months, WHY.</p> <p>Yours sincerely</p> <p>W.Peters A.Peters</p>
Sarah Woodman Parish Clerk Ugborough Parish Council	Thank you for giving the Parish Council the opportunity to comment on the Plan.
Shelagh Tearle Modbury, 08.11.20	<p>The proposed MNP3 site swap – further comments.</p> <p>In view of the further consultation period granted for the proposed site swap in MNP3, I would like to add some further comments to those detailed objections which I submitted during the initial consultation period, and which included reference to procedural issues, lack of access, topography and flooding issues and loss of a greenfield site and public amenity, and unsuitability of the proposed element of 20 small one bedroomed flats.</p> <p>Lack of transparency in the process.</p>

Name/Organisation	Comments
	<p>There have been Freedom of Information requests put to the council asking for information regarding the number of people/families currently asking for local subsidised housing and the type of housing required by them. To date the council have been unable to supply any pertinent information in response to these requests so in the absence of this we may conclude that the requirement is either very small or non-existent. This would in turn suggest that the proposed development would not in fact benefit local families, which was the stated aim of the NPG and MPC. Overdevelopment of a site to include unsuitable accommodation with notable lack of adequate parking space or open communal green area is not in anybody's interests.</p> <p>Mention has been made of the Tuckers Brook Development and the fact that it has won an award. Here I would like to point out that the developer went to extraordinary lengths to work with the residents of Ayleston Park to make the development so successful, including changes made to the original plan, modifying the design, taking out some dwellings and including an open green space and adequate parking facilities. Secondly this development, unlike the proposed site lies below Ayleston Park, not above it and overlooking it.</p> <p>Traffic flow and lack of suitable vehicular access.</p> <p>Any traffic survey would show the access to the proposed site to be unsuitable, and in fact when Ayleston Park was constructed the access from Brownston Street via Silverwell Park was deemed only suitable for up to a maximum of 50 dwellings which has already been reached. Brownston Street itself is already congested due to on-road parking and traffic movements are difficult and often require a deal of reversing due to the narrowness of the available roadway, and not always easy due to the steepness of the hill and difficult visibility due to the aforesaid parking. I understand the DCC highways department, if consulted, is primarily concerned with traffic flow on major and A roads rather than residential streets. It should, however, be concerned with traffic flow at the junction of these streets with an A road, such as that of Brownston Street with the A379. Brownston Street at this point and for approximately 50yards before it is only wide enough for one vehicle which frequently causes problems at this yellow-box junction, exacerbated by poor visibility if there is a bus at the adjacent bus-stop. There are also safety issues to be taken into consideration as the proposed development would ensure that the only vehicular access to over 100 dwellings would be via the one entrance at the Silverwell Park/Brownston Street junction, and that 80 or more of these dwellings would have to be further accessed via the steep and narrow Ayleston Park, and the final 40 dwellings via yet another unsuitable and "blind" access off Ayleston Park. Emergency services might well be compromised and any large</p>

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	<p>vehicle would find access extremely difficult. The site at Penn Park does not have similar access problems and is deemed to have much better access to the A379.</p> <p>Topography and flood risk.</p> <p>Topography, drainage and ongoing flood risk are all interconnected. The field drains to the Ayleston Brook which is culverted under the main road into the Poundwell where the banks are often overgrown restricting the passage of water. A dam has recently been constructed at great expense to help alleviate the problem flooding which has occurred at the bottom end of the town. Building on the proposed site would be in front of the dam and would add to the possibility of further flooding despite the presence of the dam. The accepted site at Penn Park has no such flooding and drainage issues. The topography of the Ayleston Park site on a steep slope and the likelihood of underground springs and boggy ground would necessitate dwellings to be built on piles and would be a very expensive undertaking, making the provision of so many “affordable” dwellings unviable. The access is narrow, blind and compromised, and massive retaining walls would have to be constructed. The huge prospective development costs regarding this site make this plan totally unviable and it should be stopped now.</p> <p>Convenience for residents.</p> <p>It has been suggested that this swap site would be much more convenient for residents than the Penn Park site. It is true that it would be marginally nearer for the residents at the bottom end of the proposed development to walk to the Co-Op, but it would be much more difficult for all of the residents to access other parts of the town, particularly the school, church, Memorial hall and sports field. They would probably opt to drive. Mention has been made of the nearness to the bus stop in the centre of Modbury, and accessibility via Ayleston Park and Fuller's Ope. I would point out that a development at Penn Park would be equally well served by the bus stop that currently serves the Bloor Homes development at the top of the town.</p> <p>Loss of amenity.</p> <p>Turning to loss of amenity, the loss of this green-field site would impact all current Modbury residents at a time when government is encouraging preservation of such areas, and their value to the public has been brought to the forefront of people's minds during the ongoing pandemic. Mental health and opportunity to exercise outdoors is very important and should not be ignored. In this respect too, the proposed development plan does not include usable communal open space and makes little provision for parking, particularly for the 20 flats. This is not only not sensible, it is putting the well-being of residents at risk. The seemingly magnanimous “gift” by the land owner of some adjoining land to provide a “green</p>

