

# Appendix 4

## Consultation responses

## DH LDO Consultation response summary

No	Name / Organisation	Comments received	Consideration
1	Environment Agency	<p>We have no objections to the granting of this Local Development Order with a revised boundary for district heating networks, subject to the inclusion of restrictions to development in flood zones 2 and 3 and main rivers (as proposed) and the inclusion of a condition relating to contaminated land. The suggested wording for this condition and the reason for this position is provided below.</p> <p><b>Condition – Contaminated Land</b>            No development within the active or historic landfill, or within 5 metres of the active or historic landfill at 'Hill Barton' approved by this Local Development Order shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> <li>1. A preliminary risk assessment which has identified:               <ul style="list-style-type: none"> <li>· all previous uses</li> <li>· potential contaminants associated with those uses</li> <li>· a conceptual model of the site indicating sources, pathways and receptors</li> <li>· potentially unacceptable risks arising from contamination at the site</li> </ul> </li> <li>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.</li> <li>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</li> <li>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</li> </ol> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason - To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.</p> <p><b>Reason – Flood Risk</b>            The alteration to the red line boundary of the Local Development Order (LDO) does not alter our position with regards to flood risk and impact to main rivers. Section 3 of the draft LDO restricts development where it would be located within 8 metres of a main river or where any above ground development would be sited within flood zones 2 and 3. We maintain our support for this approach.</p> <p><b>Reason – Contaminated Land</b></p>	<p>The recommended Condition is to be added to the LDO – to affect only the areas specified in the condition.</p>

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		<p>The extension of the red line boundary leads to the inclusion of part of the current and historic landfill sites at Hill Barton. These sites inherently pose risks regarding contaminated land and the potential impact to sensitive receptors. As such, we recommend the above condition to be placed on the Order to ensure that sufficient assessment is undertaken prior to the commencement of any development within the landfill and historic landfill and within 5 meters of the boundary of the landfill and historic landfill. Alternatively, you may consider it more effective to add an additional point to Section 3 that any development within, and within 5 metres of the Hill Barton current and historic landfill is not permitted.</p>	
2	Devon & Cornwall Police	<p>I have no objection or comments at this stage.</p>	
3	National Highways	<p>In accordance with NRSWA, National Highways require that any apparatus placed in our highway is undertaken by a Statutory body such as a Local Authority commissioning the works, or a Statutory undertaker. Should the LDO seek to licence a non-statutory organisation, National Highways will look to secure, in advance, relevant and full funding to cover the potential future requirement of removing the apparatus and reinstatement of the highway in the event that this should be necessary.</p> <p>Therefore, whilst we have no objection in principle to the revised boundary of the LDO, we wish to bring the following requirements to your attention:</p> <p>Should anything associated to this Order require the placement of apparatus or other assets in land owned by National Highways that is not highway this will require the applicant to enter into the appropriate legal agreements for which provision will be subject, but not limited to, National Highways design, relevant audits, installation and maintenance requirements that may define conditions that conflict with the LDO (e.g. height of above-ground apparatus and other assets). All costs associated with the drawing up of the necessary legal agreements must be borne by the applicant.</p> <p>Should anything associated to this Order require the placement of apparatus or other assets in highway maintained by National Highways, the planning authority is strongly recommended to consider the following constraints to ensure the objectives of any proposals can be efficiently achieved at a later date:</p> <ul style="list-style-type: none"> <li>• The requirements of the New Roads and Street Works Act (NRSWA) 1991 will apply to the placement and maintenance of any apparatus in highway.</li> <li>• National Highways will seek to exhaust all means to ensure that any apparatus is placed by a statutory undertaker or authority with powers for the placing of such apparatus as defined by NRSWA 1991.