

Palm Cross / Barrack Road, Modbury. (The sprawling town of Ivybridge is visible on the edge of Dartmoor NP, just two miles north of Modbury. After becoming a town in 1977, the settlement claimed the ‘fastest growing town in Europe’ title).





PLANNING REF: 4116/24/OPA

DESCRIPTION: Outline planning application for up to 75 dwellings & all other associated development, with all matters reserved apart from access

ADDRESS: Land at SX 656 522 Barrack Road, Modbury.

9th May 2025

LETTER OF OBJECTION FROM THE SOUTH HAMS SOCIETY

The South Hams Society interest

For the last 60 years, the South Hams Society has been stimulating public interest and care for the beauty, history and character of the South Hams. We encourage high standards of planning and architecture that respect the character of the area. We aim to secure the protection and improvement of the landscape, features of historic interest and public amenity and to promote the conservation of the South Hams as a living, working environment. We take the South Devon Area of Outstanding Natural Beauty very seriously and work hard to increase people's knowledge and appreciation of our precious environment. We support the right development - in the right places - and oppose inappropriate development.

The Society **Objects** to this application.

Planning Policy consideration.

The Modbury Neighbourhood Plan was adopted on 30th March 2023, just two years ago after an examination by the Independent Examiner and approved by referendum.

The Independent Examiner is required to determine whether *'the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:*

- *Has regard to national policies and advice contained in guidance issued by the Secretary of State;*
- *Contributes to the achievement of sustainable development; and*
- *Is in general conformity with the strategic policies contained in the Development Plan for the area; and*
- *Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and*
- *Does not breach, and otherwise is compatible with EU obligations and Human Rights requirements.'*

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'The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)).

When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict'.

This proposed development site is not an allocated site in the local plan and the location of this proposal is outside the Modbury settlement boundary.

The Joint Local Plan

Policy TTV26, Development in the countryside applies.

'The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

- i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or*
- ii. Secure the long term future and viable use of a significant heritage asset; or*
- iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or*
- iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or*
- v. Protect or enhance the character of historic assets and their settings.*

2. Development proposals should, where appropriate:

- i. Protect and improve public rights of way and bridleways.*
- ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.*
- iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.***
- iv. Respond to a proven agricultural, forestry and other occupational need that requires a countryside location.***
- v. Avoid the use of Best and Most Versatile Agricultural Land.***
- vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided'.*

Policy TTV27, *Meeting local housing needs in rural areas* also applies.

‘Proposals for residential development on sites adjoining or very near to an existing settlement which would not otherwise be released for this purpose may be permitted provided that it can be demonstrated that:

- 1. It meets a proven need for affordable housing for local people.***
- 2. It includes a mix of affordable and market housing products where necessary to be financially viable. This includes open market housing, providing it does not represent more than 40% of the homes or 40% of the land take excluding infrastructure and services.***
- 3. Management of the scheme will ensure that the dwellings continue to meet the identified need in perpetuity.***
- 4. The proposal meets the requirement of all other relevant policies of the Plan’.***

The JLP states that:

‘Rural Exception Sites - *These are sites adjoining or very near to rural settlements where development which meets the essential local needs of the settlement might be permitted’.*

The Strategic Objectives of the Plan states:

- 7. Maintaining a strong network of Main Towns: To promote locally distinctive and sustainable development in the main towns, with sufficient new homes, jobs, services and infrastructure provided to improve their level of self-containment and to meet local needs.***
- 8. Maintaining vitality and viability of the smaller towns and key villages: To promote the provision of homes, jobs, services and community infrastructure sufficient to enable the smaller towns and key villages to continue to play their important role as local service centres for their surrounding areas.***
- 9. Maintaining the viability of the many sustainable villages in the rural area: To enable the development of new homes, jobs and community infrastructure sufficient to meet the local needs of the sustainable villages identified in the area and the village networks they serve.***
- 10. Maintaining a naturally beautiful and thriving countryside: To protect, conserve and enhance the natural beauty of South West Devon’s countryside, and to avoid development in unsustainable locations.***

Modbury’s official status is a village, but the recent large increase in housing is not linked to the provision of employment facilities that would provide self-containment. Consequently it can be expected that the village will become another commuter settlement for Plymouth, providing a dormitory for those who work in the City and increasing pollution and congestion. It is hard to see how this supports village services.

Providing housing without increasing local employment opportunities simply creates a commuter economy. As a result many of the aims of the Strategic Objective Policy SO1 and Sustainable Environment Policy SPT1 are not being met.

