**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.**

18th December 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 has previously objected to this planning application.

And following recent changes to the proposal, the Society has re-considered the application and continues to **object** to the proposal.

We do not see any solutions suggested that would begin to address the continuing discharges of raw sewage into the River Erme.

The Society have reviewed the foul water arrangements for this growing development.

Phase 1 of the Palm Cross development was for the provision of 93 dwellings plus some employment units. It was stated that:

*The estimated peak foul flow rate has been calculated for 93 residential units and approximately 900m2 of employment use, based on 6 DWF (+10% infiltration), as 5.0 l/s. This figure has been used for correspondence with South West Water (SWW)'.*

*In March 2014, an initial approach was made to SWW Development Enquiries to ascertain the capacity available within the existing sewerage infrastructure. Their response was;*

*"only sewage treatment works capacity for a maximum of 50 dwellings & South West Water has no investment planned to upgrade the sewage treatment works."*

A revised response from SWW was received in November 2014.

*'The proposed development falls to the north away from the existing SWW sewers located in Barrack Road and Church Street. As the development is lower than the existing SWW network it will not be possible to install a gravity connection.* ***To overcome this, either a pumping station or a package sewage treatment plant would be required****'.*

A pumping station was installed for the 93 dwellings and employment facilities.

For the 93 dwellings development (35/0059/15/F) the drainage consultant's employed stated:

*'Executive Summary*

*WSP have been engaged by Bloor Homes South West to undertake a Foul Drainage Strategy for a potential development of residential properties, with some employment use, adjacent to A379 Church St, Modbury.*

*The development comprises the following:*

- *93 residential properties;*
- *Employment Units;*
- *Allotments;*
- *Open space;*
- *Access Roads;*
- *Car Parking;'*

This was a full planning application without reserved matters.

Crucially, the LAND AT MODBURY SOUTH HAMS, Foul Drainage Strategy, Bloor Homes - 26/11/2014, document stated:

*'The foul drainage strategy does not attempt to present a final design of the foul drainage system; this will be done at the detailed design stage as a part of the Reserved Matters Applications (RMA). At the RMA stage there will be a need to include more detailed assessments due to health and safety, CDM etc'.*

Extracts from the final Foul Drainage Scheme submitted for planning approval 35/0059/15/F:

**LAND AT MODBURY SOUTH HAMS**

**Foul Drainage Strategy**

**Bloor Homes South West**

**26/11/2014**

# 1 Introduction

1.1.1 WSP have been commissioned by Bloor Homes South West to produce a Foul Drainage Strategy for the proposed development at Modbury, South Hams. The development is a greenfield site with proposals for up to 93 residential units, employment units, allotments, open areas and associated access and parking. The gross area within the site boundary is 5.40ha.

1.1.2 This report considers the foul drainage options and provides a recommendation for the best option based on the Pollution Prevention Guidelines PPG4 July 2006.

1.1.3 A copy of the masterplan for the proposed development is shown in **Figure 1.1**, below (see **Appendix E**).



**Figure 1.1**: Indicative Proposed Masterplan (November 2014)

## 1.2 SITE LOCATION

1.2.1 The site is centred at national grid reference SX654518, and is located to the northwest of Modbury village centre adjacent to Barrack Road and the A379 Church Street. Modbury is located approximately 7km to the southeast of Ivybridge and the A38. The site is bordered by agricultural land along the north and west boundaries; the south and east boundaries are surrounded by residential properties and Modbury Primary School.



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**Figure 1.2**: Site Location Plan

## 1.3 POLLUTION PREVENTION GUIDELINES

1.3.1 The Pollution Prevention Guidelines PPG4 July 2006 were published by the Environment Agency (EA) to provide guidance for developers to choose the most suitable sewage treatment and disposal method. It is to ensure value for money, effective long-term performance, protection of public health and the environment, and compliance with relevant legislation.

1.3.2 The foul drainage strategy does not attempt to present a final design of the foul drainage system; this will be done at the detailed design stage as a part of the Reserved Matters Applications (RMA). At the RMA stage there will be a need to include more detailed assessments due to health and safety, CDM etc.

