

PLANNING COMMITTEE AGENDA - 16th June 2021

Applications of a non-delegated nature

<u>Item No.</u>	Description
01.	21/00374/MARM - Reserved Matters in respect of (appearance, landscaping, layout and scale) for infrastructure associated with initial phases of development, following Outline approval 14/00881/MOUT at Land at NGR 298088 113134 (Adjacent Barnesmead), Blundells Road, Tiverton.

RECOMMENDATION

Approve Reserved Matters subject to conditions

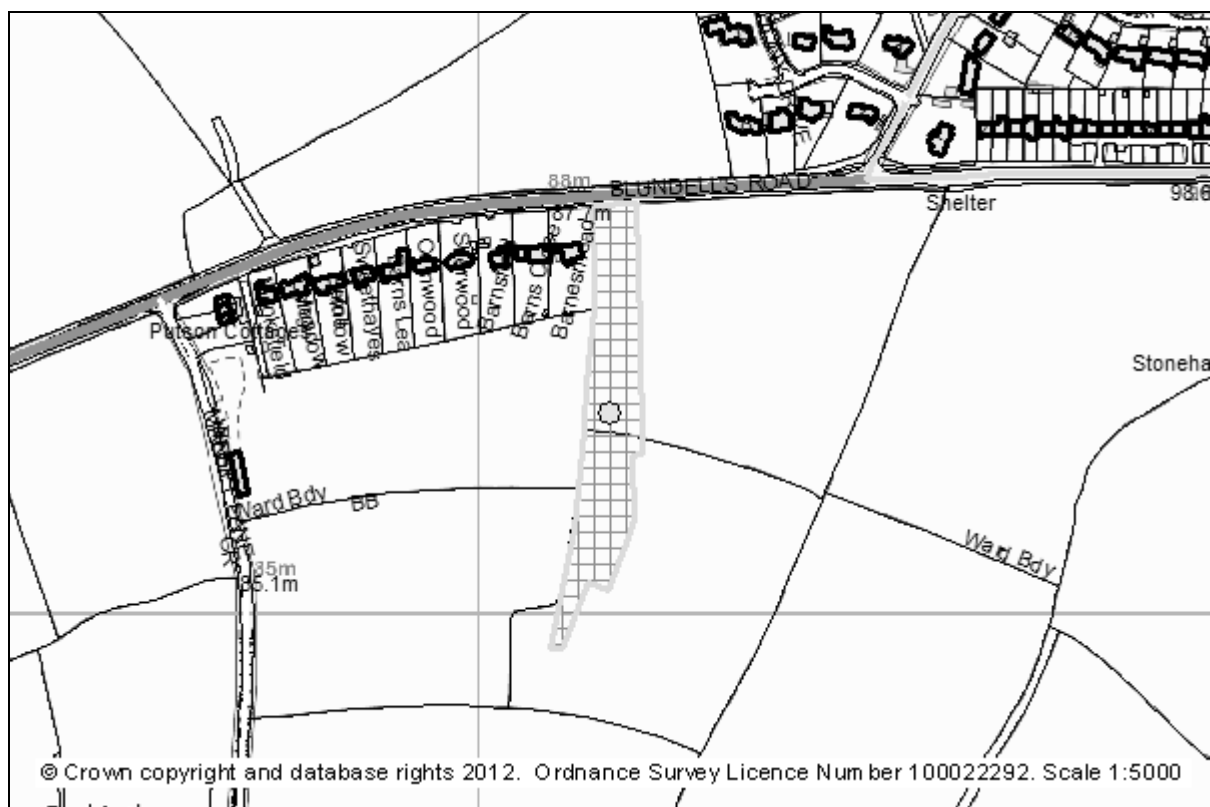
Grid Ref: 113194 : 298171

Applicant: Cattermole

Location: Land at NGR 298088 113134
(Adjacent Barnesmead)
Blundells Road Tiverton Devon

Proposal: Reserved Matters in respect of
(appearance, landscaping,
layout and scale) for
infrastructure associated with
initial phases of development,
following Outline approval
14/00881/MOUT

Date Valid: 12th March 2021



APPLICATION NO: 21/00374/MARM

RECOMMENDATION

Grant subject to conditions.

PROPOSED DEVELOPMENT

This is a Reserved Matters application for the construction of a spine road south of Blundells Road. The application site forms part of the Tiverton Eastern Urban Extension (EUE) which is allocated for mixed use development in the Adopted Mid Devon Local Plan 2013-2033.

The application site has previously been the subject of an outline planning application (Application No. 14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road.

This infrastructure Reserved Matters application relates to a strip of land to the south of Blundell's Road. The spine road proposed through this application will serve as the first part of the principal road that will serve development parcels on the southern part of the Tiverton EUE. The spine road will connect, by means of the approved new junction on to Blundell's Road, to the linking road north of Blundells Road and the new A361 road junction.

At present the application site consists of a rectilinear stretch of land, which crosses two fields separated by an existing hedgerow. The western boundary of the site is lined by hedgerow and trees. Part of the western boundary is adjacent to residential properties which front onto Blundell's Road. The northern boundary of the site adjoins Blundell's Road while the rest of the site is bounded by agricultural land.

This application will provide access to residential development parcels to the west. A separate planning application has been submitted for the development of land to the west of this application site (Application No. 21/00454/MARM) and is undetermined. To the east of this application site is land identified for a future neighbourhood centre. It is the intention that the spine road provided through this application would continue, to the south, connecting to future phases of residential development.

Surface water drainage is to be managed by means of a sustainable urban drainage system (SUDs); additional detail to be provided later in this report.

In accordance with the requirements of the Environmental Impact Assessment Regulations 2017 (as amended), this application has been accompanied by a Planning Statement detailing compliance with the Environmental Statement pursuant to Application 14/00881/MOUT.