Strategic Objective SO1 - Delivering the spatial strategy

1. ***Maximises growth at Plymouth, recognising its position as the most sustainable location for major development, reinforcing its position as one the main centres of growth in the South West and acknowledging the need to prioritise the use of brownfield sites and regeneration.***
3. *Focuses growth in the Thriving Towns and Villages Policy Area on the six main towns - Dartmouth, Ivybridge, Kingsbridge, Tavistock, Totnes and Okehampton - reinforcing the role of these towns as sustainable service centres serving wide rural hinterlands, providing a range of facilities and services, and enabling them to meet the needs of residents.*
4. *Provides for levels of development in the towns and larger rural villages sufficient to enable them to continue as important local service centres for the surrounding areas.*
6. ***Minimises development in sensitive locations where the high quality natural environments could be harmed, and positively protects, conserves, enhances and celebrates the Plan Area's high quality natural and historic environments.***

Policy SPT1 - Delivering sustainable development.

The LPAs will support growth and change that delivers a more sustainable future for Plymouth and South West Devon. Development and change will be planned for and managed in accordance with the following principles of sustainable development:

3. A sustainable environment where:

- i. ***The effective use of land is made for development through optimising reuse of previously developed sites, therefore reducing the need for greenfield development, protecting natural assets and creating opportunities for viable low carbon energy schemes.***
- ii. *Overall gains in biodiversity are achieved by protecting and enhancing species, habitats and geological sites.*
- iii. ***Pollution and adverse environmental impacts of development are minimised and effectively mitigated where unavoidable.***
- iv. ***The best and most versatile agricultural land is protected for agricultural use.***
- v. *Local distinctiveness and sense of place is respected, maintained and strengthened through high standards of design.*

'Policy SPT12

Strategic approach to the natural environment

The distinctive characteristics, special qualities and important features of the natural environment of the Plan Area will be protected, conserved and enhanced.

This will be through a strategic approach which protects the hierarchy of international, national and locally designated sites, commensurate with their status, and takes account of the natural infrastructure functions of different sites, habitats and features. Key principles include:

- 1. Avoiding harmful impacts on existing features as a first principle, and where harmful impacts are unavoidable, to ensure that such impacts are adequately and proportionately mitigated or as a last resort fully compensated.*
- 2. Protecting sites of European significance for biodiversity and conservation. These include existing and potential Special Protection Areas, existing possible and candidate Special Areas of Conservation, existing and proposed Ramsar sites and sites identified, or required, as compensatory measures for harmful impacts on European sites.*
- 3. Protecting sites of national significance for biodiversity and conservation. These include Sites of Special Scientific Interest, National Nature Reserves, Ancient Woodlands and Marine Conservation Zones.*
- 4. **Conserving and enhancing the landscape and scenic beauty of the South Devon and the Tamar Valley Areas of Outstanding Natural Beauty**, and the adjacent Dartmoor National Park.*
- 5. Protecting and enhancing the distinctive landscapes of the Undeveloped Coast, particularly within the South Devon Heritage Coast, with support for improvements to public access to and enjoyment of the coast.*
- 6. Safeguarding the landscape setting of the Cornwall and West Devon Mining Landscape World Heritage Site.*
- 7. Supporting innovative and sustainable solutions within the North Devon Biosphere Transition Zone in accordance with the Biosphere Strategy for Sustainable Development.*
- 8. Conserving and enhancing a functional network across the Plan Area of greenspace and geodiversity sites that meets the needs of communities and wildlife.*
- 9. Improving links to and along regional and national walking and cycling routes, including the South West Coast Path national trail and the National Cycle Network.*
- 10. Protecting and extending the Public Rights of Way and bridleway network as an essential element of the enjoyment of the natural environment.'*

Modbury's position in the South Devon National Landscape.

In 1961 the population of Modbury stood at 1,077 and has since grown steadily in the subsequent 50 years, although there has been a sharp increase during the last decade, by 23% from 1,372 (2011 Census) to 1,687 (2021 Census) – a substantial percentage for a village of this size, situated as it does straddling the South Devon National Landscape boundary.

The location was also formally recorded as an 'Area of Great Landscape Value', to protect the setting of the South Devon Area of Outstanding Natural Beauty, but the District Council failed to carry this local designation over to its new plan in 2006, unlike the neighbouring areas of Cornwall to the west and the Teignbridge District to the east.

The best and most versatile land.