Name/Organisation	Comments
	<p>"corridor" does raise some questions. (1) I believe that this gift was mooted as part of the development of the dam, so is not a new gift. (2) The terrain of this land is vertiginous, suitable only for goats or the super-fit. It would be particularly dangerous for young children adjacent to the brook and dam and is totally unsuitable for recreational purposes. (3) The question of maintenance rears its ugly head at a time when the council appears to be cutting back on its maintenance load.</p> <p>So far the actions of the various councils and planning groups have not been transparent and have been divisive at a time when the local community should be pulling together. This is a great shame and I do hope that this can be rectified. We do have a plan, adopted by the JLP for a site at Penn Park which was agreed by the community and much better fulfils the housing requirements of the council and all Modbury residents. Even if the proposed development on the swap site could physically be constructed – which is doubtful and yet to be ascertained- the council must consider whether it is the RIGHT thing to do – which in all conscience it is not.</p>
Clarke Willmott LLP on behalf of Mr R Hosking. Appendices: Appendix 1 – Photograph of junction of A379 and Brownston Street Appendix 2 – MPC letter entitled "DON'T BE MISLED - Future generations in Modbury are depending on you" Appendix 3 – MPC document entitled "Fact checker For misinformation circulated by Stop the Swap campaign".	<p>Dear Sirs</p> <p>Modbury Neighbourhood Plan – Second Regulation 16 Consultation Response</p> <p>This representation is submitted on behalf of Mr R Hosking.</p> <p>This representation supplements our representation submitted on 11 September 2020. Both representations should be taken into account in the examination of the NP. As explained in our first representation, the Modbury Neighbourhood Plan fails to meet the Basic Conditions. In particular, the deletion of the Local Plan allocation in respect of Pennpark and its replacement with the allocation of land to the east of Ayleston Park is not supported by any objective or evidence-based appraisal of options or any assessment of individual sites against clearly identified criteria.</p> <p>This is contrary to Basic Condition (a) and paragraphs 042 and 044 of the NPPG. Therefore, we would urge the Council to withdraw the draft NP from examination. All evidence available at the date of our first representation demonstrated that Pennpark outperforms the land at Ayleston Park in all respects. The additional evidence that has been submitted during the second consultation period confirms this to be the case. In terms of additional evidence that has been submitted:</p> <p>1 The Highway Authority has now confirmed that the potential development east of Ayleston Park is likely to have an adverse impact on the junction of A379 and Brownston Street. The Highway Authority explains that "there is insufficient room to allow two-way traffic to pass. This junction already causes some queuing on the A379. The development would result in some additional queuing and possible congestion." We attach a photograph showing the junction in question.</p> <p>2 The access to Penn Park, by comparison, would not result in any such adverse highway impacts. The Highway Authority response concludes that "the Penn Park allocation remains an appropriate development site".</p> <p>3 The County Historic Environment Officers have also now responded to the consultation. They</p>

Name/Organisation	Comments
	<p>note that land east of Ayleston Park “is south of several grade II and grade II* listed buildings which date from the 16th century onwards and include Old Traine and West Cottage, Pound House and Pound House Barn and the Gatehouse. Also, within the Site, the Devon Historic Environment has recorded the remains of an earthwork enclosure of probable medieval to post-medieval date and earthworks pertaining to historic field boundaries”.</p> <p>4 It makes no sense to direct development to a location that would have a permanent adverse impact on heritage assets when development can be directed to a site which would have no such impacts. This is particularly the case when Basic Condition (b) requires the decision maker to consider whether it would be appropriate to make the NP <i>“having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses”</i>.</p> <p>5 Further, the need to carry out a full programme of archaeological works (as referred to in the consultation response) will result in significant additional costs to the development. The Feasibility Study carried out in connection with the proposed development of the land east of Ayleston Park records that <i>“there will be a higher than average infrastructure cost for the site due to the site topography, access issues and high number of abnormalities”</i>. The archaeological works will further undermine the viability of the development. All of the available evidence points to the fact that Penn Park should remain the proposed location for development within Modbury.</p> <p>Misleading Information</p> <p>We wish to draw the Council’s attentions to the activities of the Parish Council during the consultation period. It is not clear whether the Parish Council’s activities are intended to mislead or whether the Parish Council’s actions are based on a misunderstanding of the planning system. However, the effect will be the same: people will be misled regarding the effect of Neighbourhood Plan. During the second round of consultation, the Parish Council has circulated two documents to Parishioners: a letter entitled “DON’T BE MISLED - Future generations in Modbury are depending on you” and a document entitled “Fact checker for misinformation circulated by Stop the Swap campaign”.</p> <p>We have already addressed the majority of the statements made in the documents circulated by the Parish Council in our first representation and have shown those statements to be inaccurate. However, the Parish Council continues to publish those statements. In addition, the Parish Council has made further misleading comments. For example, the documents state that the Pennpark allocation would only deliver affordable housing in the form of discount open market units at a discount of 20%. This is wholly untrue. Any site allocated for development would be subject to exactly the same policies and guidance regarding the delivery of affordable housing.</p> <p>Therefore, whether the housing needs of the settlement are met by Pennpark or land to the east of Ayleston Park, the development will be subject to the same policy requirements regarding the type and mix of affordable housing.</p>

