



**ANDREW BEARD**  
PLANNING

East Devon District Council  
Via [www.eastdevon.gov.uk/local-plan](http://www.eastdevon.gov.uk/local-plan) submission

Date: 14<sup>th</sup> January 2023  
Ref: ABP/0400

Dear Sir / Madam

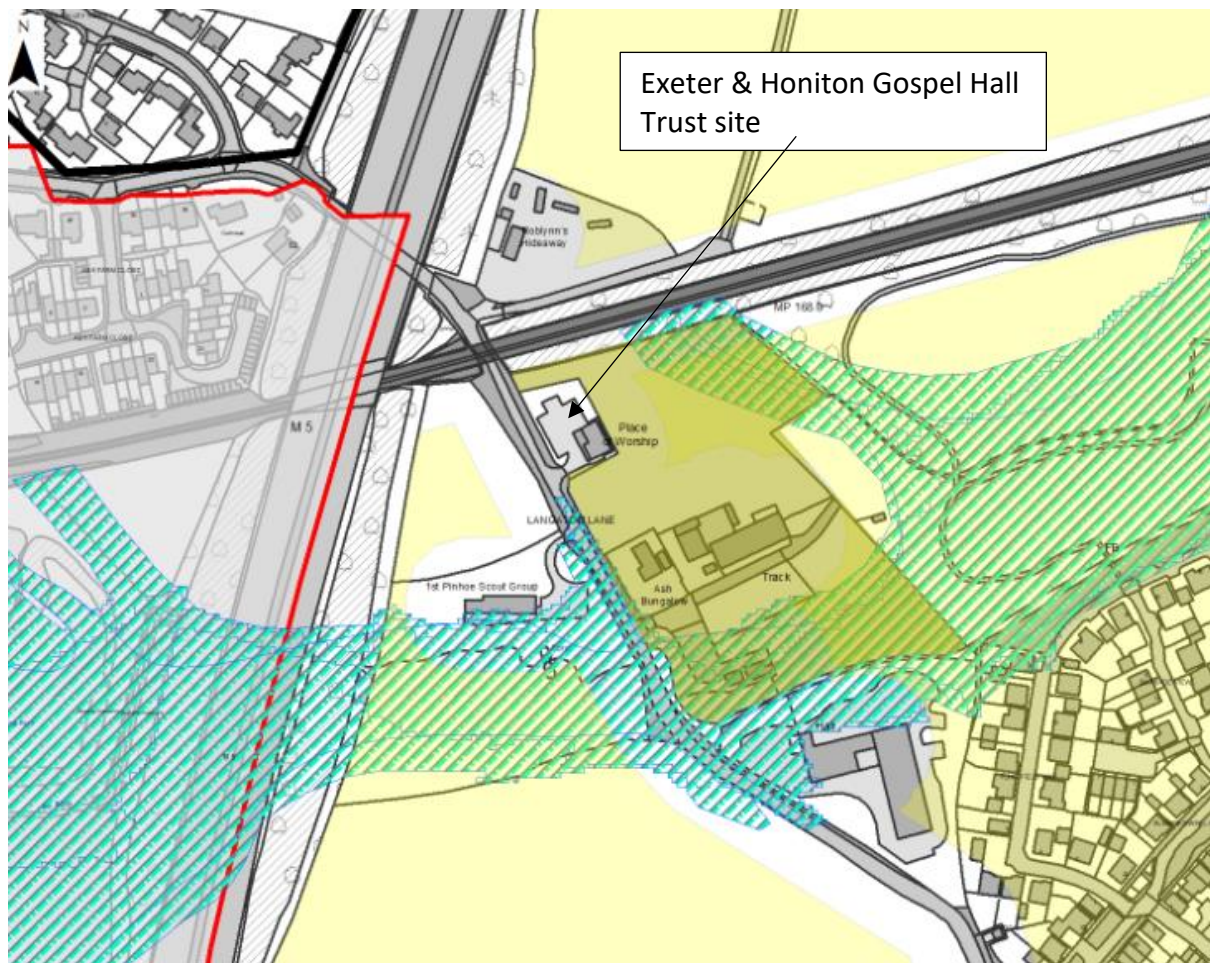
**EAST DEVON DRAFT LOCAL PLAN 2020-2040**

**PROPOSED GYPSY AND TRAVELLERS SITE, LANGATON LANE. DRAFT POLICY 18**

**REPRESENTATIONS BY EXETER & HONITON GOSPEL HALL TRUST**

I am writing to submit representations on behalf of the Exeter & Honiton Gospel Hall Trust who have an existing gospel hall at Langaton Lane.