The submitted Site Constraints Plan BL-M-12 omits to record that the northern field is recorded as grade 3a land on Agricultural Land Classification maps although it does recognise that the northern field is the highest land with housing being restricted to the lower area. Even so, this Grade 3a land is being removed from farming.

Government Advice:

'The Agricultural Land Classification assesses the quality of farmland to enable informed choices to be made about its future use within the planning system.'

*There are five grades of agricultural land, with Grade 3 subdivided into 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a. **Planning policies and decisions should take account of the economic and other benefits of the best and most versatile agricultural land**.'*

JLP Policy SPT1 paragraph 3 iv. States: ***'The best and most versatile agricultural land is protected for agricultural use'***.

The Modbury Sewage Works.

Joint Local Plan Policy DEV35.8:

'Development will not be permitted without confirmation that sewage/wastewater treatment facilities can accommodate or will be improved to accommodate the new development, in advance of the development taking place'.

The Modbury Waste Water Treatment Works was one of a number sewage works that were tendered and constructed for the Kingsbridge Rural District Council 1948 - 1950 and the completed works first appeared on the 1952 OS maps.

Now over 70 years old, the treatment works is showing its age. SWW has stated that the **Modbury STW is approaching design capacity**.

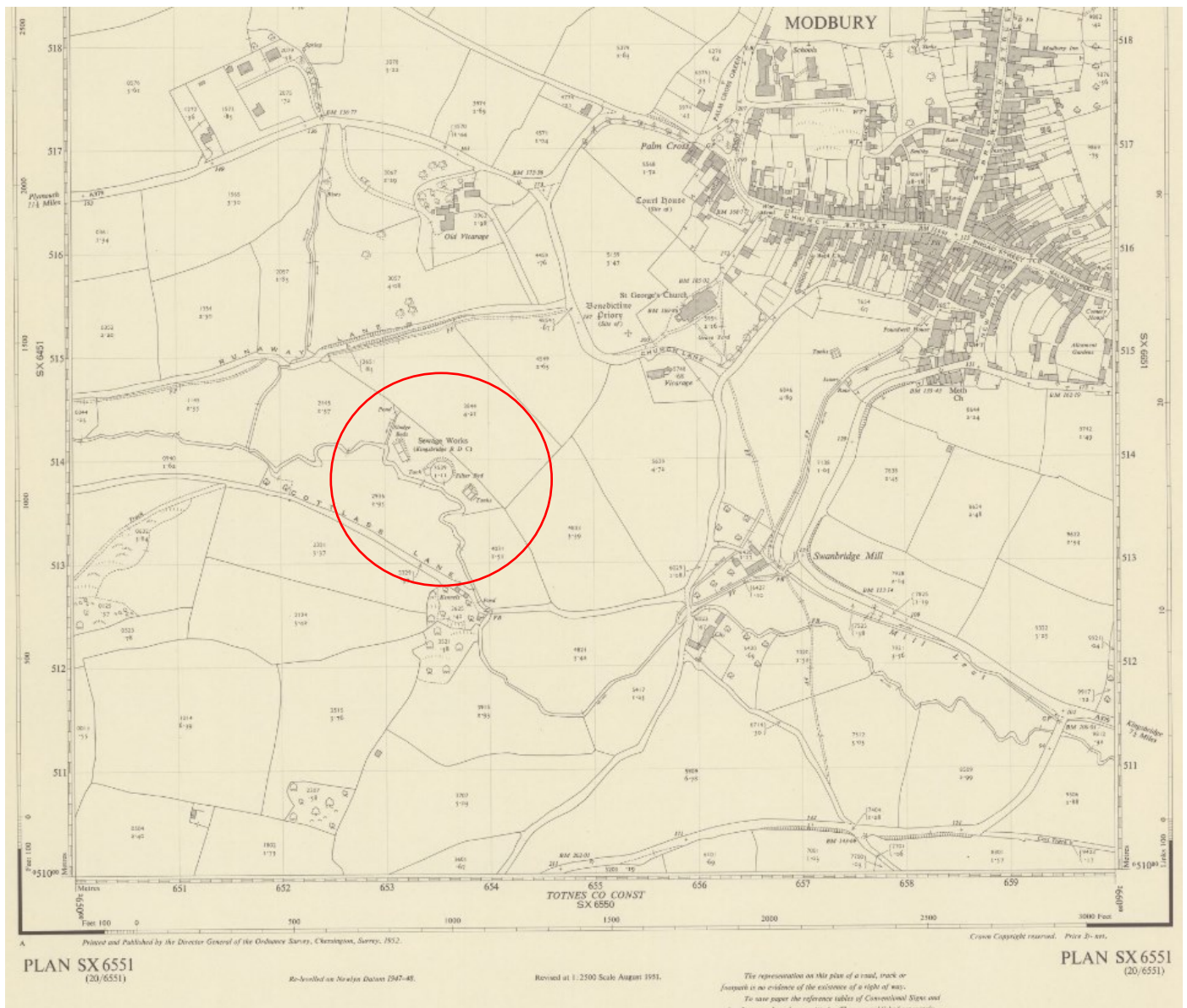
The 'South West Water Drainage and Wastewater Management Plan Yealm-Erme May 2023' records the following for 'dry weather flow results and permits from 2018-2020' on table 13.