Name/Organisation	Comments
	<p>Regardless of their motives, the Parish Council's activities seriously undermine public confidence in the NP process and in local decision making more generally. The current activities of the Parish Council undermine the credibility of any democratic process which may be undertaken in respect of the Neighbourhood Plan. The Parish Council is a local authority and, as such, is subject to statutory requirements and duties. The Parish Council must observe the principles of natural justice and procedural fairness in the exercise of its functions. The Parish Council should not use its status as a local authority to seek to unfairly influence democratic decision-making processes or to further an ulterior motive. The dissemination of misleading information by a local authority regarding the effect of the draft NP is clearly contrary to all principles of public law decision making. This is particularly the case given that when the NP is made, it will confer very valuable rights on certain landowners and will remove such rights from others.</p> <p>The Parish Council should be scrupulously fair and transparent in its promotion of the NP. Repeated failures by the Parish Council to observe procedural propriety is likely to result in the NP process being fundamentally flawed. Therefore, we would ask the Council's Neighbourhood Planning Team to address this point with the Parish Council as a matter of urgency. It would be counterproductive if the activities of the Parish Council (which are clearly aimed at trying to ensure the adoption of the NP) were precisely the reason why the NP process is found to be flawed and unlawful.</p> <p>Conclusions</p> <p>All of the additional evidence which has been submitted in connection with the re-consultation of the emerging NP confirms that:</p> <ol style="list-style-type: none"> 1. the NP fails to meet the Basic Conditions for the reasons explained in our first representation; 2. Pennpark is the most sustainable location to accommodate the development needs of Modbury; and 3. There is no evidence which supports the allocation of land to the east of Ayleston Park. <p>Therefore, the NP should be withdrawn from examination until such time as the Basic Conditions have been met.</p> <p>Yours faithfully Clarke Willmott LLP</p> <p>Appendices:</p> <p>Appendix 1 – Photograph of junction of A379 and Brownston Street</p> <p>Appendix 2 – MPC letter entitled “DON’T BE MISLED - Future generations in Modbury are depending on you”</p> <p>Appendix 3 – MPC document entitled “Fact checker For misinformation circulated by Stop the Swap campaign”.</p>

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Ann Turner Chair Modbury NPG/ member of PC subcommittee on NP	<p>MODBURY 'East of Ayleston Park' FEASIBILITY</p> <p>The following study illustrates a collection of some initial ideas and concepts. The plan opposite is indicative at this early stage and is one option for the development of this site with more options to be explored in line with the design process.</p> <p>The Rogers family, owners of the land to the east of Ayleston Park, have offered the two adjacent fields for community use in order to complement the proposed housing development. We are working closely with SHDC Community Housing Team to produce an overall plan for the area which will best meet the wishes of the community for well-integrated affordable housing, public open green space, and protection and improvement of biodiversity and habitat for wildlife. Recent events have made us all aware of the importance of accessible green spaces for exercise and wellbeing. Concerns about Climate Change have highlighted the need for housing to be energy efficient and sustainable. We had all these factors in mind when producing this plan. We will seek support for planting and landscaping from a variety of sources. The Modbury Society has already promised support and we will be applying to other organisations such as the Woodland Trust for help and advice. The Feasibility Sketch opposite is an illustration of how the proposed development and green open space could work together.</p> <p>Key points for consideration in the design of the housing development include:</p> <ul style="list-style-type: none"> - Enhancement of the existing public right of way by planting and visual connections to spaces - Creation of a green buffered zone for the residents of Ayleston Park and Old Towne. - Layout and design taking into account views from the AONB and in keeping with the rural landscape - Flexible housing to accommodate current and future needs of the community, using innovative design and vernacular materials - A woodland planting zone to provide a green view and experience on entry to the site. - Creation of outside spaces to provide a strong community feel - Planting to create green screening and a strong connection to the adjoining land. <p>Suggestions for use of the green open space:</p> <ul style="list-style-type: none"> - Planting of native trees, shrubs and plants to improve habitat and biodiversity. - Improved access with a continuation of the path from the Millennium Meadow to run along the side of the stream, and a new bridge to the south facing field adjacent to the bottom of Ayleston Park and the proposed housing development. - Safe natural play spaces for children to build health and confidence. - Native planting to create a community woodland, wildlife corridor and open space. Carefully managed and weeded over time to improve biodiversity and provide a mix of native shrubs and trees. To be used on existing community celebrations, gatherings and educational events happening around woodland and rural sites. - Seating in south facing field to take advantage of sunny location. <p>BRINGING IN NATURE</p> <table border="0"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Green Street Design Green elements integrated into housing design</td> <td>Green Street Design Green elements integrated into housing design</td> <td>Devon Banks Devon bank hedging to dwelling boundaries, providing layered green views</td> <td>Pervious Grass Parking Green parking areas to create a rural feel</td> <td>Context Natural setting enhanced through biodegradable planting in conjunction with architecture</td> </tr> </table> <p>ENHANCING LANDSCAPE</p> <table border="0"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Natural Play Safe spaces for children to play to improve relationship with natural world</td> <td>Seating Sunny south facing bank for seating and play</td> <td>Woodland Planting Native planting to create wildlife corridor and public open space for community gatherings</td> <td>Bridge and Paths New bridge and paths to make the stream and path network more accessible</td> <td>Wildflower Meadows Wildflower planting around public pathways and flood relief bank</td> </tr> </table> <p>INNOVATIVE HOUSING</p> <table border="0"> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Innovation Design to provide innovative housing solutions - individual, terrace, multiple, terraced</td> <td>Flexibility Dwelling design to cater for future change of occupant or multi generation living</td> <td>Materiality Local materials and architectural detailing to be used to fit into Modbury's local vernacular</td> <td>Low Energy A fabric first approach to provide low energy homes</td> <td>Social Interaction Spaces Creation of social spaces to create a strong sense of community</td> </tr> </table> <p>All images are indicative examples</p>						Green Street Design Green elements integrated into housing design	Green Street Design Green elements integrated into housing design	Devon Banks Devon bank hedging to dwelling boundaries, providing layered green views	Pervious Grass Parking Green parking areas to create a rural feel	Context Natural setting enhanced through biodegradable planting in conjunction with architecture						Natural Play Safe spaces for children to play to improve relationship with natural world	Seating Sunny south facing bank for seating and play	Woodland Planting Native planting to create wildlife corridor and public open space for community gatherings	Bridge and Paths New bridge and paths to make the stream and path network more accessible	Wildflower Meadows Wildflower planting around public pathways and flood relief bank						Innovation Design to provide innovative housing solutions - individual, terrace, multiple, terraced	Flexibility Dwelling design to cater for future change of occupant or multi generation living	Materiality Local materials and architectural detailing to be used to fit into Modbury's local vernacular	Low Energy A fabric first approach to provide low energy homes	Social Interaction Spaces Creation of social spaces to create a strong sense of community
																															