APPLICANT'S SUPPORTING INFORMATION

Site Location Plan
Surface water Connection
Section 104 Plan
Section 38 Plan
Cross Sections
Adoptable Drainage Details
Construction Details

Longitudinal Details
Swept Path Analysis
General Arrangement Plan
Planning Layout
Detailed Landscape Design
Waste Audit Statement
Road drainage Statement
Habitat Assessment and Mitigation Plan
Design and Access Statement and Statement of Community Involvement
Covering Letter
Arboricultural Impact Assessment
Application Form

RELEVANT PLANNING HISTORY

13/00056/SCR - 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 3)

14/00881/MOUT – PERMITTED date 12th June 2017

Outline for a mixed use development comprising up to 700 dwellings, 22,000 square metres of B1/B8 employment land, care home, primary school and neighbourhood centre with associated access including a left in left out junction on the westbound A361 and access and egress onto Blundells Road.

Non Material Amendment 20/00804/NMA - Granted 4/11/2020

Non Material Amendment - 20/01787/NMA - GRANTED 13/11/2020

18/01147/DCC – DCC PERMITTED date 11th September 2018

DCC/4070/2018 - Regulation 3 application in relation to a new 420 place primary school and 70 place nursery unit to be built within the area identified on the masterplan as the 'Neighbourhood Centre'

21/00374/MARM - Pending

Reserved Matters in respect of (appearance, landscaping, layout and scale) for infrastructure associated with initial phases of development, following Outline approval 14/00881/MOUT

21/00454/MARM - Pending

Reserved Matters (appearance, landscaping, layout and scale) for 166 dwellings with the provision of public open space, vehicular and pedestrian access, landscaping, drainage and related infrastructure and engineering works following Outline approval 14/00881/MOUT

21/00765/PE - Pending

Regulation 5 of the Electronic Communications Code (Conditions and Restrictions) (Amendment) Regulations 2017 - Installation of 6 x 9m wooden poles (7.2m above ground) (Reference: WTC929WW)

21/00689/ADVERT - Pending

Advertisement Consent for the display of 2 free-standing advertising boards

13/00054/SCR - 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2b)

13/00055/SCR - CLOSED date 1st March 2013

Request for scoping opinion in respect of a mixed use development (Eastern Urban Extension - Area 2a)

14/00667/MFUL - PERMITTED date 4th September 2014

Construction of a 'left in left out' road junction with associated engineering works, drainage facilities, embankment, soft landscaping and noise barrier

14/01168/MFUL - PERMITTED date 31st October 2014

Construction of a 'cloverleaf' road junction with access and egress onto both the eastbound and westbound carriageways of the A361 with associated engineering works, drainage

facilities, embankments, road bridge, lighting, soft landscaping and a noise barrier to the rear of the houses on Updown Road, a roundabout, a stretch of connecting highway and a junction and access onto Blundell's Road with associated engineering works and landscaping

16/01757/FULL - PERMITTED date 14th February 2017

Variation of condition 15 of planning permission 14/01168/MFUL for the relocation of acoustic fence

16/01759/FULL - PERMITTED date 14th February 2017

Variation of condition 15 of planning permission 14/00667/MFUL for the relocation of acoustic fence

Non Material Amendment - 20/00806/NMA GRANTED 4.11.20

20/00806/NMA - PERMITTED date 4th November 2020

Non-Material Amendment for 16/01759/FULL to allow amendment to condition 7

13/01199/SCR - 7th October 2013

Request for scoping opinion in respect of half clover leaf junction at A361 Tiverton

13/01616/MOUT - PERMITTED date 18th September 2015

Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, pedestrian/cycle links and highway improvements.

16/01424/MOUT - WDN date 22nd December 2017

Outline for the development of up to 330 dwellings together with public open space, associated infrastructure and other works including vehicular access, internal roads, pedestrian/cycle links and highway improvements (Revised scheme)

17/00098/FULL - PERMITTED date 12th April 2017

Removal of vegetation, reprofiling existing garden to embankment to assist with construction of the A361 road junction, implementation of new landscaping design and acoustic boundary fence

18/00133/MARM - PERMITTED date 29th August 2018

Reserved Matters application, pursuant to Outline application 13/01616/MOUT, for the construction of 248 dwellings, 3 Gypsy and Traveller pitches, public open space, landscape planting, pedestrian, cycle and vehicular links; and associated infrastructure - Non Material Amendment 19/00607/NMA - Granted 13/05/2019, Non Material Amendment - granted 26.09.19, 19/01731/NMA - Non Material Amendment Granted 01.11.19, 19/01903/NMA - Granted 18.11.19, 19/02011/NMA - Non-Material Amendment Granted 08/01/20.

20/02024/NMA - Non-Material Amendment - Granted 08/01/2021. 18/00133/MARM - Non-Material Amendment - Granted 27/04/2021

20/00804/NMA - PERMIT date 4th November 2020

Non-Material Amendment for 14/00881/MOUT to allow amendment to condition 11

20/01787/NMA - PERMIT date 13th November 2020

Non-Material Amendment for 14/00881/MOUT to vary condition 12 re occupation of dwellings before roundabout complete

INFORMATIVES

Site allocation under the Adopted Local Plan 2013-2030

Masterplanned under the Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (2018)

Tiverton EUE Design Guide (2016)

Refuse Storage for New Residential Properties SPD

Parking SPD

Meeting Housing Needs SPD

Open Space SPD

DEVELOPMENT PLAN POLICIES

Mid Devon Local Plan (2013-2033)

S1 Sustainable Development Priorities
S3 Meeting Housing Needs
S4 Ensuring Housing Delivery
S5 Public Open Space
S8 Infrastructure
S9 Environment
S10 Tiverton

TIV1 Eastern Urban Extension
TIV2 Eastern Urban Extension Transport Provision
TIV3 Eastern Urban Extension Environmental Protection and Green Infrastructure
TIV4 Eastern Urban Extension Community Facilities
TIV5 Eastern Urban Extension Phasing

DM1 High Quality Design
DM2 Renewable and Low Carbon Energy
DM3 Transport and Air Quality
DM4 Pollution
DM5 Parking
DM23 Community Facilities
DM25 Development Affecting Heritage Assets
DM26 Green Infrastructure in Major Development

Tiverton Eastern Urban Extension Masterplan Supplementary Planning Document (2018)

Tiverton EUE Design Guide (2016)
National Planning Policy Framework

CONSULTATIONS

HISTORIC ENVIRONMENT TEAM – 23rd March 2021

Condition 15 on the consent granted for the outline application 14/00881/MOUT is worded as: "No development shall take place on the relevant phase until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the District Planning Authority."