## 1.4 REFERENCE

1.4.1 The following source documents have been referred to in the drafting of this foul drainage strategy:

- Pollution Prevention Guidelines (PPG4) (July 2006);
- Topographical survey of the site and surrounding area.
- Annex A of Planning Circular 03/99
- Sewers for Adoption 7th Edition
- Master Plan SK01 (Barton Willmore October 2014)



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# 3 Preliminary Foul Drainage Strategy

## 3.1 FOUL CAPACITY ASSESSMENT

3.1.1 The estimated peak foul flow rate has been calculated for 93 residential units and approximately 900m$^2$ of employment use, based on 6 DWF (+10% infiltration), as 5.0 l/s. This figure has been used for correspondence with South West Water (SWW).

3.1.2 Based on the final masterplan the peak flows are as follows:

| Use | No. of Homes | Gross Floor Area (m$^2$) | Peak Flow (6.6 DWF) (l/s) |
|---|---|---|---|
| Dwellings | 93 | | 4.3 |
| Employment | | 900 | 0.7 |
| | | | 5.0 |

**Table 3.1:** Estimated peak foul flows

## 3.2 INITIAL RESPONSE FROM SOUTH WEST WATER

3.2.1 In March 2014, an initial approach was made to SWW Development Enquiries to ascertain the capacity available within the existing sewerage infrastructure. Their response was;

"only sewage treatment works capacity for a maximum of 50 dwellings & South West Water has no investment planned to upgrade the sewage treatment works."

Following this response, two options were considered due to the lack of capacity in the WWTW:

- Increasing the capacity of the works, or;
- Providing a private treatment works.

## 3.3 REVISED RESPONSE FROM SWW

3.3.1 Before the above assessment was completed, in April 2014, SWW advised that they had planned works at the Modbury sewage treatment works. They confirmed that they would provide sufficient capacity for the development. Given the proposed flows and constraints to the existing network, SWW have stated that connection will need to be to the existing sewer in Benedict Way. The capacity was re-checked and confirmed with SWW in November 2014.

## 3.4 PROPOSED FOUL DRAINAGE STRATEGY

3.4.1 The proposed development falls to the north away from the existing SWW sewers located in Barrack Road and Church Street. As the development is lower than the existing SWW network it will not be possible to install a gravity connection. To overcome this, either a pumping station or a package sewage treatment plant would be required.



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## 3.5 OPTION 1 – PUMPING STATION

3.5.1 Drawing SW-XXX-EN-021 contained in **Appendix** C shows the preliminary foul drainage option 1 layout that runs south to north across the site leading to a pumping station in the north corner. All of the site drainage will be fed by gravity to the pumping station. The pumping main will discharge via a new rising main to a gravity connection with the existing SWW combined sewer located adjacent to the junction between Benedict Way and Church Lane.

3.5.2 The estimated peak pump rate from the development, has been calculated as approximately 5.0 l/s. The network will require a 24 hour storage capacity of 62 cu.m as per tabel 3.2, below. This has been calculated as '200 l/head/day' x '3 persons per property' x '93 homes', plus '750 l/100m$^2$/day' for the 900m$^2$ of employment area; 10% is then added on to this figure to account for potential infiltration.

| Use | No. of Homes | Gross Floor Area (m$^2$) | Peak Flow (1 DWF) (m$^3$/day) |
|---|---|---|---|
| Dwellings | 93 | | 55.80 |
| Employment | | 900 | 6.75 |
| | | | 62.55 |

Table 3.2 Estimated pumping station foul storage

3.5.3 In accordance with SFA, the pumping station requires a 15m buffer zone to maintain adequate segregation from the residential areas with sufficient access for a tanker to carry out maintenance works. Sufficient space for the pump station and easement have been identified on the drainage strategy drawing SW-XXX-EN-021.

## 3.6 OPTION 2 – PACKAGED TREATMENT WORKS

3.6.1 The package treatment works (PTW) would be located in a similar position to the pumping station shown in option 1 and similarly all the drainage would flow to it by gravity. The PTW would treat the foul sewage and discharge the treated effluent northwards into the water course. Sludge would be retained and stored in a humus tank.