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Name/Organisation	Comments
Attached is further submission, objecting to MNP3 within the Modbury Neighbourhood Plan in respect of Highways and Flood Risk. David Tearle	<p>OBJECTION - HIGHWAYS AND FLOOD RISK BASIC CONDITIONS ASSESSMENT – PROPOSED DEVELOPMENT SITE – MNP3 – MODBURY NEIGHBOURHOOD PLAN CONSULTATION</p> <p>Devon County Council have now submitted a formal consultation response to the proposed development site included in Modbury Neighbourhood Plan policy MNP3. DCC Highways have commented as below:</p> <p><i>"The potential development east of Ayleston Park is likely to have an impact on the junction of A379 and Brownston Street because there is insufficient room to allow two-way traffic to pass. This junction already causes some queuing on the A379. The development would result in some additional queuing and possible congestion. However, the scale of development needs to be taken into consideration. At 40 dwellings, it is estimated that the Ayleston Park site would add around 15 -20 two-way movements onto the A379- Brownston Street junction in any given peak hour. This is based on the fact that some traffic may choose to use Dark Lane and Barrack Road as an alternative route to/from the A379. There are no records of any accidents reported to the police at this junction in the previous 3 years. Taking the scale of development into consideration, the potential impact on the highway network in terms of capacity and the accident record at the junction, it is concluded that no objection is raised on highway grounds regarding the proposed Ayleston Park site.</i></p> <p><i>Separately – Although there are no objections to the Ayleston Park site, the Highway Authority is of the view that the Penn Park allocation remains an appropriate development site, provided that safe and suitable access can be achieved for pedestrians and cyclists".</i></p> <p>The Modbury Neighbourhood Planning Group used consultancy group Arcadis to produce a highways scheme for this proposal. In turn, Arcadis used DCC Highways Department to assist in the project, and are presumably content with their work and their assessment of the highway/footpath problems that were identified but not resolved.</p> <p>The following images identify the key highways issues inherent in the proposal:</p> <ul style="list-style-type: none"> – none of which exist in the JLP allocation site at Penn Park: <p>HIGHWAYS</p> <ol style="list-style-type: none"> 1. Access from A379 to Brownston Street

Name/Organisation	Comments
	 <p>This is a very congested junction, where two vehicles cannot easily pass. Vehicles trying to enter Brownston Street from the A379 have to wait on the yellow box junction for those emerging, and vice versa. Illegal and not ideal!</p>
	<p>2. Access from A379 to Barracks Road (Palm Cross)</p>  <p>This junction has very poor sight lines in both directions. It is almost impossible for a vehicle (impossible with large vehicles) to turn into Palm Cross from the A379 if another is waiting to turn out to the west.</p>

Name/Organisation	Comments
	  <p>3. Brownston Street</p>

Name/Organisation	Comments
	 <p>Two vehicles cannot pass at several points. Much reversing and frayed nerves, particularly when vehicles are illegally parked or delivering. A nail-biting journey for emergency vehicles.</p>
	<p>4. Brownston Street to A379 junction</p>  <p>This is clearly quite unacceptable and dangerous. And yet the Modbury Neighbourhood Plan and DCC Highways are prepared to use this as the major access to the A379 for the major housing development.</p>

Name/Organisation	Comments
	 <div style="border: 1px solid black; padding: 5px;"> <p>Cross traffic here backs up all four directions continuously.</p> </div> <p>5. Barrack Road to Brownston Street (Old Dartmouth Road) junction</p>  <div style="border: 1px solid black; padding: 5px;"> <p>The sight lines here are so poor here that a vehicle wishing to turn right from Dark Lane into Brownston Street has to creep forwards by 2m before being able see traffic from the left.</p> </div>

Name/Organisation	Comments
	<p>6. Brownston Street to Silverwell Park junction</p>  <div style="border: 1px solid black; padding: 5px;"> <p>This junction is used as overflow parking for Brownston Street, a situation that can only get worse with more housing development here.</p> </div>
	<p>7. Silverwell Park to Ayleston Park junction</p>  <div style="border: 1px solid black; padding: 5px;"> <p>Again sight lines here are dangerous. Vehicles wishing to enter Ayleston Park have to do so on the wrong side of the road, and hope that nothing is coming up the hill. This spur junction was designed for 18 dwellings.</p> </div>
	<p>8. Ayleston Park to Old Traine field site junction and access (concept sketch)</p>

Name/Organisation	Comments
	 <p>This is the MNP3 proposal for access to the Old Traine field site. The cutting is 3m deep and the retaining walls are 4.3m high. There is no line of sight when entering this single track section from either direction, and vehicle and pedestrian/cycle/wheelchair/ traffic share the same space. It drains into surface water drains in Ayleston Park already at full capacity. It receives no sun and once snow-bound or frozen would be impassable. There is no line of sight for vehicles entering from Ayleston Park. DCC Highways have been consulted on this proposal, and remain silent.</p> <p>FOOTPATHS</p> <p>DCC make no specific comment on the proposed footpath links (in MNP3) in their submission.</p> <ol style="list-style-type: none"> 1. MNP3 Preferred walking route from Old Traine field site to School via Back Lane  <p>There is no footpath along Back Lane, and no line of sight for pedestrians or vehicles on these bends in the road.</p>