The representations relate to the proposed Gypsy and Traveller site east of the M5 and south of the Exeter-Waterloo line. (Policy 18)





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The summary objections are –

1. The proposal is located outside settlement boundary within the countryside. If general housing is not acceptable, what is the justification for other forms of housing? **The site is not sustainable.** This site should be included on the edge of the proposed new settlement just south of the A30 which is a major development and area. The site should be integrated within a housing area for mixed and balanced communities.
2. Why is there only one gypsy and traveller site identified? This appears to just reflect the fact it has been promoted rather than a proper planning location chosen alongside strategic growth.
3. The site is very close to areas of flood risk, which development will adversely impact by additional new hard surfaces, road infrastructure etc. reducing existing green soak away capacity.
4. There are security issues having a site so close to the hall, as this church is only used for 2 services per week only on Sunday mornings and Monday evenings. The site also accommodates the parking of 3 school minibuses which are unattended. Experience of these sites elsewhere raises real concerns over visual impact, waste, litter etc.
5. Access to the site is poor for larger vehicles, given the low bridges and the site boundary hedges will be destroyed to create access and visibility. No technical highways assessment is evidenced to support the draft allocation. Post the Local Plan assessment Langaton Road has been permanently closed to through traffic. (See Appendix A Devon Live 01/12/22). **This renders the sustainability appraisal for the site out of date, invalid and connectivity distances are now far greater. “Not Sound”** It also creates a 'real' threat of adverse parking in the bollard area preventing through traffic. **Access is now poor to the site.** This Council action shows the inappropriateness of the site for the proposed intensified use.

But as the narrow lane is described as unsuitable for a significant amount of additional traffic, it was temporarily closed in June 2021. Now, the East Devon Highways and Traffic Orders Committee are being recommended to make that permanent.

Devon Live 01/12/2022



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## 1. UNSUSTAINABLE LOCATION

The site is outside the settlement boundaries in land classed as countryside.

The LP sustainability appraisal evidence base confirm the site is unsustainable. It states the site is within 1,600m of a range of services. This is even now questionable given the closure of Langaton Lane.

That is beyond reasonable walking distance for general day to day services and will exacerbate the use of motorized vehicles.

Sites: Western side of East Devon (excluding the new town)										
Site	Land N. of Science Park	N. Sowton village	E. of Airport buildings	E. of Airport, N. A30	CVRP	Next to M5, N. of Topsham	E. of M5, S. of train line			
SA Objective										<ul style="list-style-type: none"> <li>• <b>Employment land east of the Airport and north of the A30</b> – the site has poor accessibility to services and facilities and this accounts for a significant negative impact.</li> <li>• <b>Green infrastructure and the Clyst Valley Regional Park</b> – This consideration is not really seen as applicable to the Park, albeit the park itself could be looked upon as a very beneficial facility in its own right.</li> <li>• <b>Development next to the M5 and north of Topsham</b> – The site is within 1,600m of a range of services/facilities.</li> <li>• <b>Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line</b> – The site is within 1,600m of a range of services/facilities.</li> </ul>

Reasonable walking distance is generally in planning terms and for shopping 400m to 800m maximum, this is double the distance.

Given this assessment the site should not have been carried through to allocation on that factor alone. A site should be allocated to comply with Policy 6 development within settlement boundaries.

A new settlement is proposed south of the A30 which will include new services and facilities. A site for gypsy and travellers should logically be located on the edge of the settlement or within 400-800m from it. That would deliver an appropriate sustainable site.

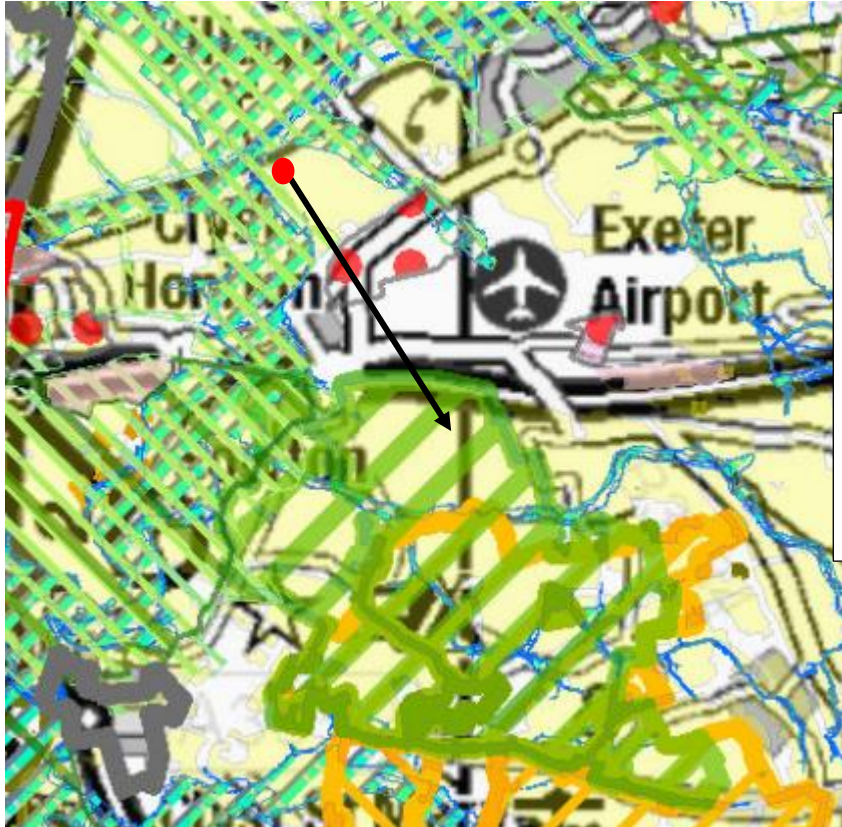
A core objective of new growth is to deliver mixed and balanced communities. The isolation of the Langaton Road site does not meet this objective and the alternative as set out above and overlaid shown on plan would deliver the objective in a more robust planning justification.





