

5997/CU7-CU12  
5997/SFRA

**From:** Local Plan Review  
**Subject:** FW: Response to Local Plan Review proposed submission - Richard Down  
**Attachments:** Richard Down - Response to Local Plan Review 14.02.2017.pdf

**From:** Claire Down [REDACTED]  
**Sent:** 13 February 2017 18:47  
**To:** Local Plan Review  
**Subject:** Response to Local Plan Review proposed submission - Richard Down

Good afternoon, please find attached my response to the new local plan review proposed submission (incorporating proposed modifications) Please can you ensure that I am notified in the future of the following;

1. The submission of the Local Plan Review for independent examination under section 20 of the Planning and Compulsory Purchase Act 2004 (the Act)
2. The publication of the recommendations of the person appointed to carry out an independent examination of the Local Plan Review under section 20 of the Act, and
3. The adoption of the Local Plan Review.

Please can you also add me to your database for future local plan e-updates using the following email address;

[REDACTED]  
Kind regards  
Richard Down  
Upton Lakes & Lodges

Richard James Down  
Upton Lakes & Lodges Ltd  
Upton Farm, Cullompton  
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## **Response to Local Plan Review**

As a respondent I am writing as both a resident of Cullompton and local business owner of Upton Lakes Lodges & Upton Barn & Walled Garden, Upton Farm, Cullompton.

Upton Lakes is a rural holiday park in Cullompton and Upton Barn & Walled Garden is a newly opened Wedding & Events Venue, both businesses have been created through Upton Farm's diversification.

We feel it is important to provide you with a brief background of our businesses in order for you to fully understand the concerns we have raised within our response.

Upton Farm is a 160 acre organic family farm. Over 15 years ago as part of our farm's diversification we decided to develop a redundant farm reservoir into fishing lakes and a tourism business providing holiday accommodation called Upton Lakes Lodges. Upton Lakes consists of 14 holiday lodges, 5 of which are currently owned by us and the other 9 are privately owned and sublet via Upton Lakes. 11 of the 14 lodges are located lakeside. The lakes total approximately 3 acres of water. Upton Lakes Lodges is located on the South East envelope of the proposed catchment development and borders the floodplain which is planned to contain the new eastern relief road and Junction 28a. We are approximately 300 meters from the River Culm and Upton Lakes is also surrounded by streams that feed into the Culm, these streams also feed Upton Lakes.

Upton Lakes is now an award winning Holiday Lodge park employing 7 members of staff. We have also achieved a Silver David Bellamy award for conservation for 4 consecutive years due to the steps we have taken towards conservation and the preservation of wildlife. We made a conscious decision not to introduce any amenities to Upton Lakes in order to encourage our customers to support local shops, producers and businesses in the local area. We have a 95% occupancy level, therefore, our business contributes in excess of 2000 tourists to Cullompton and surrounding areas each year. Our visitors come to Upton Lake's rural location to enjoy the tranquillity and peacefulness of the Mid Devon countryside.

In 2012 we decided to form Upton Barn & Walled Garden, a wedding and events venue by converting a redundant barn and walled garden at Upton Farm. This business was launched in November 2014 and already employs 4 members of staff and is also promoting local businesses and suppliers such as hotels, B&B, caterers, shops and restaurants.

The vitality and economic growth of Cullompton is hugely important to us and to the ongoing success of our businesses. In 2014 we decided to join The Cullompton Town Team as representatives of the tourism sector. The Cullompton Town Team is a group of volunteers with a variety of experience and backgrounds who come together to work for increased prosperity, vitality, viability and enhancement of the

whole town. Since joining this team, we have been involved in a number of activities, one of which was the Cullompton National Plan workshop. As a result of this and other community workshops, the Cullompton Neighbourhood Plan was produced. There is a strong message running throughout this plan and this is that any future development should be **sustainable and responsible**.

We do fully understand that the NPPF places certain obligations on local government, who in turn have some difficult choices to make about where development takes place. As a result, I do understand MDDC's focus on policies which aim to provide housing and employment opportunities around the key market towns of Cullompton, Crediton and Tiverton, and how these policies increase the potential for economic regeneration in these areas, whilst maintaining the rural characteristics of the overall district.