Name/Organisation	Comments
	<p>2. Level alternative walking route from Old Traine field site to school via Dark Lane</p>  <div style="border: 1px solid black; padding: 5px;"> <p>Again no footpath along most of Dark Lane and part of Barrack Road. This is also a heavily used rat-run through Modbury.</p> </div> <p>FLOOD RISK</p> <p>DCC comment as follows on flood risk:</p> <p><i>"General Flood Risk</i></p> <p><i>Any new development should produce a surface water management strategy in line with the SuDS for Devon Guidance (2017). This will ensure that the development will not result in an increase in flood risk by mimicking greenfield runoff rates via attenuation techniques. We would be happy to liaise with developers and/or their consultants through our pre application service https://www.devon.gov.uk/floodriskmanagement/planning-and-development/pre-application-advice/".</i></p> <p>There is no flood risk assessment or drainage capacity survey in the Evidence Base for the MNP3 housing development proposal.</p>

Name/Organisation	Comments
	<p>Modbury is flood critical; during the consultation period alone, flood wardens have reportedly been deployed twice to prevent flooding to the Medical Centre in Poundwell. The JLP approved development at Penn Park drains away from Modbury town.</p> <p>David Tearle 7, Ayleston Park, Modbury, Devon, PL21 0TX 12.11.2020</p>
Nicola Shepley Chairman Modbury Society	<p>The Modbury Society, a local amenity group, totally support the new enhanced version of the plans for the proposed new housing to the East of Ayleston Park and compliment the NPG taking them further by providing screening, a woodland area, improved level walking and a play area.</p> <p>As we see all of this as of great benefit to the town's residents of all ages well into the future, the Society has already promised the NPG a grant towards the necessary 'seed corn' to help generate the necessary funding to fulfil enhancement of the area to a high standard.</p>
Robin Chambers Modbury Tree Warden	<p>For the attention of the Examiner, Modbury Neighbourhood Plan.</p> <p>As Modbury's tree warden my role is to help protect and promote the trees and hedgerows in the parish, particularly those that impact on the AONB and are of historical interest.</p> <p>The proposal to develop the land east of Ayleston Park as part of the neighbourhood plan will threaten an ancient stone-faced Devon hedgebank and ditch that was part of an old enclosures field system. It is thought to date back to medieval times and relate to the historic buildings at Old Traine. The hedge is species rich and therefore qualifies as 'important' under the Hedgerow Regulations. It also contributes significantly to biodiversity by providing support for a diverse range of wildlife.</p> <p>As I live adjacent to the field and work as a volunteer on the hedgerow, I have witnessed the key role the hedge plays to the local ecology and over the years have helped to maintain it through hedge laying, replanting and keeping livestock out of the bank. I have also seen the loss of trees in the bank in recent years due to age and disease. Although some of the</p>

Name/Organisation	Comments
	<p>supporting evidence to the Neighbourhood Plan notes the importance of the hedgebank and a need for protection, the plan does not offer any mitigation for the heavy development of the site and the replacement of pasture land with tarmac and concrete. Whereas it is currently a natural boundary adjoining agricultural land and provides a wildlife corridor, it will become fragmented and sandwiched between two housing estates where it will look isolated and out of keeping with the built environment.</p> <p>Of particular concern is the proposed site entrance that will have a significant impact and is likely to see the removal of part of the hedgerow and damage to the root system of several trees. The current field entrance is a gateway through the hedgerow that is restricted to 5.6m between a holly tree to the north and an ash tree to the south. The concept plan for the site proposes a vehicle entrance with pedestrian access and 4m high retaining walls that will involve deep ground works and require significantly more than the available space. Therefore, either or both of the trees will be lost and several metres of hedgebank removed. This will create a 10-12 m break in the hedge with a 4m deep stone lined gulley, thereby destroying the wildlife corridor and the significance of an ancient hedgerow.</p>
Claire Hosking	<p>I write further to my earlier submission objecting to the proposal to replace the JLP approved site at Pennpark with an alternative site East of Ayleston Park.</p> <p>There appears to be a perception that anyone objecting to this site swap is against the idea of affordable housing. This is not the case. In fact, I believe some residents have raised objection to this proposal but completed the tear-off slip provided by the Parish Council in favour of affordable homes. Modbury is in need of affordable housing for local residents but any such development should be on an appropriate site which does not adversely affect the existing traffic and drainage problems within the town centre.</p> <p>Notwithstanding the extensive flood prevention works carried out in 2018, Modbury remains at risk of flooding. In the last few weeks the MPC thanked flood wardens for their efforts in preventing the Health Centre becoming flooded. Development of the Ayleston site would have a detrimental impact on the town in respect of the additional run off and sewage generated.</p>
Stephen Jones 16 Silverwell Park Modbury PL21 ORJ	<p>I strongly object to the development East of Alyeston Park as it will create an unacceptable level of increased traffic along Brownston street and Alyeston Park and will also impact traffic driving in and out of Silverwell park exacerbating on road parking problems in Silverwell park.</p> <p>I have 2 young children 3 and 7 years of age and fear for their safety with the extra traffic which would be created. The extra traffic would not be just be from residents it would also be from delivery and service vehicles</p>

