

Proposed South Devon Link Road (Kingskerswell Bypass)

Compulsory Purchase Orders and Side Road Orders

Public Inquiry due to start 7 July 2009

**PROOF OF EVIDENCE SUBMITTED BY PATRICIA HARTLEY, CHAIRMAN OF  
KINGSKERSWELL PARISH COUNCIL ON BEHALF OF  
KINGSKERSWELL PARISH COUNCIL**

address:

The Pavilion  
Kingskerswell Playing Field  
Off Manor Drive  
Kingskerswell  
Newton Abbot  
Devon  
TQ12 5HB

PROOF EVIDENCE BY PATRICIA HARTLEY, CHAIRMAN  
OF KINGSKERSWELL PARISH COUNCIL ON BEHALF OF  
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Appendices:

PHA - E-mail sent to Mr Paul Ewings dated 1 June 2009

PHB - E-mail sent to Mr Paul Ewings dated 3 June 2009

PHC - Copy of Notice for Open meeting to be held on 23 June 2009

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Introduction

Kerswell Down (the area known as the Eastern Down) was given to the Parish as a Millennium gift by a local landowner. The total area of the Eastern Down is some 30 acres consisting of mixed woodland and grassland.

Kerswell Down is an important area of Devonian Limestone Common Land which is greatly valued for its wildlife, geology and historical interest, it is a unique site in South Devon. Unimproved limestone habitats, especially grassland, are scarce in Devon. As it has not been grazed for many years, may be 60 or more it has become more scrubby and wooded with some loss of flower-rich limestone grassland. It is well-known as a beauty spot, a wildlife haven and contains many rare flora and fauna. Practically the whole of the Down which is East and West of the North/South Wall is a site of a large prehistoric (late bronze age/early iron age) field system. This site is now a Scheduled Ancient Monument by English Heritage. It is also a designated County Wildlife Site and a valued local amenity.

Public consultation emphasised its importance to local people for quiet recreation, which, taken with the sensitivity of its habitats and wildlife, limit the number of people and the level of recreational activities that the site can take without unacceptable damage.

The Down is managed by the Down Management Committee which is made up of representatives from Kingskerswell Parish Council, Kingskerswell Natural History Society, Kingskerswell and District Conservation Society, Carswella Local History Society, The Local Tree Warden and interested members of public.

The riding of horses, motorbikes and bicycles are forbidden on the Down.

To ensure that the Down is managed correctly a Down Management Plan was written and this is updated on a regular basis.

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Grounds of Objection

Residents of Kingskerswell and surrounding area have had unrestricted access to the Eastern Down. This access includes the area which Devon County Council wish to give as Exchange Land for the portion that is being taken to build the proposed South Devon Link Road (Kingskerswell Bypass). This is NOT advantageous to the village. Devon County are trying to give the village land over which they already have access and it could therefore be said that they are giving the village nothing. I would refer you to Circular 06/2004 that was issued by the Office of the Deputy Prime Minister relating to Compulsory Purchase Orders. The Parish Council also object to the closure of Churchway, this lane has been used for generations as a link not only to North Whilborough but also to the Kerswell Down. By the closure of Churchway Devon County Council are depriving the village of an ancient thoroughfare.

Compulsory Purchase and Side Road Exhibition

Towards the end of 2008 Devon County Council held an exhibition in the village to show the areas that were covered by both the Compulsory Purchase Orders and the Side road orders. Whilst at the exhibition it became clear that the members of public present were not happy with the information shown on the plans regarding the Compulsory Purchase Order for the Down. It was pointed out to me, as Chairman of Kingskerswell Parish Council, that many of the villagers were unable to read the maps and clearly understand exactly what the area entailed. I pointed this out to representatives of both Devon County Council and Parsons Brinkerhoff both of whom were present at the exhibition. I suggested that it would be very helpful if the area in question could be pegged out and a map provided showing the position of the pegs. After much discussion it was agreed that this would be done which was much appreciated. As the Compulsory Purchase of the Common Land is of such importance to the village I called on behalf of the Kingskerswell Parish Council a public meeting which was held in St Mary's Church Kingskerswell on Wednesday 22 October 2008. Present at the meeting to answer residents questions was

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Paul Ewings from Devon County Council. It was made clear to Devon County council from the outset that the Exchange Land that was being offered was already accessible to the residents of the village. As Chairman of Kingskerswell Parish Council I pointed that if the Parish Council were to be given this land it would immediately have to be closed as the Parish Council have a duty of care. The area in question needs much work carried out on it to bring it up to the standard required by the Parish Council and as the only income is from the Parish Precept the Parish Council would be unable to afford the cost. Since that date Devon County Council have acknowledged the state of the proposed Exchange Land as they have now visited the site in question.