The supporting information for this reserved matters application does not include the written scheme of investigation required by the above condition for this phase of the development. In the absence of this document I would therefore recommend that this planning application is not determined until a written scheme of investigation setting out the scope of archaeological works required is submitted for approval by the Local Planning Authority. I will be happy to discuss this further with you, the applicant or their agent. The Historic Environment Team can also provide the applicant with advice of the scope of the works required, as well as contact details for archaeological contractors who would be able to undertake this work.

Provision of detailed advice to non-householder developers may incur a charge. For further information on the historic environment and planning, and our charging schedule please refer the applicant to: <https://new.devon.gov.uk/historicenvironment/development-management/>.

PUBLIC HEALTH -29th March 2021

Contaminated Land: No concerns. (19.03.21)

Air Quality: No concerns. (19.03.21)

Environmental Permitting: No comments. (15.03.21)

Drainage: No concerns. (19.03.21)

Noise & other nuisances: No concerns. (19.03.21)

Housing Standards: No comment. (29/3/21)

Licensing: No comments. (15.03.21)

Food Hygiene: No comments. (15.03.21)

Private Water Supplies: If a private supply is to be used by more than one property or has a commercial function, The Private Water Supply (England) Regulations 2016 as amended will apply. A risk assessment and sampling regime will be necessary. The supply must not be used until the Local Authority (Mid Devon District Council) is satisfied that the supply does not constitute a potential danger to human health, including single domestic use.

You must also register with the Local Authority (Mid Devon District Council) any private water supply. Failure to do so may result in a Section 85 Notice, with which failure to comply is an offence.

Please contact Public Health at Mid Devon District Council on completion of proposal. IF MAINS WATER IS TO BE USED, WOULD HAVE NO COMMENT. (15.02.21)

Health and Safety: No comments. (15.03.21)

HIGHWAY AUTHORITY – 29th March 2021

This is a Reserved Matters Application the Highway Authority has no objection to the proposed, if it is the applicants intention to offer any of the highway included in the application for adoption as maintainable highways, permission under the Town and Country Planning Act should not be construed as approval to the highway engineering details necessary for inclusion in an Agreement under Section 38 of the Highways Act 1980.

NATURAL ENGLAND – 29th March 2021

Designated sites - no objection subject to mitigation

Nationally Designated sites: Tidcombe Lane Fen Site of Special Scientific Interest (SSSI)

This application site is within 300m of the Tidcombe Lane Fen SSSI and has triggered Natural England's Impact Risk Zones² including discharges to surface water. The SSSI is notified for its fen, marsh and swamp communities. Further information on the SSSI and its special interest features can be found at www.magic.gov.uk Given the proximity of the development site to the SSSI, impacts on water quality and water quantity during construction and operation are possible and, without appropriate mitigation, the proposal could damage or destroy the interest features for which Tidcombe Lane Fen SSSI has been notified.

The information provided indicates that the proposed SuDS links in to the development of the wider Tiverton East Urban Extension site allocation SuDS (18/00978/MFUL) ensuring protection of the SSSI in terms of water quality which is in line with Local Plan policy TIV3. Based on the information provided and subject to the SuDS being secured via condition, Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the SSSI has been notified and has no objection.

We would also recommend securing best practice measures during construction for pollution prevention control through a construction environment management plan; and that management of the SuDS is included in an ecological management plan as maintenance of these features is key to a properly functioning system.

Biodiversity Net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 170 and 174 of the revised NPPF³ (2019), the Defra 25 year Environment Plan and Mid Devon's Green Infrastructure Plan (Policy GI/3 biodiversity net gain).

We advise you first to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions⁴ (under Section 40 NERC Act, 2006). Biodiversity metrics⁵ are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds but the Environment Bill currently sets a 10% threshold.

Soils and Land Quality

Based on previous applications covering the site, the proposed development affects agricultural land classified as 'best and most versatile' (Grades 1, 2 and 3a land in the Agricultural Land Classification (ALC) system). Agricultural Land Classification information is available on the Magic website on the Data.Gov.uk website. We consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework).

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils except to advise that if the development proceeds, the developer uses an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled and how to make best use of the different soils on site. Further guidance is available in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (including accompanying Toolbox Talks) and we recommend that this is followed.

Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has produced standing advice 6 to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats.

TIVERTON TOWN COUNCIL – 30th March 2021

Tiverton Town Council is concerned about the movement of construction traffic during the construction of this site; and therefore requests that adequate road structures are in place prior to the commencement of work and that the County Council agrees a robust management plan for all movements to and from the site.

DEVON CORNWALL & DORSET POLICE – 1st April 2021

Police have no objections to the proposal. With the prevention of crime and disorder/anti-social behaviour in mind, should the intention be to provide bus stops within the location, these must be sited to allow for natural surveillance, supported by a suitable lighting scheme. This is considered to be the most effective type of surveillance, however, this can be affected by future incorrect placement of advertising boards, solid walls or fences, which obstruct natural lines of sight. In

addition, any shelters provided for customers should be made of a transparent material (which should be vandal resistant).

If shrubbery is to be used as a boundary and landscaping treatment, it should be slow growing and when fully mature must not have foliage between 1.0m and 2.5m as this gap allows for unobstructed views through.

LOCAL LEAD FLOOD AUTHORITY – 7 April 2021

At this stage, we object to this planning application because we do not believe it satisfactorily conforms to Policy S9, specifically part (c), of Mid Devon District Council's Local Plan 2013 to 2033 (Adopted 2020), which requires developments to include sustainable drainage systems. The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

It is understood that the runoff from the proposed road will drain into the two basins to the west of the site known as basins C1B and C1A but we would require the model outputs to be submitted for this application. The drainage design should take into consideration the requirement for long term storage.

The applicant must submit details of the exceedance pathways and overland flow routes across the site in the event of rainfall in excess of the design standard of the surface water drainage management system.