</li> <li>• Where apparatus is to be placed and maintained in a highway defined as 'protected', a consent is required under <a href="#">section 61 of NRSWA</a> and National Highways retains the right to refuse consent where it is believed that a reasonable alternative exists. The determination of a reasonable alternative route will be based on the consideration of the long-term risk of apparatus existing within the protected street (e.g. maintenance and/or faults causing damage to the highway, traffic disruption) and not simply any additional re-routing installation costs incurred. National Highways has the power to apply conditions to any such consent and to charge an upfront and annual fee to administer the consent.</li> <li>• It should be expected that the provision of any consents and licences would only be considered for apparatus being placed across the highway (laterally, not along it) and only where no other apparatus route exists which would need to be evidenced.</li> <li>• Apparatus proposals will be subject to extensive design checks and scrutiny to ensure all risks associated to the apparatus, including any arising from future maintenance and faults including repairs, are mitigated in the design which may incur additional design, construction and maintenance costs.</li> </ul>	<p>The LDO does not override other legislation and does not enable the developer to bypass the need to enter into legal agreements with the landowner.</p> <p>The requirements of the New Roads and Street Works Act (NRSWA) 1991 will still apply and National Highways will still retain their right to refuse consent.</p>

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		<ul style="list-style-type: none"> <li>Where apparatus is proposed to be installed by an organisation that is not defined as a statutory undertaker or authority with powers for the placing of such apparatus, a licence under section 50 of NRSWA 1991 will be required and we <b>strongly recommend</b> that particular regard is given by the planning authority to the full contents of Schedule 3 of NRSWA 1991 especially the limited right of appeal should National Highways reject an application. It should be expected that due to the nature of the proposal and type of apparatus, National Highways would seek to receive a licence application from the organisation with overarching responsibility for the apparatus as owner (i.e. the organisation commissioning works) and not the contractor responsible only for its installation. If a proposal is approved, the licence may be subject to a bond to secure funds for the costs of abandoning and/or removing the apparatus in the event that the licence holder cannot fulfil their future responsibilities to remove it. The licence applicant would be required to demonstrate how information about the existence of the apparatus would be recorded and shared to those with an interest on request (i.e. other organisations with a need to identify existing apparatus in the highway prior to undertaking their own works) for the full period of time that any apparatus exists in situ. National Highways have the power to apply conditions to any such licence and to charge an upfront and annual fee to administer the licence.</li> </ul>	
4	DCC Historic Environment	The Historic Environment Team concurs with the proposed wording of the archaeological condition as set out as condition 4(f) within the Local development Order and has no additional comments to make on this planning application.	
5	Cranbrook Town Council	<p>The Committee considered an application for the revised boundary for the adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO District Heating System Clyst Honiton.</p> <p>The change proposed represented a wider geographical area to include the Hill Barton development and would enable a greener heat solution for the town and wider area served by district heating.</p> <p>Following discussion, it was <b>resolved</b> to support application 23/1102/LDO.</p>	
6	Farringdon Parish Council	<p>We are concerned to see that EDDC seek to extend the LDO for Cranbrook's heating at the expense of parts of Farringdon.</p> <p>Farringdon Parish Council is concerned that if this is to proceed the residents in the Denbow part of Farringdon should be excluded from any LDO map so they are protected from having to battle to protect their rights against Stuart Partners. EDDC would leave the residents having to defend themselves on another front were this to be the case.</p> <p>As a PC we have over many years received complaints about noise, smells, dust and the use of the roads around Farringdon arising from the business at Hill Barton Business Park. The most recent travesty is the time that it is taken for the removal of an unlawful lorry park which the lack of prompt decision making both at EDDC and the Inspectorate at Bristol have left residents dismayed that agricultural land continues to be used as a lorry park contrary to its correct and lawful planning use and contrary to the Local plan which specifically restricts expansion at Hill Barton.</p> <p>The disregard of the landowner to the requirements set down by an enforcement notice (which appeal by Stuart Partners was dismissed) only adds to the concerns of residents that any allowance made for access across Farringdon for the purposes of the District Heating Network will once more leave the residents of</p>	<p>The LDO is a consent granted by the Local Planning Authority. Stuart Partners are not the applicants, there are no applicants as it is not relevant to the planning permission who undertakes development under the LDO.</p> <p>The LDO does not give rights to developers to undertake works without the landowner's consent.</p> <p>The development permitted under the LDO will result in an increase in noise, smell, dust and the use of roads around Farringdon. There may be some temporary disturbance during the installation of the pipes in terms of dust, noise and traffic.</p> <p>The LDO only relates to the installation of pipes for the district heat networks and no other development at Hill Barton Business Park.</p>