Modbury Neighbourhood Plan: Draft Submission – October 2020

DCC - Appendix 1: Comments

Section/paragraph	Topic	Comments
Paragraph 1.17 – page 7	Process	Devon County Council as Minerals and Waste Planning Authority will also be required to use the document when making decisions on planning applications.
Policy MNP3 (Development Site Proposals) 40 homes – site east of Ayleston Park - page 13	Highways	<p>The potential development east of Ayleston Park is likely to have an impact on the junction of A379 and Brownston Street because there is insufficient room to allow two-way traffic to pass. This junction already causes some queuing on the A379. The development would result in some additional queuing and possible congestion.</p> <p>However, the scale of development needs to be taken into consideration. At 40 dwellings, it is estimated that the Ayleston Park site would add around 15 -20 two-way movements onto the A379-Brownston Street junction in any given peak hour. This is based on the fact that some traffic may choose to use Dark Lane and Barrack Road as an alternative route to/from the A379. There are no records of any accidents reported to the police at this junction in the previous 3 years.</p> <p>Taking the scale of development into consideration, the potential impact on the highway network in terms of capacity and the accident record at the junction, it is concluded that no objection is raised on highway grounds regarding the proposed Ayleston Park site.</p> <p>Separately – Although there are no objections to the Ayleston Park site, the Highway Authority is of the view that the Penn Park allocation remains an</p>

		appropriate development site, provided that safe and suitable access can be achieved for pedestrians and cyclists.
General	Flood Risk	Any new development should produce a surface water management strategy in line with the SuDS for Devon Guidance (2017). This will ensure that the development will not result in an increase in flood risk by mimicking greenfield runoff rates via attenuation techniques. We would be happy to liaise with developers and/or their consultants through our pre application service https://www.devon.gov.uk/floodriskmanagement/planning-and-development/pre-application-advice/
General	Public Rights of Way	For information and guidance in developing the plan further please see the following – Devon Countryside Access Forum Position Statement on Neighbourhood Plans

Appendices from Clake Clarke Willmott LLP on behalf of Mr R Hosking.

Appendices:

Appendix 1 – Photograph of junction of A379 and Brownston Street

Appendix 2 – MPC letter entitled “DON’T BE MISLED - Future generations in Modbury are depending on you”

Appendix 3 – MPC document entitled “Fact checker For misinformation circulated by Stop the Swap campaign”.



DON'T BE MISLED

Future generations in Modbury are depending on you

Dear Modbury resident

Misleading information has been distributed to homes in Modbury about an aspect of the Neighbourhood Plan. The publishers, funders and distributors of this misinformation have not declared who they are. You are entitled to ask why?

The stated aim of the Stop the Swap campaign is to avoid **genuinely affordable housing** being created for Modbury, in perpetuity, on a site east of Ayleston Park.

Why this matters to you and to Modbury.

You, the people of Modbury, told us what you wanted for Modbury's future through a series of public

a way to deliver what you asked for through the Neighbourhood Plan.

You made your wishes on future housing policy very clear:

- 28% wanted owner-occupied homes
 - 29% wanted affordable/shared ownership
 - 25% wanted social housing

If you want genuinely affordable homes for Modbury,

the Neighbourhood Plan will deliver it. Here's how.

Affordable housing is a term used by the government and by developers. What it actually means is buyers are given a discount (typically 20%) on the local market price. But in Modbury we have two problems. House prices are higher than average and incomes for locally employed people are lower than average. So the 20% discount still doesn't make homes affordable.

Younger generations starting out, older people who would like to move closer to town and hard-working

elsewhere. There are some in the community who appear not care what happens to these Modbury people. If you do, you need to say so.

How do we make homes genuinely affordable, for the Modbury people who need them?

It's simple but not easy. The simple part is to design and build homes to an affordable price, not build to a market price and discount it, where it is still beyond reach.

genuinely affordable homes

affordable to run, set in a pleasant environment, with easy access to the town's services, preferably by foot than by car. . . all criteria in the Neighbourhood Plan.

Where to build? You told us what you wanted and what you didn't want.

The number of new homes for Modbury was determined by the Joint Local Plan (JLP) and imposed on us. Our choice was what type of homes and where.

Over half of respondents to our 2016 survey wanted affordable or shared ownership housing.

You wanted one and two bedroom homes not large houses.

Unsurprisingly, people favoured new developments being further away from where they lived. Those that favoured development to the north and west of Modbury have had their wishes met by 133 new homes at Palm Cross.

An overwhelming 89% of you said you did not want all the housing

Modbury was required to build, to be in one area of town.

adjacent to the new Palm Cross estate and, if developed, would create the very thing 89% of you said you absolutely did not want: 173 homes all in one part of Modbury. Pennpark also has no pedestrian access to town.

How the Neighbourhood Plan gave Modbury what it asked for

A site east of Ayleston Park was proposed back in February 2018 when we circulated to residents an overview of the Neighbourhood Plan in the form of an eight page brochure. It contained diagrammatic maps showing the proposed site but with less homes than Pennpark. An updated version is enclosed with this letter.

After consideration, SHDC agreed to permit the site East of Ayleston Park to be substituted for Pennpark.

After consideration, CEDO agreed to permit the City East of Miyakawa Park to be substituted for the Company.

and environmental requirements. This substitution was the subject of a public re-consultation in August 2019 which did not have a high response but gave a clear approval by a margin of 59% to 41% **The Stop the Swan group refuses to accept the result**.

SHDC also agreed to help Modbury by becoming both the purchaser of the land and developer of **genuinely affordable homes**. Those homes would then remain affordable in perpetuity. There would be both rented and to-buy homes. By partnering with SHDC in this way, Modbury would also have a say in the design, build quality, sustainability and landscaping of the entire site not just the affordable element.

2

- Developers are required by government to provide a minimum 30% affordable (discounted) homes on developments of more than 11 properties. They have no incentive to exceed the minimum.

East of Ayleston Park will have 50% genuinely affordable homes not the minimum 30%

So now we had an affordable site and a developer of genuinely affordable homes. To accommodate the extra

homes, and to meet the community's request for more one and two bedroom homes, the site

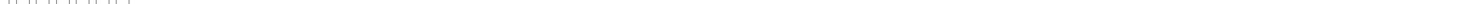
elsewhere in Modbury.

So why all the fuss?
You have to return to asking the question: "Why is the Stop the Swap campaign group determined to remain anonymous?"