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Site should be located as part of the new settlement to create a balanced community and take advantage of shops, services, schools etc.

Not isolated in countryside outside settlement

In the evidence base site appraisal there are 10 general aspects of assessment which are set out below *[in italics]* as quoted in Plan evidence base and challenged by this representation.

Firstly, the site whilst it may be available, achievable, and promoted in the HELAA, **it is not suitable**, this is the key element for taking it forward in the Plan and it is not fully justified as set out below.

The HELAA is not a policy document and has no weight for LP inclusion merely on the basis of promotion. The Council's assessment set out below is considered weak, overly generic and comes to the wrong conclusions and balance.

**Biodiversity** - *Gypsy and traveller site east of the M5/south of railway – There are no designated sites at or close to the site though land to the east of the site is of local biodiversity value and importance.*

The track record of other similar sites is one of waste, litter and damage to biodiversity with regular fires and on site mechanics and repairs. (See 4 below). Also, access will destroy existing mature hedges (see 5 below)



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The local value to the east of the site justifies the sites deletion to ensure no biodiversity harm. It is also hard to see how a Biodiversity Net Gain can be achieved by developing the site. This does not appear to be referenced in the Council's assessment and is now a legal requirement that must be undertaken prior to allocation. This leaves the LPA open to legal challenge and judicial review against the Habitats Directive.

**Landscape** - *Gypsy and traveller site east of the M5/south of railway – This site is quite low lying and of little visual prominence with existing/planned development to some boundaries and the railway to the north, plus the Motorway is close by. Adverse landscape impacts are not identified.*

This is disputed, there will be local landscape harm.

**Historic and Built Environment** - *Gypsy and traveller site east of the M5/south of railway – No significant effect because there are no heritage assets that would be affected by developing the site.*

There are impacts to adjacent built environment though, notably the hall and Ash Cottage.

**Climate Change** - *Gypsy and traveller site east of the M5/south of railway – The site is close to Exeter so near to this centre of population, close a cycle path and close to a frequent bus route into Exeter. The site offers potential scope for renewable energy generation on site. Significant positive effects are expected for the site.*

These benefits have no additional weight, such features can be delivered on other sites. The site is 1600m from services and conflicts with this statement. If this is the case, then it should be developed for open market housing.

**Climate change adaption** - *Gypsy and traveller site east of the M5/south of railway – The land is Greenfield and does not suffer from flood risk other than a small part of the site that falls within a floodplain and on account of this a small part would not be suitable for buildings.*

The site allocation is misguided, only a small part can be developed in any event, so the allocation is misleading and of reduced value

**Water resources** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – Development at the site is unlikely to have any significant effects on water quality and quantity.*



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This is incorrect the site is surrounded and partly covered by high risk flood zones . (See 3 below)

**Homes** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – The site has the potential to provide new homes for gypsies and travellers on land that was promoted for this use through the HELAA.*

The site is not sustainably located. The site is not part of a mixed and balanced community. It is not suitable and should not be allocated just because it has been promoted in HELAA. The majority of housing site submitted to the HELLA are rejected by the Council as not suitable.

**Health & wellbeing** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – The site is close to the M5 Motorway and noise impacts could be of some concern, though it is reasonably close to a range of services and facilities.*

The noise impacts on future occupiers are a significant concern and should rule out the site. The occupiers should not be subjected to a lesser quality of life and amenity. The proximity to services is contradicted in the access section stating some 1600m away.

**Access to services** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – The site is within 1,600m of a range of services/facilities.*

As above this is beyond reasonable walking distance and isolated. Incorrect base evidence conclusion. Langaton Lane has no footpath, single width lane and low bridge. No direct footpaths from Site. Langaton Lane now closed for through traffic to Exeter by DCC (See Appendix 2). This figure is challenged and Langaton Lane now closed to through traffic and poor pedestrian links.