However, we do not feel that full consideration has been given to the impact that this development will have on our business, other local businesses and residents of Cullompton. We had direct experience of flooding in November 2012 and are therefore interested that any proposed development option does not incur any flood risk to us, our business, the new development or any additional third party. However, I do not fully agree that the options for the East of Cullompton (policy CU7 pg 94 of the local plan review) has sufficient overall regard for the nature of the catchment, which can best be described as "flashy".

We also have concerns over the lack of content in the plan for improvements to infrastructure, services and amenities to Cullompton in order to support and cope with the proposed growth.

This development is being called a "New Community", therefore will it stand alone? It will have direct links to the M5, Taunton and Exeter, therefore, are we simply creating a new commuter town? How will this development ensure the vitality of the Cullompton town centre and support a prosperous rural economy, the promotion of sustainable rural tourism and leisure development?

## Concerns

1. Flooding
2. Critical Drainage Areas
3. SUDS and proximity to Upton Lakes
4. Adverse impact on nature conservation interests & biodiversity opportunities with particular interest to the Greater Crested Newt.
5. Protection and mitigation for loss of enjoyment and amenity for our guests and lodge owners during the construction period and post development.
6. Capacity of physical infrastructure, e.g. in the public drainage or water systems
7. Traffic problems

### 1. Flooding

The referencing in the main options review report does not follow the advice and guidance presented in the SFRA report and has not given any real consideration to

SUDS in the South East envelope of this proposed catchment development near Upton Lakes. The report states that "...there are a number of streams on the site, but no significant areas of floodplain" which seems to completely disregard the already constrained functional floodplain either side of the M5, the area around Cummings Nursery and the CCA Fields, all of which border Upton Lakes Holiday park and our farm.

It concerns us greatly that the information supplied regarding the flooding and volumetric run off is of poor quality. The model data used is out of date (2008) and has not considered the rainfall events of 2012, 13 & 14 which had significant impact on Cullompton and Upton Lakes. There is very little reference to the DCC commissioned report following the November 2012 floods even though this report was published prior to completion of this SFRA in October 2014, which begs the question, why has such important data been omitted from this report and can the modelling outputs therefore be fully trusted as representing the changing nature of flooding events across this catchment?

Another question is.....Are MDDC not **legally obliged** to use and present the most up to date data available when putting together a report of this nature?

Furthermore, there also appears to be a complete "**disconnect**" between the planning options and where there are already existing flood constraints. The main floodplain (the Culm Valley) is already constrained by having the M5 and the main line to London running through it and the proposed Junction 28 changes, the introduction of either Junction 28a or the Longbridge overbridge option and the proposed relief road are all 100% in the floodplain. This report ignores National policy, which is all about preserving the "functional floodplain" and suggests that planning and engineering can overcome these flood constraints.

The review document has a disregard for the context/setting in which the proposed development is and it is easy to read the review and the supporting documents and reach a conclusion that the overriding "reason" for the "need" for the East of Cullompton option is to generate sufficient developer contributions for the Up-grade of Junction 28 and the scale of the development has to be sufficient to deliver this.

## **2. Critical Drainage areas**

Although page 54, section 8 addresses CDAs Critical Drainage Areas, the issue of soil stabilisation and problems associated with this and the potential for silting sewers is not addressed in this report. Studies have been carried out by the EA and local farmers in the past on these issues and it is a huge concern that this issue has not been discussed in detail in any of the planning documentation. The EA have identified Cullompton as a CDA having **critical drainage problems**. The relevance of this to the East of Cullompton option is all around scaling the drainage; providing inline storage, sizing pumps, designing SUDS so nothing in the East development impacts what is already assessed as critical drainage.

## **3. SUDS and proximity to Upton Lakes**

The referencing in the main options review does not follow the advice and guidance presented in the SFRA report and it has not given any real consideration to SUDS in the South East envelope of the proposed catchment development also near Upton

Lakes. There is insufficient detail in the review document about how SUDS at scale can be implemented to mitigate these new flood risks.

#### **4. Adverse impact on nature conservation interests & biodiversity opportunities with particular interest to the Great Crested Newt.**

Upton Lakes has won a silver award for conservation for 3 consecutive years due to the steps we have taken towards conservation and the preservation of wildlife.