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		<p>this Parish exposed to the whims of businesses who have no regard for those who make their home in this village.</p> <p>If EDDC are still minded to proceed with the EfW plant and link up to the District Heating Network for Cranbrooks benefit then please exclude land at Denbow as residents there are requesting and ensure that there is no further expansion of the EfW plants at Hill Barton and Cranbrook meets its own needs from a purpose built plant built adjacent to their town.</p>	<p>The LDO does not include buildings, such as the EfW plant. Above ground development permitted by the LDO has to be no higher than 1m above ground level and no greater than 2.5 meters cubed in external volume.</p> <p>The LDO does not override the rights of the resident landowners at Denbow.</p>
7	Rep	<p>As a resident at Denbow House in Farringdon, I must object to the extension and revision of the LDO map as currently proposed.</p> <p>It seems highly unacceptable that this plan proposes to cover privately owned land. Indeed, the involvement of Stuart and Partners in providing energy from waste is not a matter that should involve private landowners in Farringdon at all.</p> <p>If EDDC intend to proceed this must be because of lack of good decision making and foresight. There are many more suitable sites closer to Cranbrook for further biomass production.</p> <p>Denbow has nothing to do with Cranbrook nor with Stuart and Partners. There is no reason why the Denbow part of Farringdon cannot be excluded from the proposed changes to the map.</p> <p>If you grant this without protecting and exempting land at Denbow for the private residences and land therein then you leave four private dwellings open to exploitation in the future.</p> <p>The proposed LDO map should therefore exclude the land which is referred to as Denbow Farms where are part of that marked area.</p>	<p>The LDO gives permitted development rights over the land, it is not relevant who the landowners are.</p> <p>Stuart and Partners are not applicants and have no involvement on the LDO – there are no applicants as the LDO is undertaken by the Council.</p> <p>The LDO does not permit biomass production.</p> <p>The current boundary of the LDO covers thousands of private residences. It does not affect their rights as landowners. There is no justified planning reason why the four dwellings at Denbow should be excluded from the proposed additional area. There is nothing in the LDO which forces landowners to have pipes installed on their land. Once installed there would be no adverse impact from owning land adjoining the pipes.</p>
8	Rep	<p>Firstly is the concern of expanding a heat network process that is well documented to deliver high carbon heat which is contrary to the East Devon Plan to achieve carbon neutrality by 2040. I would encourage the Council to seek supporting evidence to ensure that compliance to achieving 'zero' carbon is realistic before any acceptance of this application. Furthermore, I understand that the additional utility need still pertains to the original new town planning permission at Cranbrook despite a large compulsory purchase of land by the same company in 2020. It seems non-sensical to apply for use of land (outlined in the application) that is so far removed from that area. There are no formal planning applications for extensive housing in Farringdon at present. A further concern is that the land adjacent to Princes Cross towards the A3052 does water log quickly in heavy rain during winter. There is photographic evidence of this which may cause an issue with above ground structures etc. However, the land is proven to lend itself to successful farming and delivers a good crop yield in the summer as at present. I'm mindful of recent pressure from the EDDC planning department to create another large scale development of housing and are being offered substantial land by prominent landowners but shouldn't this decision be based on a clear 'need' basis? The recent public consultation that was well advertised and documented preferred sites for thousand of new houses around Farringdon concluded with little enthusiasm and very little public support in Exeter.