The applicant must submit information regarding the adoption and maintenance of the proposed surface water drainage management system in order to demonstrate that all components will remain fully operational throughout the lifetime of the development.

We would be happy to provide another substantive response if additional information is submitted to the local planning authority.

LOCAL LEAD FLOOD AUTHORITY – 26 May 2021

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage.

Observations:

Following my previous consultation response FRM/MD/00374/2021, dated 07/04/21, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

- Spine Road Drainage Statement R402 - FN04 Rev A
- Spine Road Surface Water Connection R402/29/Rev B

The applicant has proposed a feasible surface water drainage strategy for the spine road which is compliant with the strategy (and discharge rates approved at outline).

Please note that any connection into the existing ditch may require a Land Drainage Consent from DCC FCRM Team but this is not a planning requirement.

REPRESENTATIONS

Five objectors with objections summarised as follows:

1. The shared surface roundabout design (drawing No. re402/21) is totally unsuitable for the rural type environment and heavily trafficked road that it is planned for. Implementation would be against Government instructions.
2. The design of the shared surface roundabout is discriminatory against the partially sighted, hard of hearing, the elderly, those with mobility issues and families with young children.
3. There are no shared surface roundabouts elsewhere in Devon or the West Country resulting in a lack of familiarity. Its construction would be a dangerous experiment for vulnerable people's safety.

4. Shared surface roundabouts require on-going maintenance at high incremental cost.
5. The new road junction on to Blundells Road (regardless of the form it takes) cannot be considered in isolation to all its approaches, to those modes of transport (pedestrian / cycle / traffic) using it and proposed traffic calming measures along the greater length of Blundells Road and Post Hill.
6. A separate Reserved Matters application should be submitted for a T junctioned crossroads pending the construction of the roundabout including a redrafting of Condition 12 (Application 14/00881/MOUT).
7. Points of access (Drawing No. R402/21) off the spine road (south of Blundells Road) presupposes the design and layout of development south of Blundells Road. This application should not be considered in isolation to the wider development.
8. The preamble to the application outlines that development will be green and garden like with green buffer zones to existing homes. These details are not included.
9. A three storey apartment block is proposed towards the rear of existing dwellings. The land rises and this with an adverse impact on existing properties.
10. Existing trees and their roots will be impacted by the proposal. The proposal represents a disregard to wildlife and the landscape.
11. Housing neighbouring Blundells School and the associated increase in traffic will have a detrimental impact on the school.
12. There is a lack of capacity at the sewage works within the town.
13. Existing cycle and pedestrian access along Blundells Road is inadequate if not non – existant. This is a golden opportunity to create safe and direct access that does not involve car travel.
14. Tree works are proposed on trees that are not in the developer's property ownership.

One comment summarised as follows:

1. Please ensure homes have electric charging points and ground source heat pumps or photo voltaic cells. Also that broad band speeds are updated.

MATERIAL CONSIDERATIONS AND OBSERVATIONS

This application site has previously been the subject of an outline planning application (Application No. 14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road. The planning permission granted was a hybrid planning permission. It granted outline planning permission for all aspects of the development save for the access which was granted full detailed planning consent. Application 14/00881/MOUT gave full planning consent for access onto Blundells Road by way of a roundabout junction.

Prior to application 14/00881/MOUT, full detailed planning permission (14/00667/MFUL) was given for the left-in-left-out (LILO) junction on the A361 and 'linking road' (the road linking the LILO junction to Blundells Road). This planning permission has not been implemented. It is by means of application 16/01759/FULL, as a variation of condition to relocate the acoustic fence, that the A361 road junction works have been constructed. It terminates the linking road with a T junction on to Blundells Road. Your officers can therefore confirm that the linking road has planning permission to be constructed, terminating in a T junction on to Blundells Road.

The Adopted Tiverton EUE Masterplan SPD sets out the ambition for a roundabout as the means to terminate the linking road north of Blundells Road and the spine road south of

Blundells Road. However, Application No. 20/001787/NMA to amend Condition 12 of Application 14/00881/MOUT confirms that it is not until a minimum of 150 dwellings are occupied (Application 14/00881/MOUT) that a roundabout on to Blundells Road can be required and that no more than 200 dwellings can be occupied until the roundabout has been constructed and made available for public use. Whilst this provides the certainty sought in one of the representations which is concerned about when the construction of the roundabout can be expected, your officers can confirm that construction of both of the linking road and spine road will, in the first instance, be constructed with a temporary cross-road junction that has been safety audited. Drawings presented through this application terminate the spine road in a T junction – the roundabout identified for construction at a future date being outside the red line boundary of the application area. In this manner, relevant representations have been addressed.

The future construction of the roundabout will require detailed design in consultation with DCC Highway Authority through a Section 38/278 Agreement which will include safety audits. The Section 38/278 Agreement will ensure the construction of the roundabout is built to the correct standards, policy and specification before it is adopted by Devon County Council. Highway safety concerns raised in representations are therefore to be addressed via a separate safety audit process. The Section 38/278 Agreement will ensure that the future construction of the roundabout will be to the standards required for adoption by DCC Highway Authority. Full account of its means of construction and on-going maintenance will be taken into consideration during approval of the Section 38/278 Agreement. The Highway Authority has not raised an objection to this application.

The main issues in the determination of this application are:

- 1. Policy background and principle of development**
- 2. Transport Infrastructure: strategic delivery in a timely manner**
- 3. Safe and Accessible Places**
- 4. Design and layout**
- 5. Drainage and flood risk**
- 6. Air quality**
- 7. Ecology, Landscape and Visual Impact**
- 8. Heritage**
- 9. Planning balance**

1.0 Policy background and principle of development

- 1.1 The high level policy considerations relevant to this application site were considered at outline application stage (Application No. 14/00881/MOUT) for the construction of a mixed-use development including 700 dwellings, 22,000msq of B1/B8 employment land, a care home, primary school and neighbourhood centre with associated access and egress onto Blundell's Road. This Reserved Matters application seeks planning permission for highway infrastructure associated with the initial phases of development related to application 14/00881/MOUT. An application for the first phase of residential units has also been submitted (Application 21/00454/MARM) and has yet to be determined. Representations relating to detailed residential development matters fall outside the scope of this application.
- 1.2 The Adopted Mid Devon Local Plan 2013-2033 sets out the sustainable strategy for growth across the District, to achieve positive social, environmental and economic objectives. Tiverton is identified within the Adopted Mid Devon Local Plan as a secondary focus for new development; the primary focus for development being

Cullompton. Accordingly, Policy S2 of the Adopted Mid Devon Local Plan 2013-2033 focuses development in and around the main settlements of Tiverton, Cullompton and Crediton with Policy S10 seeking to maintain Tiverton as the largest urban area.