Nearest pavements 130m away



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**Jobs and employment** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – The site is close to existing employment sites and offers scope to accommodate employment provision on site in association with gypsy and traveller accommodation.*

Employment on site will harm the local environment and bring noise and disturbance to immediate neighbours. It is unacceptable to include employment, the site is already restricted to part only given flooding and the likelihood is that storage etc. will spill over to adjacent sites. Unacceptable

**Town Centres** - *All sites fall beyond 1,600m of an existing town centre and as such a negative impact is identified in all cases.*

The planning balance appears to be wrongly applied as the negative aspects identified should prevent the site allocation, not merely move forward as the owners have promoted it. The site is **6.25 km** away from the town centre of Exeter.

**Connectivity** - *Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line – the site is identified as being very well located in respect of bus services, main road, and cycle lanes.*

This is disputed the bus service is poor and the site is isolated and not well connected. Langaton Lane has no footpath to link to those services. The lane is a single width rural lane, and a low bridge is between the site with narrow (no pavement) linking it to Exeter. The site is not suitable for increased use on pedestrian safety alone.

**LPA conclusion** - *– This site is well located in respect of proximity to recent and planned development. There are facilities in reasonably close proximity to the site and few constraints to development.*

**This is fundamentally disputed, the evidence base as set out above highlights many negative aspects and constraints.**

**The conclusion is flawed and the site should be deleted from the plan and policy 18 removed.**

## **2. STRATEGIC PROVISION**

Policy 8 states that only 1 site is required with up to 15 pitches. No evidence where this figure or need has come from?

Surely the site should be centrally located or split into two smaller sites to serve East Devon as a whole rather than a focus skewed to the west to Exeter.



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Given the requirement for only 1 site, many suitable alternatives with flood risk, highways, and landscape constraints ought to be found.

Policy 8 also includes the very case I have set out above about being connected to new settlements. Policy 8 states -

- Provision will be required in line with 'bricks and mortar' housing development and must be integrated with overall development proposals.

This is not the case with this allocation.

**There is clearly a conflict and disconnect between Policy 8 the evidence site assessment and the allocation. Within the Draft Plan itself, there is a clear case not to support the site.**

**This site is isolated, unconnected, rural, and highly constrained.**

**There is no justified basis for its allocation.**

Policy 18 and paragraph 5.65 is quite clear that the site has been brought forward solely as it has been promoted in the HELAA. There is no evidence of a proper range and search of suitable sites.

The policy says it meets need on western side of East Devon, but there is no allocation for eastern side of East Devon.

A full and proper site search should be undertaken to ensure this allocation is preferable.

Planning permission should not be granted (as stated in the policy) until key issues of biodiversity and landscape impact and suitable access can be achieved, are verified. This policy is premature in relation to how the site can be suitably developed.

**Policy 18 is fundamentally flawed the site does not have good access links. This is not justified (see 5 below) single lane, no footpath, low bridge, no through route.**

Paragraph 5.67 gives no empirical data about the level of need, number of pitches etc.

It states that - *There is a new gypsy and traveller accommodation study that is currently underway, and this will tell us more about current needs going into the future.*

**This allocation is thus premature and should only follow that study with a full and proper assessment of a range of sites across the area. This site should not be promoted in advance of this study.**





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**On this basis alone – “The Plan is not SOUND” It does not meet the legal test.**

Paragraph 5.68 contradicts itself. “It has good highway access from the south, albeit partly on a quite narrow lane,” – so it does not have good highway access, it’s a narrow lane, and the access to the north the link to Exeter is closed and via a low narrow bridge.

5.68 “and provides for pedestrian access to a range of services and facilities.”

**No, it doesn’t,** there are no footpaths along Langaton Lane, it is narrow, full planting and pedestrians have to walk in the road. There are no services and facilities to the south



Where are these nearby services, appears to be solely housing and high-tech employment.

Clyst Honiton is 2.2km away from the site.

Sowton village is 2.57 km away from the site (area of future new settlement extension)

Cranbrook is 4km away from the site.

Clyst St Mary is 4.44 km away from the site.

These figures are actual distances (map my route) not as the crow flies which the Plan must have used to publish the 1.6 km figure – This is incorrect.



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Lastly, the policy appears to give some justification to the allocation on the basis of

*“The site used to accommodate a piggery that is now understood to have ceased operating and there are a range of old farm buildings on the site.”*

This again is flawed, there are some central buildings but the site is open fields. The small number of central buildings, which could be converted under policy does not justify the loss of open fields.

Pig farming is also agricultural, excluded from the definition of Previously Developed Land, so the weight implied in 5.68 is unjustified.

## **NPPF Annex 2**

### **Previously developed land**

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.



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Also, on this basis there should be a list of many other proper PDL sites and brown field register that would be sequential preferable.

Policy 18 gives scant detail and includes clearly factually incorrect elements.

There are major contradictions in the plan re connectivity, access, and mixed and balanced communities.

The evidence base is also flawed in that there is no proper site search and discounted sites or range of assessed sites.