</p> <p>(Firstly, as they are no formal planning applications for housing here as yet and a recent initial consultation process for additional housing needs met with very little enthusiasm and public support, I can't understand why land is not currently being sought nearer Cranbrook where the new town is still being built. I understand there is still a utility need under LDO for that ongoing housing development, despite a large compulsory purchase of land by the same Company in 2020. The other concern is that the land adjacent to Princes Cross towards the A3052 does water log easily being prone to flooding in heavy rain during winter which perhaps the applicant isn't aware</p>	<p>Currently East Devon's heat networks are connected to mains gas however the aim is to move to a reduced carbon solution, hence the proposed additional land to be included in the LDO which would enable pipes to be installed from the Skypark energy Centre to an energy from waste plant at Hill Barton Business Park.</p> <p>Pipes installed under the LDO will cause minimal disturbance to the agricultural processes of the land. There will be no increased risk to flooding and the Environment Agency support the approach taken to flood risk in the LDO.</p> <p>The LDO does not grant consent for housing.</p>

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		<p>of. There is photographic evidence of this which may cause an issue with above ground structures. I gather it's due to a combination of the soil constitute and a very high water table in this area which seems to have worsened significantly over time. If such a large scale development of housing is eventually needed in this locality as outlined on the plans and is supported by a clear need and local demand by the public, then it would make sense to consider this particular application at that time)</p>	
9	Rep	<p>Please be advised of our objection to the extension and revision of the LDO map as currently proposed. We do not accept that this should cover privately owned land nor any land which affects any residents at Farringdon by including them in the amended Map.</p> <p>The involvement of Stuart Partners in providing an Energy from Waste (EfW) plant is not a matter that should involve private landowners in Farringdon. It should not involve Farringdon at all.</p> <p>The EON plant is designated to provide for Cranbrook and there is extensive land where another EfW plant could be situated. If this is the future for Exeter's energy supply and is seen as lucrative then there will no doubt be investors who want to work with this and which the plant, then can naturally be used for the local residents it is intended for.</p> <p>The people of Farringdon appear to be considered the fall guys due to the lack of foresight on the part of EDDC. It is evident that a biomass boiler was intended to supply Cranbrook. If that has not worked for EDDC then it must not be for Farringdon residents to have to be responsible and be left to have to protect their rights because EDDC then decide to use the EfW plant provided by Stuart Partners.</p> <p>If EDDC intend to proceed, then Stuart Partners own land between Hill Barton and the A30 where the EfW can link to Cranbrook. It should not be something that affects residents here. There is no reason why the Denbow part of Farringdon cannot be excluded from the proposed changes to the Map. By including our part of Farringdon EDDC leaves us open to having to stand up and protect our area.</p> <p>The residents of Farringdon have ongoing issues with Hill Barton and EDDC by adding in parts of Farringdon to the LDO land means we would have a further layer of issues which we do not want to have to address at any time now or in the future.</p> <p>It is of no comfort that our ownership rights for our land are protected. If you grant this without protecting and exempting land at Denbow for the private residences and land therein then you leave us exposed to exploitation with applications for wayleave which we do not want to have to deal with. We moved here for a peaceful and tranquil life. The landowners seek to profit by EDDC's inability to support the heating needs of Cranbrook and at the expense of Farringdon residents. Please do not leave us to have to deal with these issues and ensure that our land and those of other residents at Denbow, being part of Farringdon, are protected from this.</p> <p>The proposed LDO map should therefore exclude the land as marked on the attached maps. Denbow Farm belongs to Stuart Partners so is excluded from the attached maps.</p> <p>Please listen to our concerns and ensure EDDC acts to protect the Denbow residents in Farringdon.</p>	<p>Within the existing and proposed LDO boundary East Devon District Council only owns a small area of land within Cranbrook Town Centre, Devon County Council own a number of parcels of land including the Skypark and Science Park. The remainder of the land is within private ownership.</p> <p>The LDO does not include the EfW plant.</p> <p>It is not considered that the development permitted under the LDO will affect the rights of the residents of Farringdon.</p> <p>There is no material planning reason why the LDO should exclude the properties of Denbow. The landowners will retain their rights to enter/not enter into easements to allow development on their land.</p> <p>The development permitted under the LDO is not considered to increase any adverse impacts from Hill Barton Business Park to nearby residents.</p> <p>The LDO covers a large area of land with thousands of properties. It is not considered that the LDO will result in exploitation of residents.</p>