For the last year the Parish Council has had to respond to repeated emails from a small group of residents, objecting to the site East of Ayleston Park. These have included requests for information freely available on the Parish Council's website.

A frequent tactic was to make a false assertion and then ask the Council to address it. These included the farcical suggestion that people would be living in containers. Despite knowing this to be totally false, it reappears in the Stop the Swap campaign literature.

treasured is the same kind of low-grade agricultural grazing land that the houses in Ayleston Park were built on. It is not a Public Open Space but the public footpath, which actually runs along the perimeter, is to be



will be retained and protected in line with the Neighbourhood Plan's policies.

There are many false claims in the Stop the Swap campaign's literature and website, too many to list here.

www.modburypc.co.uk or www.modburynpq.co.uk

The anonymous group seeks your support, but in giving it, you would . . .

- Deny the community the genuinely affordable housing it asked for
 - Deny generations of future Modbury families a home they can afford
 - Deny the democratically expressed wishes of the people of Modbury

The housing need of future generations of Modbury families is in your hands.

If you care, you need to act.

If you do nothing, you risk Modbury people be priced out of their own town or you surrender their future.

□ □ □

affordable homes. That means Modbury people get what they're given, not what they need.

3

You can write to SHDC to express your views to them during the consultation period **which ends on 14th September**

IMPORTANT: This is not the vote, that will come in a referendum later in the year, Covid-19 permitting. This is an opportunity to comment.

SEND YOUR COMMENTS TO SHDC, it is their consultation. DO NOT SEND YOUR COMMENTS TO MODBURY PARISH COUNCIL.

You can email your comments to the address below or use the form below. Simply tick the box, sign the form, write any comments in the box ***then just snap it on your phone and email the image to: neighbourhood.planning@swdevon.gov.uk*** or write to: Neighbourhood Planning, South Hams District Council, Follaton House, Plymouth Road, Totnes, TQ9 5NE

I support **genuinely affordable homes** for Modbury people now and for future generations.

Tick box if you agree

Signed.....

Name.....

Other comments I would like to make on the Neighbourhood Plan are below:

If you feel you have been misled into supporting the anonymous Stop the Swap campaign you can write to SHDC at the above address or use the above form to advise them.

I urge you to read the Neighbourhood Plan. It can be viewed and downloaded at www.modburypc.co.uk or www.modburynpg.co.uk

If you do not have access to the internet or have a sight problem and need a printed copy or an enlarged copy, just contact the Parish Clerk at Modbury Parish Council, 2 Galpin Street, Modbury, PL21 0QA parishclerk@modburypc.co.uk or drop a note through the door explaining what you need or call

01548 830 222 If you are shielding, a volunteer will deliver one for you.

PETER WATTS, Chairman
on behalf of
Modbury Parish Council

4

Fact checker

For misinformation circulated by Stop the Swap campaign

Who is behind the Stop the Swap campaign?

The publishers, funders and distributors of this misinformation have not declared who they are. You are entitled to ask why.

Do we have to have any more housing?

Yes. Additional housing was imposed upon Modbury by the Joint Local Plan (JLP).

The two Bloor sites already account for most of the new housing. So we must do our best to have the remainder as the type of homes that the people of Modbury said the town needs: i.e. **genuinely affordable housing.**

Will the site east of Ayleston Park provide many more affordable homes?

Yes. The site east of Ayleston Park would provide **50%** i.e.**20 genuinely affordable homes.** By contrast, commercial developers are required to build only 30% of "affordable" homes on sites of more than 11 homes. Their definition of 'affordable' means the market price less a discount of 20%. But at Modbury property prices and local salaries, these homes are still out of reach for many.

No plans have been proposed for Pennpark so the actual *type* of affordable homes cannot be compared.

Did residents want all new housing in one part of the town?

No. An overwhelming **89% of respondents** to the 2016 questionnaire **stated they did not want all the new housing to be in one part of town.** The Pennpark site is adjacent to the Palm Cross sites, so were that site to be developed, it would create exactly what 89% of the people said they did not want: one large development of 173 homes in one area of Modbury.

Will home density on the site east of Ayleston Park be greater than the surrounding area?

No. The density will be less than that of nearby Tuckers Brook.

Is the Pennpark site a 'brownfield' site?

No. It is a mixed greenfield and brownfield site.

Is there a flooding risk on the site east of Ayleston Park?

Thanks to the considerable efforts of the Environment Agency, and funding support from Devon County Council, Modbury recently emerged unscathed from one of the wettest winters on record.

See independent assessments below:

"I can confirm that the development site in question was included in the design runoff calculations for the flood storage volumes. With a suitably designed SuDS (Sustainable Drainage System) for the new development, mimicking the greenfield runoff rates, this will not have any negative impact on the flood defences. It is therefore understood that the development will not compromise the new flood improvements." Devon County Council Flood and Coastal Risk Manager

Ayleston Park was designed to accommodate further development to the east, therefore the foul water system would have been designed with capacity for more dwellings.

"I would suggest that the alternative housing site at Ayleston Park has better access to our infrastructure and would, from our point of view, be preferred to PennPark"

South West Water

Was there a preference for development sites to the north and west of Modbury?

Unsurprisingly, residents tended to favour the sites furthest away from them. There was some preference for sites to the north and west of the town. That wish has been fulfilled by the construction of 133 homes at Palm Cross phases one and two.

Was the re-consultation on the site legitimate?

Yes. The questionnaire was drafted by an independent planning adviser and distributed to all homes with the Modbury Messenger in July 2019 and posted on the Parish Council's noticeboard and website. The response period ran until Aug 30th. The verdict was clear: 59% in favour and 41% against.

All statutory organisations were also reconsulted. However, their responses were not counted in the community response figures.