- 1.3 Policy S1 seeks sustainable communities in which people want to live and work through provision of housing to meet the needs of all sectors of the community, providing access to education, jobs, community facilities and public transport and reducing the need to travel by car whilst conserving and enhancing the natural environment and meeting the challenge of climate change.
- 1.4 Policy S3 sets a target for the provision of new market, custom and self-build and affordable housing. Tiverton is identified as providing a minimum of 2,358 dwellings over the 2013-2033 plan period.
- 1.5 Policies S5 and S8 seek to ensure that development is served by necessary infrastructure in a predictable, timely and effective fashion. Developers will be expected to contribute to, or bear the full costs of, new or improved infrastructure and facilities where it is appropriate for them to do so.
- 1.6 Policy S9 expects development to sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change.
- 1.7 Policies TIV1 –TIV 5 set out the site allocation for the Tiverton Eastern Urban Extension (EUE), of which this application site forms part of. The policies set out the criteria for the development of this allocation to meet strategic growth requirements. TIV1 allocates 153 hectares of mixed use development to include up to 1830 dwellings, a proportion of affordable housing (subject to viability), a minimum of 5 Gypsy and Traveller pitches and 30,000sqm of commercial floorspace. The policy includes provisions in respect of transport, environmental protection, community facilities, carbon reduction and air quality, phasing and masterplanning.
- 1.8 Policies TIV2 to TIV5 set out specific requirements for the delivery of the urban extension in respect of transport (TIV2), environmental protection and green infrastructure (TIV3), community facilities (TIV4) and phasing (TIV5).
- 1.9 The Adopted Mid Devon Local Plan 2013-2033 sets out a number of sustainable development principles through policies DM1 high quality design; DM2 renewable and low carbon energy; DM3 Transport and air quality and DM4 Pollution. Policy DM23 community facilities provides for local community benefit and environmental enhancement while DM25 seeks to preserve or enhance all designated heritage assets and their setting. Policy DM26 seeks to ensure that all major development proposals demonstrate the inclusion of green infrastructure in the proposed development. Each of these policies are relevant in the determination of this planning application.
- 1.10 Following the allocation of the site under the former adopted Allocations and Infrastructure Development Plan Document, the Tiverton Eastern Urban Extension Masterplan was adopted as a Supplementary Planning Document in 2014 and again in 2018 with revisions. The Adopted Masterplan SPD is a material consideration in determining planning applications on the site.
- 1.11 The adopted masterplan sets a strategic vision for the allocation and aims to guide development to achieve a high quality, distinctive and well integrated place. It sets out the major land uses and infrastructure to be accommodated on the site, to

provide consistency of approach in relation to design. The masterplan is intended to be flexible and to allow alterations to the policy provisions to reflect further analysis and studies. It is supported by the Tiverton EUE Design Guide (June 2016) ensuring an understanding of locally distinct characteristics to produce well designed streets, open spaces, work places and affordable homes.

- 1.12 This application site forms part of the larger Tiverton EUE meaning the principle of development on the site has been established. The application must therefore be assessed against the detailed policies in the Adopted Mid Devon Local Plan 2013-2033 and the principles set out in the Adopted Masterplan SPD. This application should not be considered in isolation to the development of the wider Tiverton EUE.

2.0 Transport Infrastructure: strategic delivery in a timely manner

- 2.1 The NPPF (para 102) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that potential impacts of development on transport networks can be addressed. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (NPPF, para 109).
- 2.2 Policy S8 Infrastructure of the Adopted Mid Devon Local Plan 2013-2033 seeks to ensure new development is served by necessary infrastructure in a predictable, timely and effective fashion. Policy DM1 of the same Plan requires development to create safe and accessible places.
- 2.3 Policy TIV 2 of the Adopted Mid Devon Local Plan 2013-2033 allocates the urban extension subject to provision of transport infrastructure to ensure appropriate accessibility for all modes and includes provision of a new grade separated junction on to the A361, traffic calming measures and environmental enhancement between Heathcott Way and Putson Lane including Blundells Road. It also requires a network of streets, pedestrian and cycle routes linking to the public highway to reduce reliance on private vehicles as well as implementation of Travel Plans and bus service enhancements. Such measures are reflected in the Adopted Masterplan SPD with a view to delivering infrastructure strategically. Policy TIV 5 of the Adopted Mid Devon Local Plan 2013-2033 requires infrastructure to come forward in step to minimise the impact of development on surrounding areas.
- 2.4 The former outline application 14/00881/MOUT granted planning consent for ingress and egress into the development parcels south of Blundells Road at the location identified in this reserved matters application. The capacity of the highway network was established at outline planning application stage. The principle of contributions towards a new grade separated junction on to the A361, traffic calming measures and environmental enhancement between Heathcott Way and Putson Lane as required by Policy TIV2 were also established through application 14/00881/MOUT. This reserved matters application, including a new road junction on to Blundells Road, has not therefore been considered in isolation to Blundells Road, other modes of transport (pedestrian and cycle) or traffic calming measures proposed for Blundells Road and Post Hill. The spine road proposed through this reserved matters application will connect with the approved new junction on Blundells Road and to the new approved A361 road junction and linking road to the north of Blundells Road. It will provide the arterial route to residential development parcels to the east and west and to the neighbourhood centre to the east. To the south it will continue; to connect to later phases of residential development. This application complies with the principles of the Adopted Masterplan SPD seeking to ensure that infrastructure and

phases of development are co-ordinated. In so doing it establishes the principal of a network of streets, pedestrian and cycle routes for development south of Blundells Road, linking to the existing public highway as required through Policies TIV2 and DM1. It has therefore not been planned or assessed in isolation. Identifying a point of access off the spine road to the development parcel to the west provides certainty for the next phase of development but without presupposing the design and layout of the next development phase.