10	Rep	<p>By extending the LDO as proposed, EDDC are yet again putting Farringdon under the 'development spotlight' with regard to the future spectre of mass unwarrented development which will irrecoverably destroy our beautiful and natural habitat along with precious acres of good viable farmland. The existing LDO, as adopted in July 2020, was seemingly adequate for purpose at the time, with Cranbrook well established and the Tithebarn development on the horizon.</p> <p>This amendment, even though the 'justification' for it points to supplying energy to Tithebarn and Cranbrook via the Science Park and Skypark Energy Plants, whilst maybe true, appears to be an opportunistic play by EDDC to ring-fence Farringdon in the process. It potentially lays the foundations for supplying energy to EDDC's so-called 'preferred option' new development, within the additional area marked in the proposed draft amendment (Draft Location Plan and Draft Map 3).</p>	<p>The LDO covers areas on Clyst Honiton, Cranbrook and Broadclyst as well as Farringdon.</p> <p>The proposed additional area would permit pipes to be installed from Hill Barton Business Park to the Skypark Energy Centre to facilitate a move away from mains gas for the district heating networks. Farringdon has not been ringfenced and only a section to the west of Farringdon is included in the proposed area. A wide area from Hill Barton up to the A30 is included in the</p>

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		<p>It appears to be a stealth / backdoor move, most likely orchestrated by the landowner and Brooke Energy, for financial reasons, but willingly accepted by EDDC as an 'easy option' to help bail Cranbrook and Titebarn out of an energy crisis due to the apparent inefficiency of the existing energy plants. The latter is either a result of poor future-proof planning, a failure on the part of the energy provider(s) to meet planned demand or it's a combination of both.</p> <p>Even though the pipe work will be underground, regardless of the 'conditions' imposed, those living within the area marked will endure nothing but further and increased disruption, noise and pollution from the works machinery, something that they are already enduring with increasing frequency from the Hill Barton site. Indeed, the proposed designated area includes the privately owned land at Denbow which will be another concern for those residents.</p> <p>For the reasons given above, please maintain the current adopted LDO and look to increasing the efficiency of the existing energy plants; or develop a further appropriate energy plant(s) on Skypark and / or at the Science Park, i.e. much closer to where the energy is required, with minimal disruption to residents and rural land and still within the bounds of the existing LDO.</p>	<p>proposals, enabling various options to be considered for the route.</p> <p>Disruption during construction will be time limited.</p> <p>The Energy from waste plant does not form part of the LDO.</p>
11	Rep	<p>We object to the extension and revision of the LDO map for as currently proposed; we do not accept that this should cover privately owned land.</p> <p>The involvement of Stuart &amp; Partners in providing an Energy from Waste (EfW) is not a matter that should involve private landowners in Farringdon. The EON plant, in our view, is designated to provide for Cranbrook and there is extensive land where another EfW plant could be situated closer to that location. If this is the future for Exeter's energy supply and seen as lucrative then there will no doubt be investors who want to work with this and which the plant then can naturally, and more appropriately, be used for the residents it is intended for.</p> <p>To us, it feels as if Farringdon residents are the 'fall guys' for lack of foresight on the part of EDDC. It is evident that the biomass boiler was intended to supply Cranbrook. If that has not worked for EDDC then it must not be for Farringdon residents to have to be responsible and be left to have to protect their rights because EDDC decide to use the EfW provided by Stuart &amp; Partners.</p> <p>If EDDC intend to proceed, Stuart &amp; Partners own land between Hill Barton and the A30 where the EfW could link to Cranbrook. We do not think that this is something that should affect Farringdon residents. There is no reason why the Denbow part of Farringdon cannot be excluded from the proposed changes to the map. By including our part of Farringdon EDDC leaves us open to having to stand up and protect our area ourselves.</p> <p>The residents of Farringdon have ongoing issues with Hill Barton and EDDC add this means we would have a further layer of issues which we do not want to have to address at any time now or in the future.