Details of community responses 'For' and 'Against' and organisational responses are contained in

the Response to Consultation reports which can be found on the following websites:

www.modburyng.co.uk and the PC website: www.modburypc.co.uk. All of these documents were scrutinised by SHDC before publication. Consultation results were formally presented to the Parish Council and published on PC's website in February 2020.

Is it true the community were not informed?

No. The Neighbourhood Plan process has been subject to a number of consultations since it began in 2015. A look on the Neighbourhood Plan website www.modburyng.co.uk under "Consultations" gives details of these.

The proposal to substitute the site East of Ayleston Park for Pennpark was shown very clearly in an 8 page overview of the then 'draft' Neighbourhood Plan in March 2018. This was distributed as an insert in the Messenger.

SHDC confirmed that a substitution of sites would not undermine the aims of the Joint Local Plan, as long as it delivered the same number of homes and fulfilled all the necessary requirements and was considered to better meet the needs of the community. It was decided that an additional consultation would be undertaken. The Consultation Paper was distributed with the Messenger in July 2019 and ran until August 30th 2019.

The progress of the Neighbourhood Plan was regularly reported upon at Parish Council meetings, posted on the Parish Council website and periodically in the Messenger.

Was the Neighbourhood Plan Group's website down this year?

Yes, due to technical issues beyond their control. However, all the key Neighbourhood Plan information was available on the Parish Council's website which was operational throughout and the Neighbourhood plan website is now operational.

Was there a previously agreed 3 month consultation period?

No. That time period was never agreed. It became a possibility (not an agreement) when the Government published advice on Neighbourhood Plan consultation, during the COVID restrictions. In May, as a result of this, the Council agreed a six week period was sufficient, subject to agreed measures being in place for those without access to the internet.

The Parish Council consulted with SHDC and also checked what other Parishes in South Hams and West Devon were doing prior to commencing the consultation. It was established that the 6 week period was the norm. The Parish Council did not consider the people of Modbury were any less able than residents of other parishes to evaluate their Neighbourhood Plan in the required 6 week period.

Will Pennpark be removed from the JLP if the Neighbourhood Plan is approved?

Yes. If the Neighbourhood Plan is approved, the PennPark site will be removed and replaced by the proposed site east of Ayleston Park. What will happen to future Government/District Council planning policy is impossible to predict.

Is it true that the east of Ayleston Park site was rejected by SHDC in 2017 in their site

consideration for the Joint Local Plan and for 25 homes?

No. The site which was considered by SHDC was a much larger site of 9.68 hectares which included land running down to the stream. The proposed site is much smaller at 1.45 hectares and in 2019 was subject to an independent Strategic Environmental Assessment by AECOM which is available on the NP Group's and Parish Council's websites.

So the site referred to in the quote used by Stop the Swap campaign (and taken from the JLP assessments in 2017) refers to the much larger site that included adjoining fields. This quote has thus been taken out of context, distorting the information. That larger site was not rejected due to the number of homes but due to topography. The currently proposed site has never been rejected and has been subjected to a number of independent assessments of its suitability.

Will the site east of Ayleston Park site worsen traffic congestion and add to safety concerns for pedestrians?

The east of Ayleston Park site offers better pedestrian access to most town centre facilities and a safe pedestrian route to the school. The independent Strategic Environmental Assessment concluded that this site had significant advantages in terms of health and transportation due to easy pedestrian access to the town centre facilities which will encourage walking rather than cars for local journeys.

Traffic is an issue in Modbury whichever site is considered. Residents coming from Pennpark would be more likely to use cars to come into the town centre as there is no pedestrian access along the A379. A key problem for Brownston Street is the volume of heavy commercial traffic and the PC intends to lobby DCC for restrictions to be placed on these and to look at other measures for traffic calming and pedestrian access around the town. This is also an ambition in the Neighbourhood Plan.

Is the site east of Ayleston Park about to “disappear under concrete forever”?

No. Through the creation of a Community Land Trust, Modbury would have a say in the development of the overall site, not just the **genuinely affordable** part. The environmental and housing policies of the Neighbourhood Plan are designed to promote a good quality, well landscaped development and to protect and enhance valuable biodiversity.

Is the proposed field of high value in terms of biodiversity?

No. The site is a monoculture of low-grade agricultural grazing land (as was Ayleston Park before it was developed). The biodiversity value lies in the surrounding hedgerows which would be retained and protected by the environmental policies in the Neighbourhood Plan.

Will there be no off-street parking on the site East of Ayleston Park?

A plan clearly marked (on STS's own leaflet) as a ‘concept sketch’ has been misinterpreted. Off-street parking is a mandatory planning requirement so it will be provided.

Is the site east of Ayleston Park one of Modbury’s public open spaces?

No. It is privately owned farm land with a public footpath which runs *around the perimeter* of the field. There is no right of way *across* the field. The footpath would be retained for public use.

Would the site east of Ayleston Park have homes made from containers?

No. The very notion is absurd. Yet it is claimed in the Stop the Swap literature.

There is also an attempt to suggest that 'genuinely affordable' means cheap and shoddy. This is totally untrue. One of architecture's most prestigious awards 'The Stirling Prize' was awarded last year to a social housing development in Norwich. It can be done.

Is the site east of Ayleston Park on steeply sloping land?

Yes but only partly and it is no steeper than Ayleston Park itself i.e. typical Modbury topography.

Lower Green Park at Palm Cross is an example of another recent Modbury development on steeply sloping land.

This information was produced by Modbury Parish Council, supported by the Neighbourhood Plan Group, to ensure the community is correctly informed about aspects of the Neighbourhood Plan

If you feel you have been misled by misinformation from the Stop the Swap campaign, you should make your views known to SHDC. Contact details are in the letter from the Parish Council.[_](#)