### 3. FLOOD RISK

The Councils statement that only part of the site is constrained fails to realise that its open nature improves capacity that in turn dictates the lesser extent of the zoning.

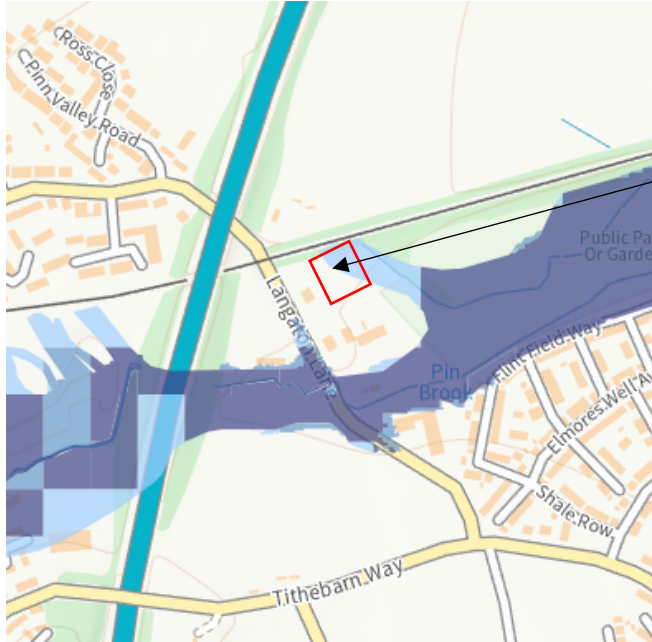
Part of the site is zone 2 and it is in very close proximity to flood zone 3. Developing the site will have knock effects to flood zone 3 and local reduction of water drainage capacity in existing fields.





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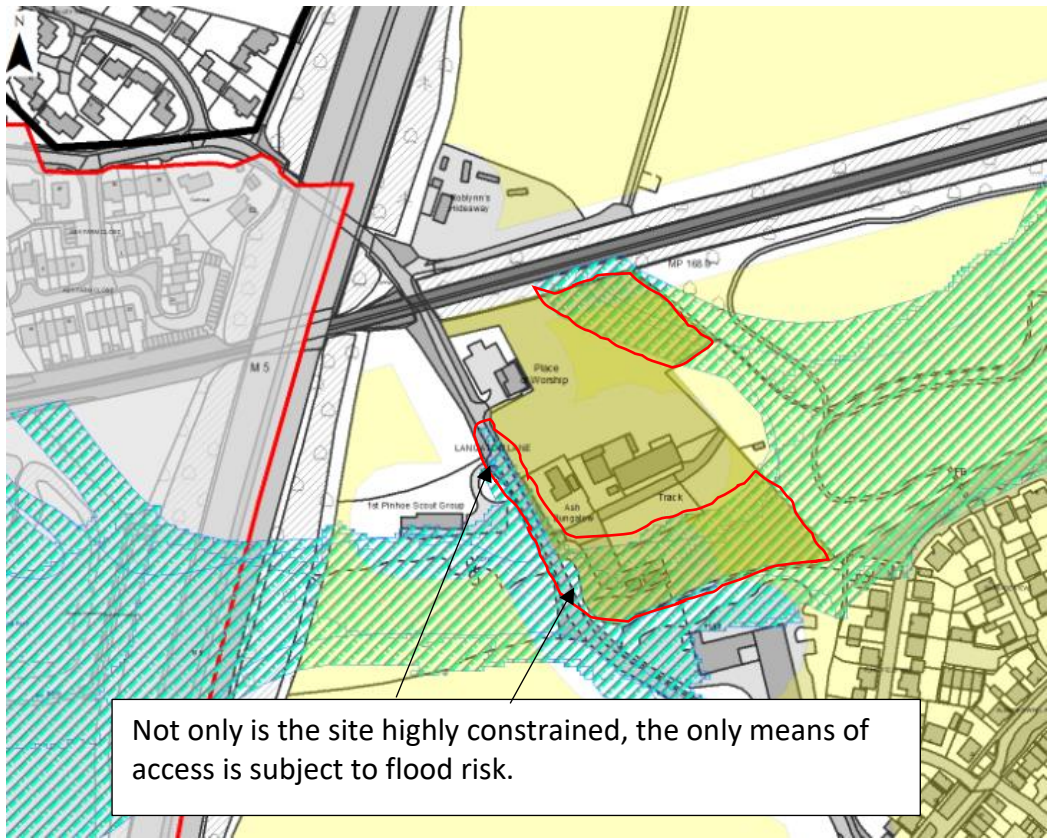


Direct impact within  
floods zone 2

Indirect effects on flood  
zone 3

Extent of flooding from rivers or the sea

High Medium Low Very low



Not only is the site highly constrained, the only means of access is subject to flood risk.

Significant flood zone impact within the site on the draft plan policy map.