Table 13 shows the Dry weather flow (DWF) performance of the treatment works in the Yealm-Erme catchment.

Table 13: Dry weather flow results and permits from 2018-2020

| Asset Name | Permitted (m3/d) | Comments |
|---------------------|------------------|-----------------------------|
| MODBURY_STW_MODBURY | 270 | Approaching design capacity |

The 1952 OS Map:



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Details of Sewage Spills for 2024

Modbury Wastewater Treatment Works (SWWA2259); storm tank at the treatment works; 702.33 hours 86 spills; Reason given for the high spill frequency: infiltration; Investigation activity for the reporting period: Env Act (SODRP) investigation ongoing, UWWTR investigation ongoing; Improvement action for the reporting period: Operational improvement completed; UWWTR (SOAF) Investigation: SOAF investigation ongoing

Poundwell Meadow CSO (201962); Storm overflow on sewage network; 566.78 hours 38 spills; Reason given for the high spill frequency: High spill threshold not met; Investigation activity for the reporting period: Env Act (SODRP) investigation ongoing; Improvement action for the reporting period: No improvement action in reporting period; UWWTR (SOAF) Investigation: No SOAF investigation required

Combined Record for last 4 years.

| Location | Dry Working Flow | 2024 | | | 2023 | | | 2022 | | | 2021 | | |
|---|------------------|-------------|-----------|------|-------------|-----------|------|-------------|-----------|------|-------------|-----------|------|
| | | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% |
| Modbury WWTW & Poundwell Meadow CSO (Discharges to Ayleston Brook and out onto the River Erme) | 270 | 1,269 | 124 | 100% | 1522 | 141 | 100% | 781 | 81 | 100% | 816 | 95 | 100% |

Defra held a consultation on proposals to designate 27 new sites as bathing waters under the Bathing Water Regulations 2013 (S.I. 2013/1675) (the 'Regulations'). The consultation ran from 26 February 2024 to 10 March 2024.

Of the 1,096 responses received for Coastguards Beach on the River Erme, 1,091 agreed with the proposal to designate.

Following the consultation, the 27 sites were added to the list of designated bathing waters in England and monitored by the EA with effect from the 2024 bathing season.

As a result of the first season of testing, Coastguards Beach on the Erme Estuary became a 'Brown Flag' beach in 2025 after its water was rated as 'poor' by the Environment Agency. The rating means the water could contain bacteria such as e-coli from sewage.

The Environment Agency issued an advice against swimming notice for Coastguards Beach.

Coastguards Beach, Erme Estuary

A designated bathing water where water quality is monitored from May to September by the Environment Agency

Latest Annual Classification: 2024



Poor bathing water quality
★ ★ ★ excellent
★ ★ good
★ sufficient
— poor



Advice against bathing

Water quality at Coastguards Beach, Erme Estuary

It is the Environment Agency role to drive improvement of water quality at bathing waters that are at risk of failing higher standards. It is natural for water to run off the land to the sea. Water quality at a bathing water is dependent upon the type and area of land draining to the water and the activities undertaken in that catchment. There are no water company assets directly affecting Coastguards beach, however there are many sewage treatment works and Combined Sewer Overflows that discharge into the River Erme which may impact the bathing water. The catchment of the Coastguards beach bathing water is largely agricultural with significant areas of land used for livestock. During and after heavy rainfall, runoff from agricultural areas is greatly increased, and the quality of the bathing water may be reduced.



Returning to the Palm Cross housing developments, the last dwellings at the phase 1 development were still in construction during the time of the dry weather flow results between 2018-2020 and a further 40 dwellings have been built after 2022.