3.6.2 The PTW will require a special purpose management company to manage, maintain it and bill the residents within the development. The PTW will need to be desludged every 60 days.

3.6.3 In April 2014, WPL Limited who specialise in sewage treatment plant have provided a quotation and a design to supply a PTW which is located in **Appendix** G. They quoted £43,000 to supply and deliver a PTW.

3.6.4 A permit to discharge would be required from the EA for the sewage effluent.

## 3.7 PPG4 GUIDANCE

3.7.1 The PPG4 Guidance provides guidance on selecting the best option for sewage treatment and disposal, which acts as a basis for planning approval. It sets out a hierarchy of option that take preference which is shown below.



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# Conclusions

## 3.8 CONCLUSIONS

3.8.1 On the basis of the site review and information available, discharging the foul drainage from the development into the existing foul network is achievable using a pumping station.

3.8.2 SWW have confirmed that the foul drainage network has sufficient capacity to accommodate the development foul drainage.

3.8.3 SWW have confirmed that the development foul drainage can be discharged into the existing 150mm diameter combined sewer located adjacent to the junction between Benedict Way and Church Lane.

3.8.4 The hierarchy of sewage treatment set out in PPG 4 prioritises a connection to the public foul sewer.

3.8.5 The topography of the site does not allow the development foul drain to be discharged into the public foul sewer by gravity and hence a pumping station is required.

3.8.6 The pumping station requires a 15m buffer zone to maintain adequate segregation from the residential areas with sufficient access for a foul tanker for maintenance purposes.



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It is apparent that the pumping station was only designed for the first development.

UNITED BY OUR DIFFERENCE

WSP

# RESIDENTIAL DEVELOPMENT AT MODBURY

## TECHNICAL NOTE – FOUL DRAINAGE STRATEGY

| | |
|---|---|
| Job Title | Residential Development at Modbury |
| Project Number | 70000232 |
| Date | 09 June 2014 |
| Client | Bloor Homes |
| Prepared by | Chris Rogers |
| Checked by | Gordon Davis |
| Authorised by | |
| File Reference | c:\users\ukcsr002\documents\modbury foul drainage technical note.doc |

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WSP Group plc
Offices worldwide
www.wspgroup.com

### 1.1 INTRODUCTION

1.1.1 Bloor Homes propose to develop a greenfield site for approximately 70 residential properties In Modbury, South Devon. The local area is served by an existing South West Water treatment works (Modbury WWTW).

1.1.2 This note considers the foul water drainage strategy for the site and the potential for a private sewage treatment system to be installed at the future development.

### 1.2 INITIAL RESPONSE FROM SOUTH WEST WATER

1.2.1 In March 2014, an initial approach was made to SWW Development Enquiries to ascertain the capacity available within the existing sewerage infrastructure. Their response was that there was;

*"only sewage treatment works capacity for a maximum of 50 dwellings & South West Water has no investment planned to upgrade the sewage treatment works."*

1.2.2 Following this response, two options were considered;

- increasing the capacity of the works, or;
- providing a private treatment plant.

These were both considered as although there is a hierarchy of treatment sanctioned by the Environment Agency (starting with connection to an existing public sewerage system), there is also a financial test when this is not practical. Annex A of Planning Circular 03/99 deals with this issue as reproduced below.

*"If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered. The plant should offer full treatment (including secondary and if necessary tertiary treatment) with the final effluent discharge from it meeting the standard and conditions set by the Environment Agency where applicable. The proposal for a package plant should also set out*

*clearly the responsibility and means of operation and maintenance to ensure that the discharge consent is not likely to be infringed in the life of the plant. This may be achieved by having the treatment plant including, if necessary, any associated sewers adopted by the sewerage undertaker under section 104 of the Water Industry Act 1991. The cost and difficulty of maintaining relatively sophisticated package plants may render them unsuitable for small scale developments such as single dwellings."*