- 2.5 The Highway Authority has no objection the proposed scheme, confirming that the highway layout is satisfactory subject to approval of final details to be required by condition. The greater part of the road layout proposed through this application will be 6.5 metres wide and able to satisfactorily accommodate public transport. Footway provision will be on both sides with provision for cycle's on-street. The landscape details specify how the spine road will be lined by footpaths, amenity grass and trees to the east and west, creating a green boulevard. It is this 'green infrastructure' that is expected to extend across and through the southern part of the Tiverton EUE so that it will appear seamless across the development parcels. The green infrastructure will provide the 'glue' that will tie together the different phases of development. In so doing, it will also encourage healthy lifestyles helping to connect people to the locality with clearly defined sustainable routes.
- 2.6 The development proposed can be accommodated without an unacceptable impact on the highway network. It will ensure that future phases of development will be served by the necessary infrastructure and that it will be coordinated to improve accessibility whilst promoting the use of sustainable modes of transport. The proposed development is considered to comply with policies S8, TIV2 and TIV5 of the Adopted Mid Devon Local Plan 2013-2033 and with the requirements of the Adopted Masterplan SPD and Tiverton EUE Design Guide ensuring an integrated and comprehensive approach to development.

3.0 Safe and accessible places

- 3.1 The NPPF (para 102) requires transport issues to be considered at the outset so that opportunities to promote walking, cycling and public transport use are identified and pursued. This can be achieved by ensuring a genuine choice of transport alternatives.
- 3.2 Policy S8 Infrastructure of the Adopted Mid Devon Local Plan 2013-2033 seeks to ensure that new development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. Policy DM1 High Quality Design requires the creation of safe and accessible places that also encourage and enable sustainable modes of transport such as walking and cycling.
- 3.3 Policy TIV 2 allocates the urban extension subject to the provision of appropriate transport infrastructure including appropriate accessibility for all modes of transport comprising provision of bus, pedestrian and cycles; creating an attractive, permeable network for non-car modes travelling within, into and out of the area.
- 3.4 The Adopted Masterplan SPD requires transport infrastructure to link development south of Blundells Road to Blundells Road and the A361 road junction. This application proposal seeks to achieve that comprehensive approach to development with junction arrangements that prioritise traffic passing along Blundells Road. Details of the proposed new access are shown on the submitted plans and are acceptable to the Highway Authority. The detailed design of the proposal also seeks to offer a

genuine choice of transport modes with footways provided on both sides of the proposed highway and cycle provision made on-street. Both will connect directly with existing provision on Blundells Road. The detailed landscape design confirms how the highway will be lined by amenity grass and trees to the east and west including pedestrian pathways, trim trail and gathering space. The proposal seeks to encourage walking, cycling and public transport ahead of car use; reinforcing the principles of the Adopted Masterplan SPD of a walkable neighbourhood. Provision is made with the intention, as later phases of development come forward, for connection into a number of strategic pedestrian and cycle routes including the railway walk, Grand Western Canal, Blundells Road and nearby public rights of way as means to create a safe and accessible development.

- 3.5 Representations makes specific reference to the lack of suitable pedestrian and cycle provision along Blundells Road. The detailed design of the proposal seeks to offer a genuine choice of transport modes including integration with existing provision. The outline application 14/00881/MOUT makes provision for contributions towards traffic calming which will include enhancement of provision on Blundells Road. The delivery of those enhancements are dependent on later phases of development.
- 3.6 The proposed scheme makes provision for safe and accessible alternatives to the private car that will be available to later phases of development complying with Policies S8, TIV2 and DM1 of the Adopted Mid Devon local Plan 2013-2033 and the Adopted Mid Devon Local Plan SPD and Tiverton EUE Design Guide.

4.0 Design and layout

- 4.1 The NPPF (para 124) states that the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. New places should be visually attractive, sympathetic to local character and landscape setting, and establish a strong sense of place.
- 4.2 Policy S9 of the Adopted Mid Devon Local Plan 2013-2033 seeks high quality sustainable design that reinforces the character and distinctiveness of Mid Devon's built environment, mitigates and adapts to climate change and creates attractive places. Policy DM1 of the same plan requires the design of new development to be of high quality, based upon and demonstrating a clear understanding of the characteristics of the site, its wider context and the surrounding area and making efficient and effective use of the site. It should make a positive contribution to local character including any heritage or biodiversity assets, and create safe and accessible places. Visually attractive places should be well integrated with surrounding buildings, streets and landscapes without adverse impact on privacy or amenity for proposed or existing properties.
- 4.3 The Adopted Masterplan SPD sets out a number of guiding principles in relation to design and are relevant to this application. Guiding Principle:
A relates to character;
B to place making and quality design;
C to Movement and transport;
D to Landscape;
E to social equality; and
G energy and resource efficiency.

A guiding principle to the Adopted Masterplan SPD is the establishment of a garden neighbourhood with landscape integrated into the phases of development as a defining feature. The proposal presented introduces the principle of a green boulevard as a key landscape feature that will extend through the southern part of the Tiverton EUE and future phases of development. It will connect into the existing network of hedgerows adjacent to the application site with the creation of a species-rich native hedge bank and hedgerow, species rich meadow grassland, native scrub and tree planting. A hoggins surfaced path will meander through this area of open space providing a gathering space with seating and trim trail equipment towards the southern end.