</p> <p>It is of no comfort that our ownership rights for our land are protected. If you grant this without protecting and exempting land at Denbow for the private residences and land therein then you leave us exposed to exploitation with applications for wayleave which we do not want to have to deal with. We have an equestrian property and we specifically came here for peace and quiet and of our horses to be able to have a life free from the kind of stress and noises that will no doubt emanate from this proposal. Horses are febrile creatures and small stresses can have a disproportionate negative effect on their disposition and any unwelcome activity is likely to reduce that quite considerably if it affects his performance. It is our view that the landowners seek to profit by EDDC's</p>	<p>The majority of the land within the existing area is privately owned and all of the land in the proposed additional area is privately owned.</p> <p>Stuart &amp; Partners have no involvement in the LDO. The EfW does not form part of the LDO.</p> <p>The LDO will not affect the rights of landowners with Farringdon or the other Parish's.</p> <p>There is considered to be no adverse impacts upon the residents of Denbow other than some possible short term disturbance during the installation of pipes. There is therefore no material planning reason to exclude specific properties from the proposed additional area. The landowners will retain their right to not enter into easements allowing the installation of pipes on their land.</p> <p>The development permitted under the LDO is not considered to be detrimental to the welfare of horses grazing the land. Pipes will only be installed in agreement with the landowners so they would need to take appropriate measures regarding grazing of horses on the land during the installation of the pipes.</p> <p>The LDO is not considered to be of detriment to the residents of Farringdon or the other Parish's.</p>

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		inability to support the heating needs of Cranbrook but at the expense of Farringdon residents. This is not right and should not be so. We need protection from this.	
12	Rep	<p>We object strongly to the extension and revision of the LDO map as proposed.</p> <p>We do not accept that this should cover privately owned land.</p> <p>The proposed LDO map should exclude the land which is referred to as Denbow farms as we are part of that marked area.</p> <p>The involvement of Stuart &amp; Partners in providing an Energy from Waste is not a matter that should involve us, we are already plagued by noise and smells from the industrial estate and this will be yet another intrusion.</p>	As already stated the majority of land in the existing and proposed area is privately owned however the LDO does not override the ownership rights of the landowners.
13	Rep	<p>I object to this 'Revised boundary for the Adopted Local Development Order (LDO) for District Heating Networks under application number 20/0530/LDO'.</p> <p>EDDC should not grant this application because it would serve to oversimplify the approach to planning (potentially accelerating inappropriate applications) and reduce regulatory processes/oversight.</p> <p>Context: District Heating Networks have come under fierce criticism for the following significant issues:</p> <ol style="list-style-type: none"> <li>1. Exceptionally high heating and power costs for residential customers.</li> <li>2. Poor reliability and long periods with no service whatsoever for all customers including persons identified as being vulnerable/elderly.</li> <li>3. Significant highways/traffic disruption including excess noise, dust and heavy haulage.</li> <li>4. Creation of a monopoly with zero competition and complete reliance on a single District Heating and power provider.</li> </ol> <p>Specifically EDDC planning policy currently contravenes the Equalities Act 2010 as the Council's active promotion of District Heating Networks can be said to be 'discriminatory'. The Act protects people against discrimination, harassment or victimisation in employment, and as users of private and public services based on nine protected characteristics which notably include age, disability, pregnancy and maternity. These four are the groups most likely to suffer discrimination in respect of negative impacts from District Heating Networks being imposed upon them by the local authority.</p> <p>I urge the planning team to recommend against approving this planning application and furthermore I urge EDDC to undertake a thorough review of the entire policy approach towards District Heating Networks.</p>	<p>The LDO has already been adopted for a large area to the north of the A30, the proposals put forward are to extend the boundary for the installation of infrastructure. The LDO does not control the heat networks, it does not control costs, reliability or creation of monopoly with heating supply.</p> <p>Disturbance will be limited to the locality of development and will be temporary during installation periods only.</p> <p>As with other planning consents the LDO does not override regulatory processes.</p> <p>Simplified planning is supported at national level through the NPPF and locally through the designations of the Enterprise Zone.</p> <p>The LDO is not considered to contravene the Equalities Act 2010.</p>