1.2.3 As a consequence, an outline scheme was considered with a private package treatment plant.

## 1.3 REVISED RESPONSE FROM SWW

1.3.1 As the site masterplan was being developed, SWW advised in April 2014 that they had planned works at the Modbury WWTW which would provide sufficient capacity for the development at Modbury;

*"Modbury sewage treatment works discharges its effluent to a tributary of the River Erme. Mothcombe Beach where the Erme enters the sea is designated bathing water and the effluent quality from the sewage treatment works needs to meet appropriate standards and in recognition of such we have improvements works planned which will be completed early next year and these will provide sufficient capacity to accommodate your full development proposals."*

1.3.2 This revised advice from SWW is a substantive change and has a significant bearing on the sequential test relating to hierarchy of treatment. It is clear that the hierarchy can now be followed as there is capacity within the existing municipal system through the installation of an adoptable pumping station. As such the test for private treatment will not be considered as there is a feasible option to connect to the public system.

## 1.4 CONCLUSIONS

1.4.1 The Planning Authority will refer to both SWW and the EA when considering the application. In this instance there is a feasible method of connecting to the public sewerage system which has confirmed capacity for the development. The EA and SWW will follow the published treatment hierarchy which requires connection to the public system, if feasible.

1.4.2 On this basis, we conclude that the connection will require a "Sewers for Adoption" pumping station at the low point with a rising main discharging to the existing public sewerage system and draining to Modbury WWTW.

1.4.3 We cannot recommend that that a private treatment system is considered.



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**Surface Water Maintenance Plan - Modbury Phase 2 – 40 houses.**

**Email correspondence.**

**17th October 2017**

*'To: Dunn, Martyn J*

*Subject: RE: WR 2874135 - Land at Barrack Road, Modbury, PL21 0RP*

*Martyn, Following some additional queries from our client I would be grateful if you could comment on the following in connection with the above enquiry.* ***If we were to consider the foul flows from 40 units instead of 100 to discharge via the Phase 1 pumping station (subject to load acceptance for additional flows) and towards Church Lane*** *(to the south of the site) would this be acceptable to the SWW receiving main at Church Lane?* ***We are trying to determine the number of additional properties that would effectively tip the balance within SWW services to the south.***

*Kind Regards*

*Mercedes*

*Mercedes Uden Principal Engineer (Flood Risk)'*

**19th October 2017**

*'Many Thanks for your time on the phone yesterday to talk through and clarify the Modbury drainage.*

*Please could you just confirm in an email that the SWW asset downstream of the new rising main (end of Benedict Way) does have capacity for an additional 100 units over that granted for phase 1 (Phase 1 = 93 Units, Phase 2 = additional 40 units,* ***Phase 3 = additional 60 units****)*

*As discussed* ***we will review the implications of adding these units to the existing phase 1 pumping station****.*

*Many thanks*

*Nick*

*Nick Coles*

*Principal Engineer'*

**19th October 2017**

*'Nick Coles Subject: RE: WR 2874135 - Land at Barrack Road, Modbury, PL21 0RP*

*Nick your understanding as detailed below is correct in that capacity is available for the further 100 units if you drain via Benedict Way.*

*Regards Martyn Dunn Development Coordinator'.*

These documents and emails clearly demonstrate:

- **That there was no original plan for the site other than for 93 dwellings and employment facilities (the pumping station required a review of the implications of adding more houses).**
- **The pumping station was only designed for the original development.**
- **Southwest Water were only assessing the pipework capacity and not the Modbury STW capacity.**

**It raises the serious question of 'What if' there is a power failure in Modbury.**

**How many hours can the pumping station last before sewage spills out into the countryside below?**

The Sewage Pumping Station.



The phase 2 development has now been built.

**It should be known what the capability of the pumping station is because it was stated:**

***'As discussed we will review the implications of adding these units to the existing phase 1 pumping station'.***

The planning application 4116/24/OPA carries the same message.