- 4.4 Detailed Landscape Design (Drawing No. edp 6162_d016d) introduces a landscape strip on the north western edge of the proposed spine road. This will introduce native scrub planting and grass adjacent to the closest existing dwelling (Barnesmead) whilst retaining existing trees, hedgebank and understorey vegetation. Revised plans (Detailed Landscape Design (Drwg No. Edp 6162_d016d) indicate that the hedgebank alongside Barnesmead will be extended and the sub-station relocated and set behind hornbeam hedging to mitigate visual impact. Detailed Landscape Design and Arboricultural Impact Assessment provide adequate protection for existing trees and their tree roots. The Arboricultural Impact Assessment identifies works to trees including crown lifting, but no proposed removal.
- 4.5 The proposed design takes advantage of existing character and landscape features to enhance the overall design proposal. It is designed such that landscape defines and enhances the proposal ensuring it will integrate into later phases of development. It will establish a guiding principle of the Adopted Masterplan SPD for a strong integrated green link with future phases of development. Officers consider that the proposal complies with Policies S9 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and with the Adopted Masterplan SPD and Tiverton EUE Design Guide.
- 4.6 This application does not propose any residential development. Representations relating to detailed residential matters are therefore outside its scope.

5.0 Drainage and flood risk

- 5.1 The NPPF requires the planning system (para 148) to support the transition to a low carbon future in a changing climate, taking full account of flood risk. Proposals should take into account the long term implications for flood risk and provide appropriate mitigating measures. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere (para 163). Where appropriate, applications should be supported by a site-specific flood-risk assessment. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the Lead Flood Authority, have appropriate proposed minimum operational standards, have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.
- 5.2 Policy S9 the Adopted Mid Devon Local Plan 2013-2033 seeks mitigation measures to ensure development does not increase the risk of flooding elsewhere. Provision for a sustainable urban drainage systems to deal with all surface water from the development including provision for future maintenance, is required. The Environmental Statement submitted with Application 14/00881/MOUT contained an assessment of the likely significant effects of flooding for the outline application area and identified mitigation measures. A surface water drainage plan has been

submitted in support of this application making provision for discharge rates commensurate with the expectations of the wider site area outlined in the Environmental Statement submitted with application 14/00881/MOUT.

- 5.3 Policy DM1 of the Adopted Mid Devon Local Plan 2013-2033 requires appropriate drainage including sustainable drainage systems and arrangements for future maintenance. Policy DM26 of the same plan requires major development proposals to incorporate flood and water resource management.
- 5.4 Within the Adopted Masterplan SPD, Guiding Principle G(5) requires a water management strategy to be put in place to ensure that SUDS and attenuation ponds are provided reducing flood risk and retaining run off within the site. Principle G(7) promotes opportunities to maximise landscape as a means to provide permeable surfacing.
- 5.5 A Drainage Statement has been submitted in support of this application dealing with on-site surface water drainage. It outlines measures to reduce the risk of onsite and downstream flooding and safeguards the quality of water discharged into the Tidcombe Fen SSSI. It proposes the implementation of a surface water drainage system for managing the disposal of surface water runoff. In areas where infiltration is appropriate it is proposed to discharge surface water to ground via infiltration devices using a combination of pervious paving, soakaways, and infiltration basins. For the remainder of the site where the use of infiltration devices is not appropriate, flow balancing methods are proposed, comprising a system of swales and on-line ponds / detention basins, and geocellular storage in order to attenuate surface water runoff to greenfield runoff rates with discharges to the local watercourse and ditch system. This is acceptable to the Local Lead Flood Authority. In approving the Drainage Statement and securing a Construction Management Plan by condition (outline permission condition 14), Natural England's concerns relating to the SUDS will be addressed.
- 5.6 It is for the reasons outlined above the proposal complies with Policies S9 and DM1 of the Adopted Mid Devon Local Plan 2013-2033 and to the Adopted Masterplan SPD.

6.0 Air quality

- 6.1 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management and green infrastructure provision and enhancement. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with local air quality action plans.
- 6.2 Policy DM3 of the Adopted Mid Devon Local Plan 2013 – 2033 requires development proposals that would give rise to significant levels of vehicular movement to be accompanied by an integrated Transport Assessment, Travel Plan, Traffic Pollution Assessment and Low Emission Assessment, including mitigation measures to reduce negative impacts on local air quality. Environmental Health Officers are content that measures to be implemented through the Construction Management Plan will satisfactorily address air quality issues arising both from the construction of the road and construction traffic movements. Similarly, the Highway Authority has not raised any concerns. The submission of a Construction Management Plan is secured by

condition 14 on the outline permission and does not need to be replicated on this application.

- 6.3 Subject to securing the mitigation measures required by condition your officers consider that the proposal complies with policies S8, TIV2 and DM3 of the Adopted Mid Devon Local Plan 2013/2033.

7.0 Ecology, Landscape and Visual Impact

- 7.1 The NPPF (Para 170) states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Development should provide net gains for biodiversity, including by establishing coherent ecological networks.
- 7.2 Policy S1 of the Adopted Mid Devon Local Plan 2013-2033 requires net gain in biodiversity. Policy S9 of the same plan seeks high quality sustainable design that reinforces the character and legibility of Mid Devon's built environment and landscape to create attractive places. Policy TIV 3 requires measures to protect and enhance trees, hedgerows and other environmental features which contribute to character and biodiversity and measures to maintain a wildlife network within the site, linking to the surrounding countryside.
- 7.3 The Adopted Masterplan SPD sets out a number of guiding principles to be taken into account in any planning applications for development on the site. Guiding Principle D relates to Landscape. It requires that the structure of the development should be shaped around the existing character and features of the landscape, reinforcing those qualities and protecting and enhancing important fauna and flora.
- 7.4 The landscape proposals associated with this application have been designed by a landscape consultant to provide a diversity of plant species to enhance visual interest and provide a variety of wildlife habitats. The application is supported by a Detailed Landscape Design (Drwg No. Edp 6162_d016d) and a Habitat Assessment and Mitigation Plan. It identifies the proposed works and landscaping proposals to include the creation of a species-rich native hedge bank and hedgerow, species rich meadow grassland, native scrub and tree planting. This facilitates specific mitigation and enhancement design measures including:
- Retention and protection of boundary hedgerows/trees except where access is required.
 - Creation of new species-rich native hedge and hedge bank to the east and west of site.
 - New native scrub planting in three sections along the western boundary and 21 scattered native trees.
 - Seeding of species-rich meadow grass;
 - A range of bat and bird boxes on retained trees; and
 - Five dormouse boxes installed within retained hedgerows along the western boundary.