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Extent of flooding from surface water

● High ● Medium ● Low ○ Very Low

There is significant high risk of surface water flooding along Langaton Lane directly outside the site. It's development will exacerbate the risk and remove flood storage capacity of green fields immediately adjacent that risk, which could have devastating consequences of surface water flooding along the Lane and threaten and endanger the existing buildings around the site. The only access point is subject to flood risk.

It should also be acknowledged that pitches for residential use, is a highly vulnerable use, it should not be promoted for development in zone 2 without an exception test as set out in NPPF annex 3, which has not been undertaken and published by the Plan.

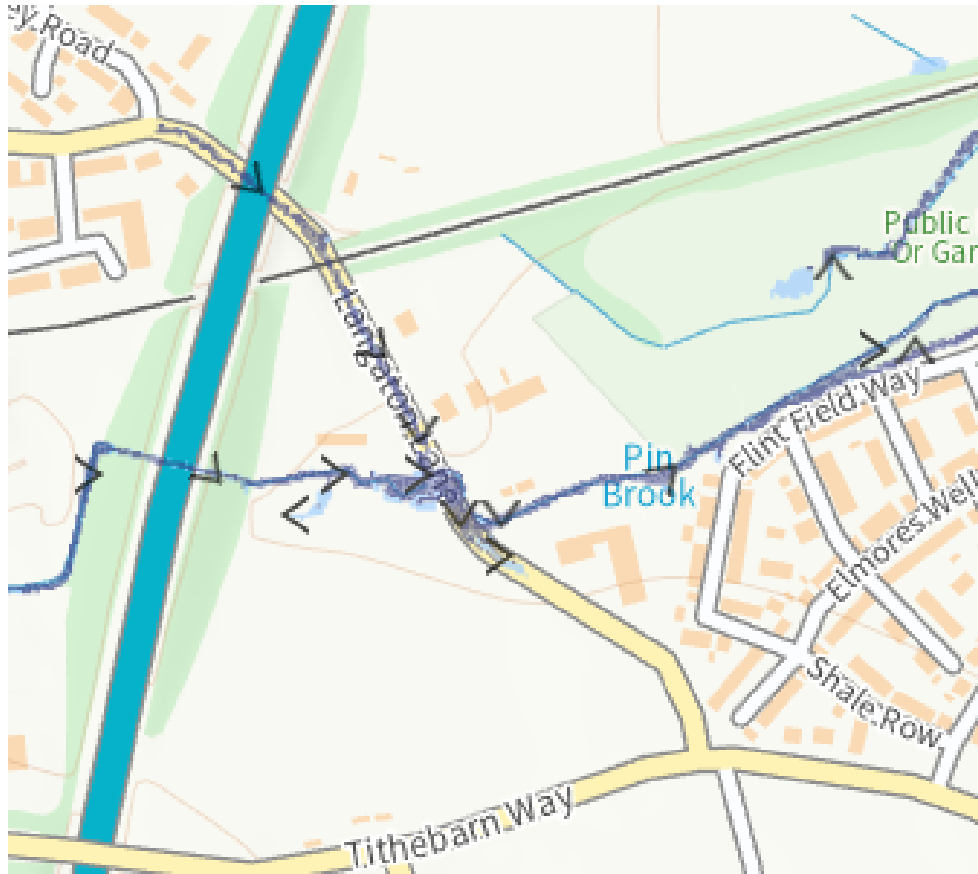
Not only is there flood risk constraints, but high velocity risk of surface water flooding is also identified along Langaton Lane.





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Surface water flood risk: water velocity in a high risk scenario  
Flood velocity (metres/second)

● Over 0.25 m/s ● Less than 0.25 m/s ↖ Direction of water flow

High velocity surface water flows along the only access point to the site.

**Other sequentially preferable sites in flood risk terms should be promoted by the Plan.**



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#### 4. VISUAL IMPACT / SECURITY

The track record of similar sites is not good in terms of visual impact, waste, business activity. An aerial view of a similar site in Bristol has consistently caused problems with waste and this causes real for the adjacent hall.



The hall is only used for two occasions per week, so this low scale use cannot monitor the boundaries, visual impact, and security effectively.

There have been constant problems at other sites.



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## 5. ACCESS

Langaton Lane is unsuitable for this allocation, which also includes reference to business use.

Langaton Lane has no footpaths.

Langaton Lane is only a single width rural lane.

Access via a low bridge to Exeter has now been closed a through road.

Pedestrian connectivity is poor.

The Draft Plan comments regarding good access are flawed and out of date (see Appendix 1 and photos below.)

It beggars the question has a site visit actually been undertaken? As it is so clearly incorrect in its assertions regarding access.





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The links to Exeter, bus and services stated to be good by the Plan have to use the longer southwards route. Access is not good it is immediately adjacent a no through road.

Access to site and visibility requirements will destroy mature boundary hedges and adversely affect the character of the Lane.