**Flood Risk Assessment & Drainage Strategy**

**Palm Cross Extension, Modbury**

**Page 12 Drainage.**

*'Comments from the LLFA for the previous Phase 2 application suggest that additional silt management for the Ponds is likely to be important – and therefore it is likely that a Proprietary Treatment System (i.e. a Downstream Defender etc.) should be included prior to flows discharging to the Ponds. Calculations for the proposed ponds have been undertaken for a 1 in 100-year event, with 50% climate change allowance. An urban creep value of 10% has been added to impermeable areas used within calculations. Currently the site is not believed to have any foul connections.* ***It is expected that foul drainage flows from the site will be collected via a series of manholes and pipes to be discharged to an existing South West Water (SWW) VC 150mm diameter combined public sewer located at the junction of Benedict Way/Church Lane to the south of the site.***

***The topography of the site dictates that a direct gravity connection will not be possible; instead flows will flow primarily by gravity to a pumping station within the Phase 1 site (via the Phase 2 drainage already installed) to the south before being pumped in a rising main to discharge into the existing SWW system.***

## *The capacity of the Phase 1 pumping station would need to be confirmed in relation to the current S104 agreement.'*

*A small area of Phase 3 may need to be served by a private Pumping Station to transfer the flows back to the Phase 1/2 networks.*

This is the same company (Clarkebond (UK) Limited) who said in their 2018 '*The capacity of the Phase 1 pumping station would need to be confirmed'.*

The Local Planning Authority should obtain the capacity details to confirm that the sewage pumping station is fit for purpose because the development will be over 100% larger than originally provided for. The applicant must know these details because they previously reviewed the pumping stations capacity.

The LPA should ask for an update.

What is the capacity of the Modbury STW?

We can see from details available online that over 14 days from the 5th to the 19th of December, the Modbury Wastewater Treatment works has been discharging raw sewage (and all the other things within the water) for a period totalling over 8 days.

**Ayleston Brook (S) at Modbury Wastewater Treatment Works**

This station collects multiple metrics

Sewage Discharge (1) | Sewage Discharge Live (2)

**View Reports that include this Station**

Ermington | Modbury | SOUTH WEST WATER

**Live Sewage Status**

Sewage is currently being discharged as of our last update for this station at **11:00 19 Dec.**
The discharge began at 05:39 17 Dec, this was 3224 minutes ago*.
The water course declared as receiving spills from this monitor is AYLESTON BROOK (S).
The declared operator of this monitor is SOUTH WEST WATER

**Discharge Timeline (Last 14 Days)**

1 Day | 2 Days | 3 Days | 7 Days | 14 Days

*Small discharge periods may not be visible on smaller screens or with a larger history shown, offline periods are not shown.*

| Total Discharge Events | Total Discharge Time (Minutes) |
|---|---|
| 12 | 11759 |

**Discharge List**

| # | Start Time | End Time | Duration (minutes) |
|---|---|---|---|
| 1 | 05/12/2025, 14:48:54 | 06/12/2025, 13:02:58 | 1334.0666666666666 |
| 2 | 06/12/2025, 14:14:47 | 06/12/2025, 17:54:06 | 219.31666666666666 |
| 3 | 06/12/2025, 20:03:39 | 06/12/2025, 21:50:33 | 106.9 |
| 4 | 07/12/2025, 03:30:30 | 08/12/2025, 04:03:37 | 1473.1166666666666 |
| 5 | 08/12/2025, 06:50:48 | 08/12/2025, 15:41:50 | 531.0333333333333 |
| 6 | 08/12/2025, 18:54:08 | 10/12/2025, 15:44:10 | 2690.0333333333333 |
| 7 | 10/12/2025, 20:08:48 | 10/12/2025, 20:41:57 | 33.15 |
| 8 | 10/12/2025, 20:53:29 | 10/12/2025, 23:00:00 | 126.51666666666667 |
| 9 | 11/12/2025, 03:19:37 | 11/12/2025, 09:01:00 | 341.3833333333333 |
| 10 | 11/12/2025, 11:10:35 | 11/12/2025, 11:26:37 | 16.033333333333335 |
| 11 | 15/12/2025, 07:55:24 | 16/12/2025, 11:37:39 | 1662.25 |
| 12 | 17/12/2025, 05:39:13 | 19/12/2025, 11:24:06 | 3224.89935 |

# South West Water Carries Out Major Upgrade to Modbury's Sewer Network

13 Mar 2024

Community | Business | Engineering

Share




South West Water has carried out a major upgrade to the main sewer in Modbury, which will make sure the village's wastewater network is fit for the future.

