Dear Teignbridge District Council Planning Department,

The planning committee of Ide Parish Council have inspected and considered planning

application **22/00452/MAJ**, Springwell Nursery, Ide, Devon, EX2 9FB. Removal of condition 5 (footpath widening) on planning permission 18/01024/MAJ (Erection of a new garden sales area building including ancillary cafe/restaurant, storage/warehouse, new public car parking area and turning area)

**The committee unanimously felt that this application was one that they were not to support.**

We have looked back at the original planning application(18/01024/MAJ) to check the text of the conditions and these are our comments and observations.

1. The applicant sent a Section 73 supporting statement to TDC on 1 March 2022 requesting removal of Condition 5.

On page 7 he states, *"The Councils [sic] reason for the widening of the footpath is purely for aesthetic value only, the reason states the works are required to “ensure a satisfactory appearance to the highways infrastructure” not in regard to any highway safety reasons.”*

This is simply false. The text of Condition 5 contains the reasons it was set, and it reads as follows:

“To ensure that the estate streets serving the development are maintained to an **acceptable standard in the interest of highway safety**, to ensure a satisfactory appearance to the highway’s infrastructure serving the development and to safeguard the visual amenities of the locality and users of the highway”.

The applicant has chosen to misrepresent the terms of the condition by omitting the first of the three reasons - and the prime reason - underpinning it, which relates to highway safety. This is especially surprising, since the applicant reproduces the text of Condition 5 verbatim, and accurately, on page 3 of their statement.

2. On page 7 the applicant states that the current footpath is in good order. It is not in good order. It is cratered in parts.

3. The current footpath is indeed narrowed to 1.5 m in parts near the roundabout by poor maintenance of encroaching grass verges. But a 2m wide path is unacceptable. When built, it was illegal to cycle on a pavement.  Now that the path is designated for shared cycle and pedestrian use, it needs widening, and this is why the condition was set. It is not wide enough for pedestrians and cyclists (page 10 applicant’s statement). We refer to Sustrans traffic-free routes and greenways design guide published 13 Nov 2019, section 7 on Geometric Design: the recommended effective widths for shared routes is 2.5m as an absolute minimum, 3.0m as a desirable minimum. When a kerb is present, as is the case in this instance, one must add an additional 0.2m to the width. So, for our shared path, the absolute minimum width should be 2.7m, the desirable width 3.2m. **It definitely needs widening.**

4.The road is called Ide Village Road, not Ide Road.

5. The existing footbridge (page 8 of applicant’s statement) is 300m west (not east) of the development site.

6. Citing the NPPF July 2021 and the six tests (page 6 & 7 of statement) does not assist the applicant’s request, since Condition 5 passes all six tests without difficulty.

7. The applicant states on page 11 that there is no need to improve the existing pathway as there are existing, alternative routes available which better link the development with Ide and Exeter. This is not a view we share. The route allows access to Alphington, as distinct from routes to Ide and Exeter. It is in frequent and regular use, and should be brought up to standard and kept in good condition.

8. We would agree with the applicant’s plea that it is unreasonable to insist that they would be responsible for the path’s maintenance in perpetuity. To quote from their statement: "*The applicant is also required maintain [sic] the footpath/cycleway in perpetuity, for the lifetime of the garden centre.”*However, we can find no such condition or stricture in the Planning Authority officer’s decision notice or any other part of the planning permission documentation. It is not clear to us why the applicant has reached this conclusion.

The pathway would always remain the property of the Highways Authority; and the condition requiring widening and upgrading is clearly a one-off order to be completed at the time of the garden centre development. The notion of a responsibility for the pathway in perpetuity appears baseless.

In summary we feel that the existing shared path and cycleway is a vital green transportation route for many people who will be potentially visiting the cafe area of this development. Not just from Ide but also from Alphington / Exeter.

The existing pathway isn't fit for purpose in its current state and so the removal of condition 5 would impact the usability for many people to access the site.

Yours sincerely,

Ben Ervine,

Chair, Ide Parish Council Planning Committee