The detailed landscape design also includes an avenue of 20 Small Leaved Lime trees along both sides of the proposed spine road. As a long lived, large deciduous tree they have high wildlife value and will provide significant visual impact once established, in support of the Adopted Masterplan SPD.

As a site in agricultural use, principally for livestock grazing, the mitigation and enhancement measures proposed confirm a net gain in biodiversity.

- 7.5 The former outline application (14/00881/MOUT) was supported by an Environmental Statement and provided a landscape and visual assessment of the impact of the mixed use development. This application for road infrastructure, designated within the outline application, mitigates the landscape and visual impacts concluded in the Environmental Statement.
- 7.6 The proposal complies with policies S1, S9 and TIV3 of the Adopted Mid Devon Local Plan 2013 – 2033 ensuring the protection and enhancement of valued landscapes, sites of biodiversity and biodiversity net gain.

8.0 Heritage

- 8.1 Policy DM25 of the Adopted Mid Devon Local Plan 2013 - 2033 states that where development proposals are likely to affect heritage assets and their settings, proposals should be assessed to take account of the significance of those assets. Where proposals would substantially harm heritage assets, public benefit must outweigh that harm. Where proposals would lead to less than substantial harm, the harm should be weighed against any public benefit.
- 8.2 The NPPF requires developers to assess the significance of a proposal's impact on heritage assets and their settings. Where a proposal would lead to substantial harm, planning applications should be refused unless substantial public benefits outweigh that harm and where proposals would lead to less than substantial harm, the harm should be weighed against public benefits (NPPF, para 196). A balanced judgment should be made of the effect of loss of non-designated heritage assets (for example, archaeology), according to the significance of that asset. Developers are required to record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible.
- 8.3 Condition 15 of the outline application 14/00881/MOUT does not permit any development until an archaeological investigation has been carried out on the site in accordance with a written scheme of investigation. This reserved matters application does not include a written scheme of investigation. In the absence of this DCC Historic Environment Team recommend refusal of the application. However, the pre-commencement condition on the outline covers this matter and requires that no development should commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation. That condition does not need to be repeated on this reserved matters application.
- 8.4 Historic England has no objection to the application on heritage grounds.
- 8.5 The application is acceptable and in accordance with Policy DM25 of the Adopted Mid Devon Local Plan 2013 – 2033 and the NPPF.

9.0 Planning balance

- 9.1 This is a reserved matters application for the appearance, landscaping, layout and scale of infrastructure associated with the initial phases of development following outline approval of Application 14/00881/MOUT. The principle of development has therefore been established and wider impacts such as air quality, traffic management

and traffic calming have been resolved at outline stage. This application is to consider the detailed design of the first section of spine road south of Blundells Road. The spine road proposed through this application will serve as the first part of the arterial road that will serve development parcels on the southern part of the Tiverton EUE. The spine road will connect, by means of the approved new junction on to Blundell's Road. It will ensure that future phases of development will be served by the necessary infrastructure and that it will be coordinated to improve accessibility whilst promoting the use of sustainable modes of transport.

- 9.2 The proposal incorporates sustainable urban drainage features so as to reduce the risk of off-site flooding. The features satisfy the requirements of the Local Lead Flood Authority. Consideration has been given to the overall layout, design and scale of the proposal upon near existing residents. The scheme provides well integrated landscaping and public open space. The spine road has been designed to a standard capable of accommodating the traffic associated with future phases of development as well as larger public transport vehicles.

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
2. The proposed estate road, cycleways, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, road maintenance/vehicle overhang margins, embankments, visibility splays, accesses, car parking and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections indicating, as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority
3. All planting, seeding, turfing or earthworks comprised in the approved details of landscaping as shown on the submitted plans, shall be carried out within 9 months of the substantial completion of the development which ever is the sooner; and any trees or plants which within a period of 5 years from the implementation of the scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. Within three months of the commencement of the development hereby permitted, detailed drawings of the form and number of trim trail equipment shall be submitted to and agreed in writing by the Local Planning Authority.
5. Prior to the commencement of the development, a phasing plan showing the timing of the works to completion including the construction of the highway together with associated works to the boundary of the site; shall be submitted to and approved in writing by the Local Planning Authority. Works and their timing shall be carried out in accordance with the approved details.

REASONS FOR CONDITIONS

- 1 To ensure the timely delivery of an early phase of development in the complex delivery of the Tiverton Eastern Urban Extension.

- 2 To ensure that adequate information is available for the proper consideration of the detailed proposal and in accordance with Policies S8 and TIV2 of the Adopted Mid Devon Local Plan 2013 – 2033.
- 3 To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policies S1, S9, TIV3 and DM1 of the Adopted Mid Devon Local Plan 2013 – 2033.
- 4 To provide certainty in the interests of good planning.
- 5 In the interests of the timely delivery of these highway infrastructure works so as to not prejudice the delivery of wider comprehensive development at Tiverton Eastern Urban Extension.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

This is a reserved matters allocation for the appearance, landscaping, layout and scale of infrastructure associated with the initial phases of development following outline approval of Application 14/00881/MOUT. The principle of development has been established and wider impacts such as air quality, traffic management and traffic calming have been resolved at outline stage.

This application is to consider the detailed design of the spine road south of Blundells Road. The spine road will serve as the first phases of development south of Blundells Road, serving future phases of development. The spine road will connect, by means of the approved new junction on Blundell's Road.

The proposal incorporates sustainable urban drainage features so as to reduce the risk of off-site flooding. The features satisfy the requirements of the Local Lead Flood Authority. Comprehensive consideration has been given to the overall design, scale and layout of the proposal upon near and existing residents. The scheme provides well integrated landscaping and public open space. The spine road can accommodate the traffic associated with future phases of development as well as larger public transport vehicles; to the satisfaction of the Local Highway Authority. The proposal is considered to comply with the Adopted Mid Devon Local Plan 2013 – 2033, Policies S1, S5, S8, S9, S10, TIV1, TIV2, TIV3, TIV5, DM1, DM2, DM3, DM4, DM25 and DM26 and the Adopted Tiverton EUE Masterplan SPD and Design Guide.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