The £730,000 work, part of a significant investment programme to upgrade and future proof sewers across the south west, began in January to avoid disrupting the village during the festive period.

How can South West Water state that there is spare capacity at this current time.  There are consequences.



Environment Agency | Bathing Water Quality | Find | Get the data | Glossary | Help | Web widgets

## 2025 Bathing Water Profile for Coastguards Beach, Erme Estuary

Devon, England

No pollution incidents reported.

The most recent classification is **Poor**, based on samples taken from 2024 through to 2025.

Poor bathing water quality

Advice against bathing

### About

Coastguards beach is at the mouth of the Erme Estuary on the south coast of Devon. It is a remote sandy bay, approximately 650 metres wide, backed by sand dunes and cliffs. It can be accessed from a footpath.

Here you can see the recent results from water quality assessments under the Bathing Water Directive. For historical measurements, view the detailed water quality data.

### Water quality

| | |
|---|---|
| **Samples taken** | twenty times between May 1st 2025 and Sep 30th 2025 |
| **Most recently published sample** | was taken 96 days ago *Sep 14th 2025 10:35* |
| **2025 classification** | poor |
| **2024 classification** | poor |



And the Society question how this development can be seen as efficient use of land with the Agricultural Store At SX 6570 5219 Park Farm, Barrack Road, Modbury with a long strip of land cut off from any agricultural use.



Overall, the Society consider the development to be unsustainable development.

A development of over 208 houses will have provided 3 employment units totalling 452 $M^2$ in the village.

This means that most of the working population will be commuters reliant on cars. The one-hour bus service cannot shift more than 70 passengers an hour serving Kingsbridge to Plymouth to an already congested city traffic system.

The latest proposal would place a further burden on the environment with a failing sewage system.

The location is outside the settlement boundary as designated in the Joint Local Plan and Modbury Neighbourhood Plan.

The rural village of Modbury straddling the South Devon National Park border has witnessed a population growth from 2011 to 2021 of over 23%.

The Society note the position of the Modbury Parish Council:

*'Modbury Parish Council objects to this proposal on the grounds that there is insufficient justification for a major development outside the settlement boundary, as detailed in the Joint Local Plan and Modbury Neighbourhood Plan. Priority should be given to building on brownfield sites rather than losing good quality green field land. We recognize the pressure to meet national building targets but believe that housing numbers should not outweigh the responsibility to design well integrated development that fits local need. The revised application does not allay the concerns raised in our original response and would place an unacceptable burden on infrastructure, safe movement and quality of life for existing residents. The proposals do not justify development on a non-designated site and are contrary to key policies in the Neighbourhood Plan which forms a component of the planning process which the government has undertaken to respect'.*

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

For and on behalf of the South Hams Society.

Leslie Pengelly,
Planning Lead

**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.'*

*'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**.