We note from the spill records from 2021 to 2024 that spills have increased for the years 2023 and 2024.

Following the brown flag award at the Coastguards beach, the local planning should obtain confirmation that this 70 year old aging waste water treatment works can accommodate another 75 dwellings in addition to the 40 dwellings built since South West Water stated that the WWTW at Modbury to be 'near capacity'.

The South Hams Society respectfully requests that this application is refused.

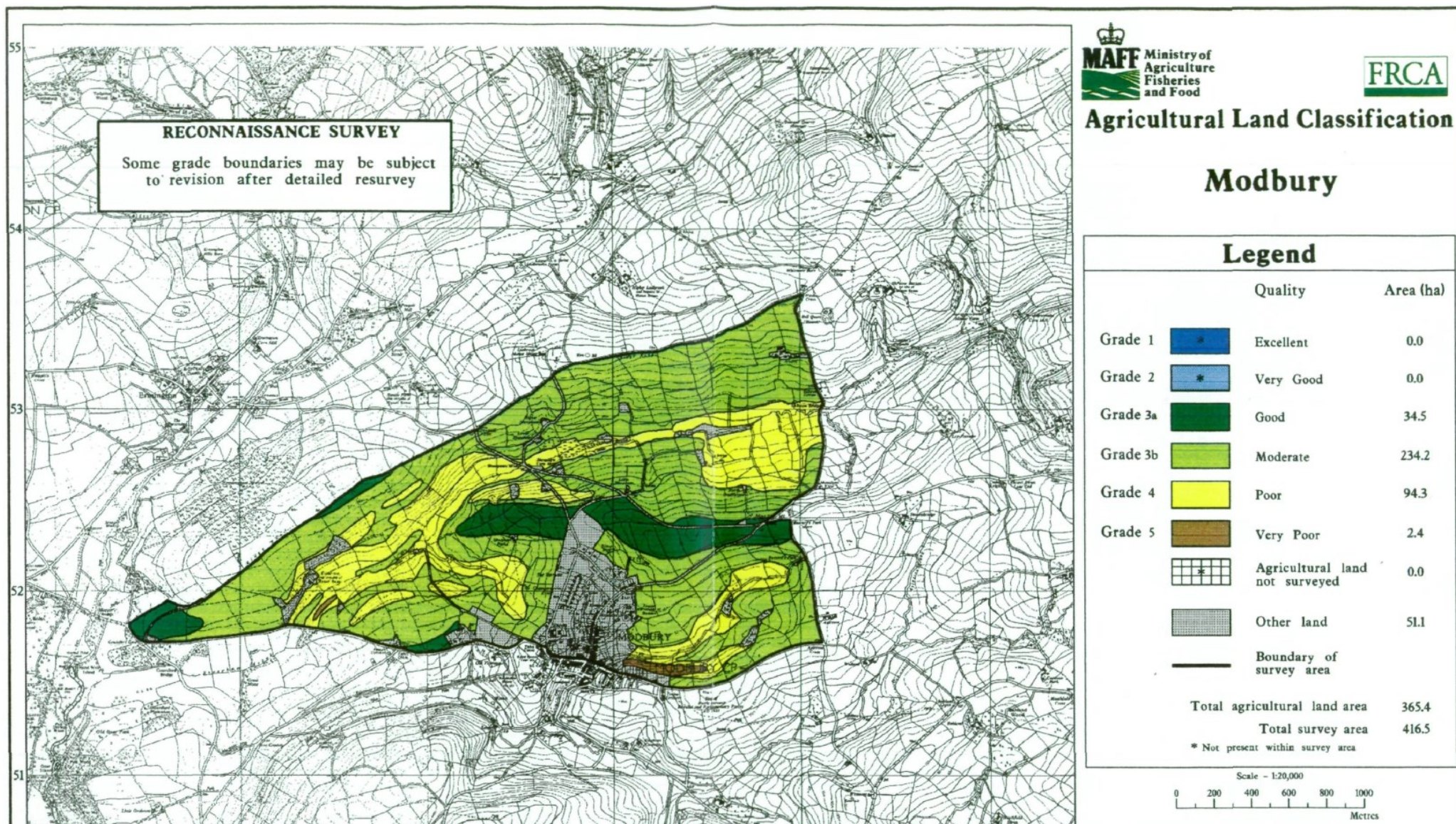
For and on behalf of the South Hams Society.

Leslie Pengelly,
Planning Lead.

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ALC Modbury



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Modbury's Aging Sewage Treatment Works



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