Access inserted here would have major harmful impacts, and access is only south. As a “no through road” it will also create a problem from parking on the lane to the detriment of neighbour’s and specifically the Hall.



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**The site should be deleted as it does not have appropriate access to serve 15 new pitches without serious harm to the safety of users of the highway network.**

### **CONCLUSION – Site Allocation Policy 18**

The strategic site Policy 18 is an unsustainable location and should be deleted from the draft plan.

The site is open countryside and well over 1600m from nearby services as you would walk or drive. It is not well connected.

The site is constrained by flood risk and local biodiversity features and is close to a noisy railway line which will provide a poor residential amenity for future occupiers. It does not meet the objective of the plan –

*Better Homes and Communities for all with a priority on the importance of good quality, affordable housing suitable in size and location.*

This site is not suitable in access terms, the lane is narrow, no footpaths, is now a “no through road” and subject to flood risk all along the entrance on Langaton lane.

No doubt there is a strategic need for such sites, but they should be on the edge or within promoted new settlements as part of mixed and balanced communities and several sites should serve the wider area as part of an overall range of site assessments. Allocation should only follow the conclusions of the current Gypsy and Travellers review study underway.

This site is contrary to strategic policy 1 in location as a rural open field.

There is conflict in policy 8 which does not support isolated locations, whereas policy 18 fails to meet policies 1 and 8.

There are also serious concerns regarding the more isolated nature of the site in terms of visual quality from past experience of other such sites, and the security issues of being identified adjacent a local church and scout hut which are occupied infrequently.

I trust you will assess these objections very seriously and bring forward other reserve options that are better placed and justified to meet the strategic need for such sites.





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### POLICY 107

Turning to other general policies. The trust **support** draft policy 107 as framed and worded.

The important aspects are to include provision within or adjoining or physically close to and well related to built up areas (allowing edge of settlement development)

Also, that sharing of facilities is only 'where possible' not mandatory. Churches are community facilities, but sometime religious practices prevent sharing of facilities. The provision of a range of community facilities come together to provide for overall inclusive provision rather than every facility being shared.

On this basis the policy is **supported**.

#### 107.Policy – New or extended community facilities

Planning permission for new community spaces and buildings will only be granted where all of the tests set out below are satisfied:

- Provision must be within or adjoining or physically close to and well related to the built up areas or edges of a settlement or new development at that settlement or development proposed under plan policy or land allocation.
- Development will be designed to serve a local community need and will be proportionate to the needs of that community.
- Where possible development proposals should promote the sharing of spaces and facilities with a range of uses and activities.

Please can you register these objection/support to the Plan and keep me informed of progress on the Plan as agent for the Exeter & Honiton Gospel Hall Trust.

If the policy 18 site allocation is not deleted, then we would wish to maintain an option to address the examination of the Plan in relevant sessions.

A meeting with officers responsible for this element of the Plan would also be extremely beneficial.

I look forward to further contact. Please acknowledge this representation.

Kind Regards



**Andrew Beard** MRTPI  
**Consultant**



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APPENDIX 1 DEVON LIVE ARTICLE

1<sup>st</sup> December 2022



**A portion of Langaton Lane in Exeter has been closed in the hopes of improving road safety** (Image: DevonLive)

A notorious rat run on the edge of Exeter which has been closed for over a year is set to stay closed. Councillors are being recommended to make the Experimental Traffic Regulation Order stopping motorists driving through Langaton Lane permanent.

The narrow country track, connecting Pinhoe to Exeter Science Park, is a relatively narrow road, passing under the M5 motorway and railway line. Two-way traffic is limited in places with no footways east of the motorway bridge, as was used by people as a quick way to avoid more congested routes to the east of the city.



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### APPENDIX 2 DEVON COUNTY COUNCIL ETRO

#### Why is this being proposed?

Langaton Lane is a relatively narrow lane, limiting two way traffic in places with no footways east of the motorway bridge. The 1st Pinhoe Scout Group, Pinhoe Target Shooting club, a meeting place for the Plymouth Brethren, WPD station, two residential properties and a storage facility for fairground equipment are situated on the lane. The lane is surrounded by planned residential and employment development in the East of Exeter Growth Point.

In its current form, Langaton Lane is unsuitable for a significant amount of additional traffic. The lack of facilities for people walking or cycling, or people with mobility assisted vehicles is also a concern, and a future situation with higher pedestrian and vehicular traffic levels without improved pedestrian facilities is likely to lead to a worsening of road safety.

Creating a green lane on Langaton Lane (allowing walking and cycling but no through traffic) is identified in the Exeter Transport Strategy, following a recommendation to include green lanes as agreed at the Scrutiny Committee meeting which was held in June 2020. This would provide an attractive active travel link for Pinhoe residents to access employment at the Science Park, Cranbrook and also the future planned Clyst Valley Trail.