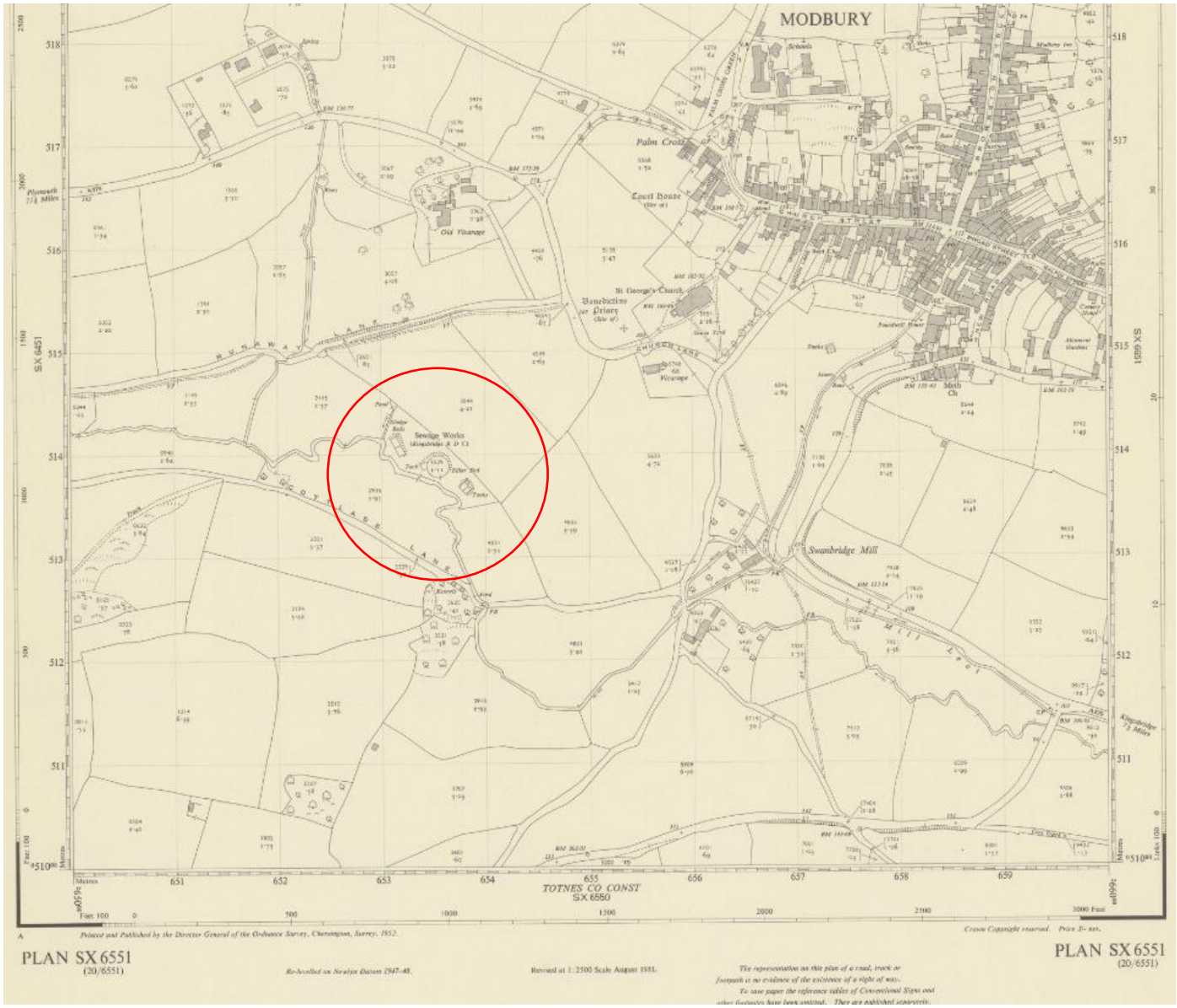
The '*South West Water Drainage and Wastewater Management Plan Yealm-Erme May 2023*' records the following for 'dry weather flow results and permits from 2018-2020' on table 13.

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:



**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 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Modbury WWTW & Poundwell Meadow CSO (Discharges to Ayleston Brook and out onto the River Erme) | 270 | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% | Spill Hours | Spill No. | Op% |
| | | 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**






