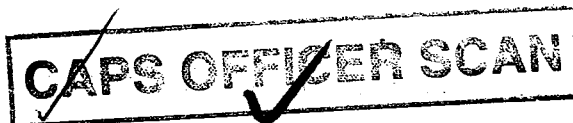


30 October 2015



EAST DEVON DISTRICT COUNCIL
ECONOMY

Nigel & Jill Machin
Quantocks
Knightstone Lane
Ottery St Mary
EX11 1PR

Letter of Representation - 15/1663/MOUT

Central Planning Team
East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL



Gill And Nigel Machin - 03/11/2015

also copied to Ottery Town Council

Dear Sirs,

PROPOSED DEVELOPMENT ADJACENT TO SLADE FARM REF 15/1663/MOUT

Thank you for your letter dated 27 October 2015 inviting comments on the new and revised documents associated with this application.

We continue to object to the application, and in addition to the reasons previously listed, our objections arising from the new material focus on:

- Failure to address crime prevention issues relating to pedestrian access
- Failure to abide by DCC bridleway improvement consultation policy
- Failure to correct erroneous figures material to transport sustainability considerations
- Failure to correct erroneous application boundary 'red line' material to access considerations
- Failure to anticipate the physical limitations of the planned pedestrian access

We are relying on Planning to anticipate the impossibility of making Knightstone Lane a safe pedestrian access route now and recommend rejection because, once approval is given and building starts, the Developer will have no vested interest in establishing pedestrian access.

Failure to address crime prevention issues relating to pedestrian access

The new covering letter from the Developer dated 6 October states that all technical and planning objections have been dealt with. This ignores the objections from the Police Crime Prevention Officer who states that, for reasons of safety, Knightstone Lane should not be used for pedestrian access without adequate lighting and removal of potential hiding places. There has been no attempt by the Developer to address these concerns, even though Access is not a reserved matter.

Failure to abide by DCC bridleway improvement consultation policy

The Developer states that they have legal advice that DCC Highways Authority can 'improve' Knightstone Lane without the approval of the land owner or of the owners of those properties for which Knightstone Lane is their only access. This would not only be contrary to DCC policy, it is almost certainly a misunderstanding of the position. Unilateral 'improvement' intervention is only appropriate where bridleway access is not being sufficiently maintained for its intended use. Any attempt to 'improve' the bridleway beyond the needs of walkers and horse riders not agreed with the landowner would exceed this right and would be open to challenge. Note also that the conveyancing documents for the properties in

Knightstone Lane contain clauses relating to the maintenance of the surface of Knightstone Lane. Any changes to these arrangements will surely require negotiation with the residents on changing their existing legal obligations. Given the uncertainty of the outcome of those negotiations it seems that any approval now based on improvements to Knightstone Lane is premature and likely to be challenged. The case for a successful challenge would clearly be strengthened by not only any failure to abide by DCC policy, but by the deliberate intention of the Developer to ignore it. Indeed, the County Footpath Officer wrote to us on 26 August to confirm that "should a developer seek to make substantive improvement to the surface of a public path not only would the Authority have to give its express permission, it would also expect that consent had been sought and agreed from the landowners and those with private rights". The importance of avoiding premature approval in this regard is recognised in the Highways consultee condition of "alternative pedestrian access or accesses to the site shall be secured prior to any approvals" (my underline).

Failure to correct erroneous figures material to transport sustainability considerations

Despite earlier responses pointing out the error in the original Transport Statement, the Developer's letter repeats the erroneous '1km' from the development to the town centre. A simple track on Google Earth shows that the shortest completely paved route from centre of the development to the town centre (via Higher Spring Gardens) is 1350 metres, and simple arithmetic shows that at a brisk 3mph walk this would take 17 minutes – and probably at least twice that long for the elderly. Similarly, it is easy to check that the walking distance from the centre of the site to the primary school is 500 metres compared to the 'less than 300 metres' quoted. As a consequence it is likely that motor car use from the development would be significantly greater than planned and significantly undermines the Developer's sustainability arguments. It is frustrating that these important errors have been allowed to persist, particularly as the Developer points out they may well be material in any appeal on sustainability grounds.

These incorrect walking distances and times have also been used in the legal opinion sought by the Developer from Clarke and Willmott and therefore largely invalidates the validity of their opinion of the sustainability of the development and therefore on their overall opinion on the balance of benefits versus disbenefits of the development.

Failure to correct erroneous application boundary 'red line' material to accessibility considerations

The application boundary red line indicates a pedestrian access route as 5 metres wide compared to the 2.5 – 3 metre width of Knightstone Lane. In response to queries from the owners of the adjacent properties, the Developer has confirmed that they plan no intervention beyond the 2.5 – 3 metre bridleway boundaries. This error could have easily been corrected when pointed out much earlier and it is hard to escape the conclusion that it is deliberately designed to mislead views on the suitability of the bridleway for mixed pedestrian and vehicular access. For the avoidance of doubt, there is close to zero clearance between the wheels of modern farm vehicles and the hedgebanks, and with no possibility of refuges, pedestrians and mobility scooters would often be forced to backtrack to the entrance of the development.

Failure to anticipate the physical limitations of the planned pedestrian access

Finally, no matter the merits or otherwise of the application, we flag the physical impossibility of developing acceptable pedestrian access to the site via Knightstone Lane.

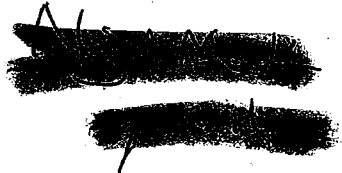
- The Highways Authority state that Slade Road must not be used for pedestrian access (so it is proposed to use Knightstone Lane bridlepath)
- The Police Crime Prevention consultee states that Knightstone Lane can only be used if lit to the same standard as Longdogs Lane (standard street lights) and potential hiding places are removed, for safety reasons
- The Developer has stated that their proposed intervention is limited to the 2.5 – 3 metre width of the Knightstone Lane bridlepath between bounding hedgebanks. In other words, they have no plans for installing street lighting on the hedge banks, or removing hiding places on the hedgebanks (and indeed they would need the approval of the owners of the hedgebanks to do so)
- The width of domestic and farm traffic access means there is no room to fit the necessary street lighting within the 2.5 – 3 metre width available to the Developer (and it is ruled out elsewhere for wildlife reasons anyway)

The application must therefore surely fail on the grounds that it is physically impossible (as well as undesirable for wildlife reasons) to install the necessary lighting, or to eliminate hiding places, and therefore for Knightstone Lane to be developed as safe pedestrian access. No alternative pedestrian access route has been suggested by the Developer.

Of course, the Developer has no interest in facing up to the physical impossibility of making Knightstone Lane a safe pedestrian access. Naturally their concern is to say just enough now to get approval, and then, as they have made clear, they intend to give a capital sum to the Highway Authority and hand the problem over to them. If it turns out that there never could have been a safe pedestrian access they will of course still be building the houses and blame the problem on others. We are therefore relying on Planning to anticipate now the impossibility of making Knightstone Lane a safe pedestrian access route and recommend rejection because, once approval is given and building starts, the Developer will have no vested interest in establishing pedestrian access.

Yours faithfully

Nigel & Jill Machin

A large, dark, irregularly shaped redacted area covering the signature and any accompanying text. It appears to be a thick black marker or a heavy redaction stamp.