There is no reference to a GCN (Great Crested Newt) impact assessment, plans for mitigation, (compensation) and enhancement measures. Due to the restricted (and somewhat unknown) distribution of GCN in Devon and the habitat of the three lakes at Upton Lakes, there should be more consideration given to the wildlife and biodiversity issues in the surrounding area adjacent to Upton Lakes in particular.

#### **5. Protection and mitigation for loss of enjoyment and amenity for our guests and lodge owners**

Due to the close proximity of this development it is likely to be unacceptable in terms of visual impact, effect on the character of Upton Lakes and the possible noise and disturbance to the park being that it may be overlooked, which in turn will cause loss of privacy to our owners and guests. The likely effect of the development on the enjoyment for tourists paying to use Upton Lakes is clearly an important consideration. The density and possible overdevelopment of this site has to be considered, as well as the adverse impact which the proposed development might have on the character of Upton Lakes.

#### **6. Capacity of physical infrastructure, e.g. in the public drainage or water systems**

As a very simple example, there is south west water pumping station at Stoneyford (In the new East Cullompton Development option) and another at the bottom of Duke Street before first bridge. These assets have experienced repeated and sustained outages requiring long periods of tankering and disruption to local traffic. We have found no mention of this in the report, why?

#### **7. Traffic problems**

I would firstly like to stress that more outdated data has been used in the production of this report. This traffic data was produced in 2001. It is of great concern that more recent data has not been gathered in order to produce this report considering the growth in population and change in working habits of Cullompton in the last 14 years!

The report also suggests that the development to the East of the M5 presents the opportunity to resolve town centre traffic problems and provide alternative means of access/egress to/from the M5. A solution to the traffic congestion in Cullompton town centre is long overdue and I would welcome any solution that would address this issue if the solution being recommended is;

- a. deliverable
- b. sustainable
- c. responsible

However, the following options being recommended do concern us for the following reasons;

**Option 1 - Introduction of a new motorway bridge over the M5, River Culm and railway line called Longbridge overbridge and a relief road south of the existing Junction 28, both of which would be constructed in 100% functional flood plain.**

Having already addressed the concerns over this option being built in a functional floodplain. Additional concerns are that this option would also mean that all traffic from Cullompton and the proposed new development East of Cullompton would require access to the M5 via junction 28. Given the limited space available to increase capacity at Junction 28, it is of great concern that this option would not ease congestion in Cullompton, but would intensify the problem, as the improvements would not be able to handle the volumes of traffic predicted, it would also endanger traffic on the M5 due to tailbacks on the exits. The relief road would also direct traffic via a housing estate, existing school, sports centre and children's newly constructed skate park.

**Option 2 - Introduction of a new Junction 28a with Southbound carriageways (towards/from Exeter only) over the M5, River Culm and railway line further south of the existing Junction 28 linking to the new Eastern development, this option does not include a relief road.**

Having already addressed the concerns over this option being built in a functional floodplain. Additional concerns are that this option does not give the new traffic from the East of Cullompton development any Northbound access onto the M5, only Southbound access, this means that this traffic will still be required to use the existing Junction 28 network, so any improvements to Junction 28 need to be capable of handling the volumes of traffic predicted, which due to the aforementioned limited space available is extremely challenging to deliver. Again, the concern is that this road will direct this traffic via a housing estate, existing school, sports centre and children's newly constructed skate park.

There have also been no suggestions as to how these networks will be constructed or where compensatory flood plain can be made available to sufficient scale.

Cullompton has fought for a relief road and/or another motorway access point for more than 30 years, but have always been told that these cannot be delivered on grounds of safety, so it concerns us greatly that it is now being considered when linked to a large development. It would be easy to assume that the reason for the need for this East Cullompton option is to generate sufficient developer contributions for the Up-grade of Junction 28 and the scale of development has to be sufficient to deliver this. There is insufficient evidence to suggest the options being considered can be delivered without causing risk of flooding.

### **Summary and conclusions**

Although we appreciate the scale of this development is difficult and we acknowledge the demand for housing and employment space, it is the duty of the planning authorities to address all of these difficult issues in proposing such development options. Despite considerable work already done, we are concerned

that flooding issues are not being given the due consideration necessary. It is also very clear that the most up to date data is not being used to assess the viability of this development and the perception is that the overriding reasons for this development are directly related to achieving the improvements to Junction 28 with complete disregard for local businesses and the safety of the residents of Cullompton and the bigger picture!