**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.

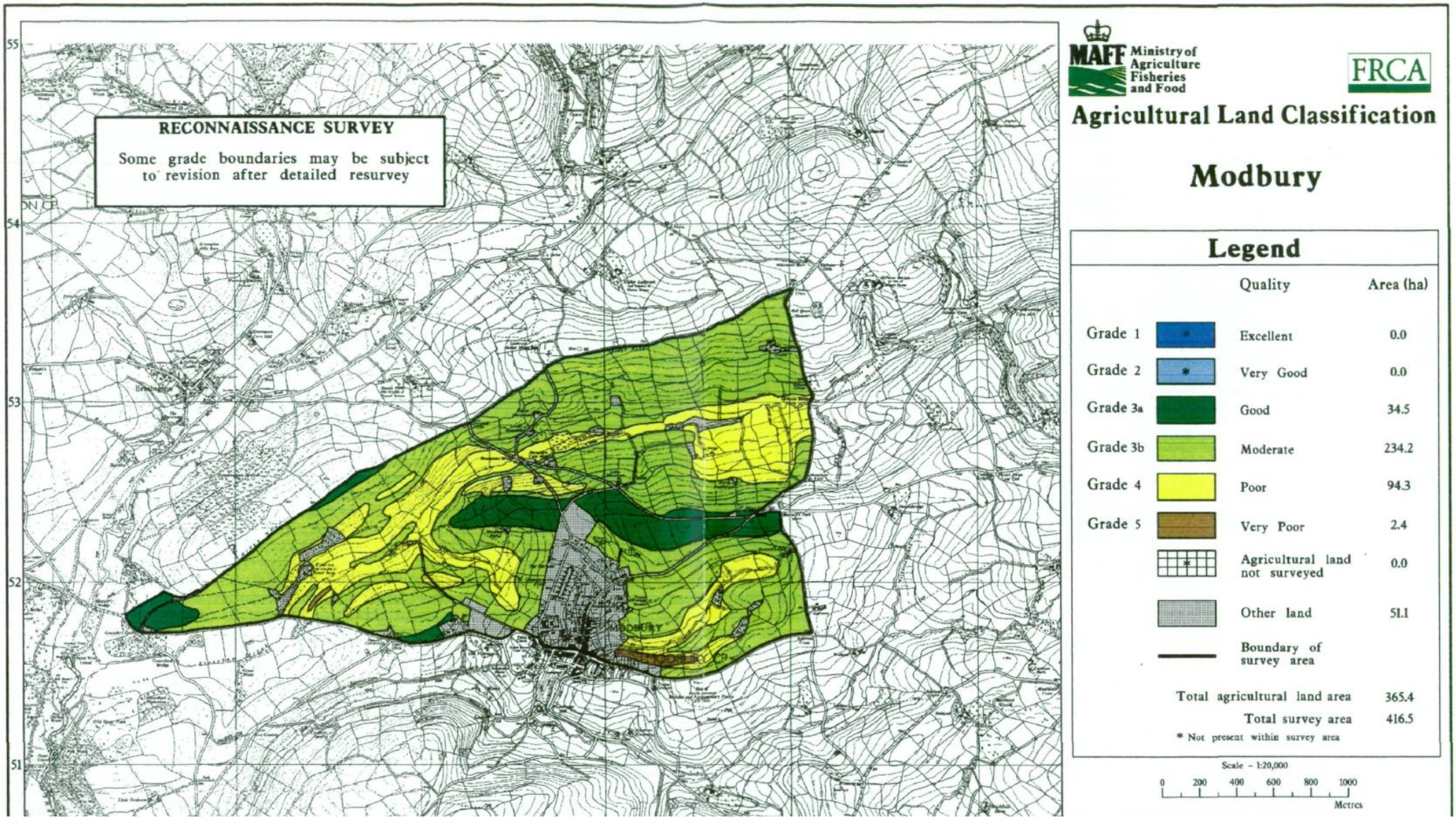
Following the brown flag award at the Coastguards beach, the local planning should obtain confirmation that this 70 year old aging waste water treatment works can accommodate another 75 dwellings in addition to the 40 dwellings built since South West Water stated that the WWTW at Modbury to be ‘near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

# ALC Modbury


RECONNAISSANCE SURVEY
Some grade boundaries may be subject to revision after detailed resurvey
MAFF Ministry of Agriculture Fisheries and Food
FRCA
Agricultural Land Classification
Modbury
Legend
Quality
Area (ha)
Grade 1 Excellent 0.0
Grade 2 Very Good 0.0
Grade 3a Good 34.5
Grade 3b Moderate 234.2
Grade 4 Poor 94.3
Grade 5 Very Poor 2.4
Agricultural land not surveyed 0.0
Other land 51.1
Boundary of survey area
Total agricultural land area 365.4
Total survey area 416.5
* Not present within survey area
Scale - 1:20,000
0 200 400 600 800 1000
Metres

## Modbury's Sewage Treatment Works alongside Ayleston Brook