During recent months (June 2021 – March 2022) Langaton Lane has been closed under a TTRO for works to services. The temporary closure has been well received locally and requests have been made by members of the public to move to a permanent closure of the lane. In order to identify the support for this scheme, and to test out the access, an ETRO would allow these to be trialled before introducing a permanent change.

Having now made a decision to make this permanent as a “Greenway” it would be contradictory to add further development onto the Green way.

This will create a ‘dead end’ subject to parking abuse, blockages etc.

A new circumstance to go negatively against the allocation. Given the vehicle use normally associated with Gypsy & Traveller sites, this conflicts with the reasons for the closure

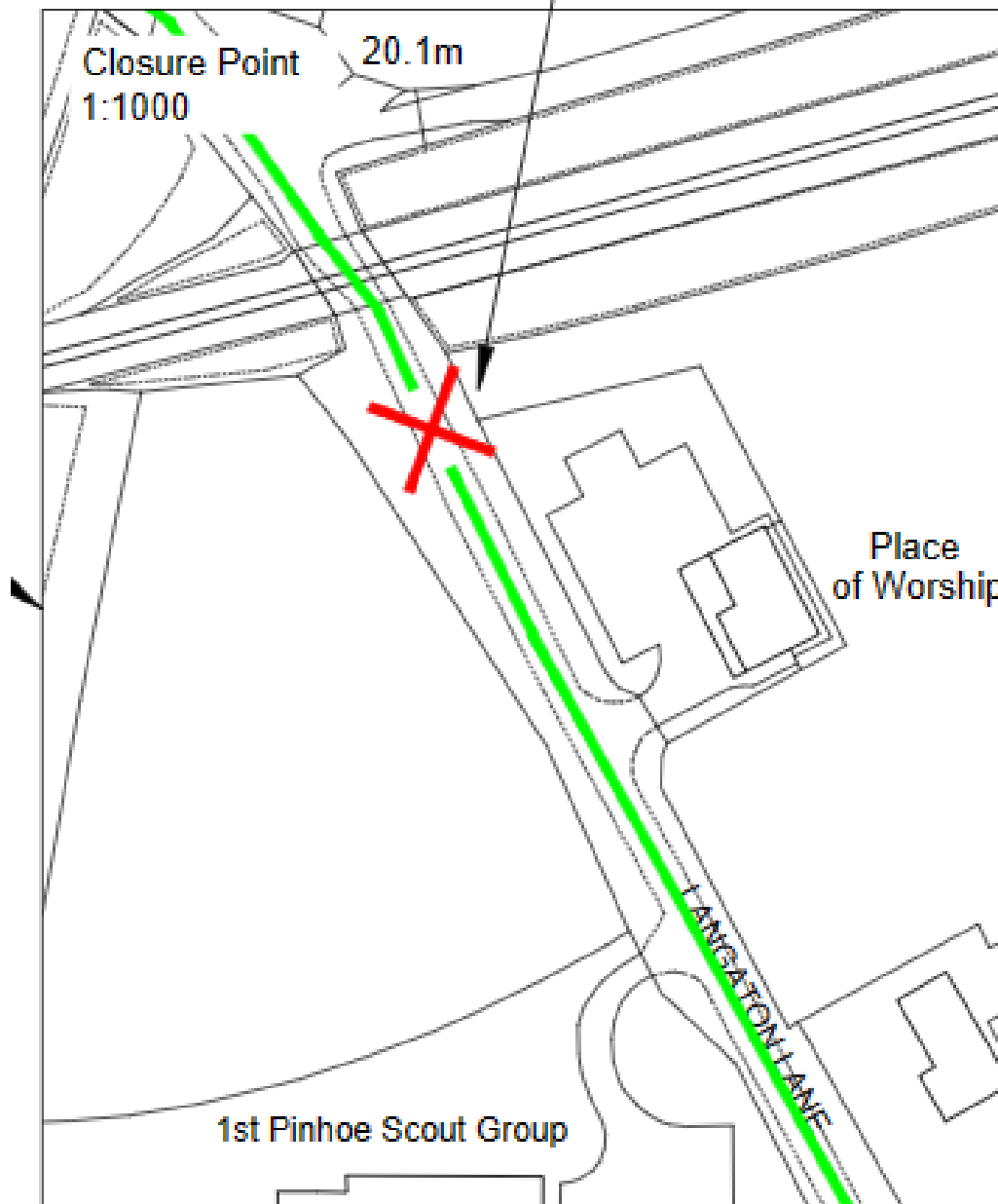
“The Lane will be **quieter** for all, and a pleasant environment for pedestrians and cyclists to use. Vehicle access to properties and land beside the Lane will still be available, but from only one direction. Specifically, the restrictions proposed are for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, for facilitating the passage on the road or any other road of any class of traffic (including pedestrians) and for **preserving or improving the amenities of the area** through which the road runs.” [DEVON COUNTY COUNCIL]



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Proposed Prohibition  
of Motor Vehicles







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