In order to move the matter forward Paul Ewings of Devon County Council requested a meeting with members of Kingskerswell Parish Council. The Parish Council decided to set up a sub-committee and the first meeting took place on 29 April 2009. At this meeting Devon County Council gave an update of the current progress of the scheme and discussed options of providing additional exchange common land. The representatives of Kingskerswell Parish Council also put their points forward and it was agreed that the meeting would be adjourned in order for Devon County Council to look further into the options discussed. A further meeting was held on 14 May 2009 to continue discussions regarding the Exchange Land. At this meeting it was agreed that Mr Paul Ewings would attend the full Parish Council Meeting on 18 May 2009 to advise the remaining Councillors of the discussions and produce detailed drawings. At the meeting on 14 May Paul Ewings advised the Kingskerswell Parish Council that, to date, no suitable location had been found for the Model car club which will have to be relocated if the proposed South Devon Link Road is built. This model car club has had the use of an area at the edge of the Down and when the Down was given to the Parish the area they use was included in the Title Deeds. It was made clear that the village would have to be consulted regarding the proposed Exchange Land and to assist Devon County Council I on their behalf arranged for an Open Meeting to be held in St Mary's Church on Tuesday 9 June at 7.00 pm. This information was given to Mr Paul Ewings on 18 May 2009 and he agreed that he would supply the poster which would be e-mailed to my Clerk who would display them in the village. On my return from Annual Leave on 1 June 2009 it became apparent that no posters had been

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received and I therefore e-mailed Paul Ewings. I append PHA to show this. Subsequently a further e-mail was sent dated 3 June regarding this matter. I append PHB to show this.

The public meeting has now been arranged for Tuesday 23 June 2009 at 7.00pm. I append PHC to show this.

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Conclusion

The Inspector, having duly considered the above objection, will appreciate that Kingskerswell Parish Council is not in a position to state at this time whether it will withdraw its objection to the Compulsory Purchase Order and Side Road Order until after the Public Meeting has taken place. At the next Parish Council Meeting which is due to be held on Monday 29 June the Council will have to decide whether the residents have been given sufficient time from the date of the Public Meeting to make their representations to the Parish Council. Not including Saturday and Sunday they have only three working days in which to voice their opinions. At the Parish Council Meeting on 29 June the Council will decide whether to make a decision or adjourn making the decision in order to give residents the opportunity to make their representations.

Print

PHA

Close

**RE: Public Meeting 9 June 2009 - re Compulsory Purchase Order - Kerswell Down**

**From:** Paul Ewings (paul.ewings@devon.gov.uk)  
**Sent:** 02 June 2009 13:37:18  
**To:** John Hartley (jtlhartley@hotmail.com); Pat.Hartley@teignbridge.gov.uk  
**Cc:** programme.officer@ntiworld.com;  
Kingskerswell Parish Council  
(kingskerswellpc@btconnect.com);  
SmithMi@pbworld.com

Patricia,

Unfortunately this has been delayed by the priorities of organising and preparing for the Pre-Inquiries Meeting and the Public Inquiry.

However, if you and the Parish Council members consider that two weeks notice is absolutely necessary then I'm happy to change the meeting date to accommodate this and will call Rev Leonard accordingly.

Best Regards,  
Paul.

-----Original Message-----

**From:** john hartley [mailto:jtlhartley@hotmail.com]  
**Sent:** 01 June 2009 22:47  
**To:** Paul Ewings; programme.officer@ntiworld.com  
**Subject:** Public Meeting 9 June 2009 - re Compulsory Purchase Order - Kerswell Down

Paul

I have just returned from holiday and saw Jackie our Clerk tonight at the Downs Meeting. She has advised me that she has not received from you the notice regarding this meeting that has to be printed and put up around the village, if you remember this was agreed at the Parish Council meeting on 18 May 2009. I had assumed that this would be sent over the last 2 weeks whilst I was away. In view of how important this matter is I do not think that it is appropriate to hold the meeting on 9 June as you will be giving the village less than seven days notice. The Councillors who were also present at tonight's meetings felt the same way.

I do not want the Parish Council to be accused by the Village of going behind their backs and agreeing to something they do not want, it is important that they are given plenty of notice and then they can decide whether they wish to attend or not and whether they wish to comment or not. As you will appreciate this is a very difficult issue and we must all be seen to be transparent. May I suggest that you contact Rev John Leonard direct to arrange an alternative date. His office telephone number is 01803 873006.

Kind regards

Patricia Hartley  
Chairman, Kingskerswell Parish Council  
1 June 2009

Copy: Yvonne Parker, Programme Officer to Mr Jack Moffett Bsc (Hons) FICE MIHT, Inquiry Inspector



PHB

Print

Close

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**Public Meeting - 9 June re: Compulsory Purchase Order - Kerswell Down**From: **john hartley** (jtlhartley@hotmail.com)

Sent: 03 June 2009 00:05:06

To: paul.ewings@devon.gov.uk; programme.officer@ntlworld.com

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Paul

Many thanks for your email regarding the above. Since receiving your email I have now spoken to the Councillors who were present at our recent meetings and they like their fellow Councillors feel that the meeting on Tuesday should be cancelled as the village will not have been given enough notice of the meeting. They like those who were present at the Down Meetings feel that at least two weeks notice is necessary and I would therefore be grateful if you will arrange this with John Leonard. Please arrange to send the Poster to the Clerk for printing and distribution as agreed

The next Kingskerswell Parish Council Meeting is on Monday 29 June.

Kind regards

Patricia Hartley (2.6.2009)

Copy: Yvonne Parker, Programme Officer to Mr Jack Moffett Bsc (Hons) FICE MIHT, Inquiry Inspector

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PHC



# **KERSWELL DOWN COMMON LAND**

**You are invited to a meeting  
at 7.00pm  
on Tuesday 23rd June 2009**

**St Mary's Church  
Church End Road  
Kingskerswell**

Where Devon County Council will be available to discuss their thoughts and suggestions for the provision of additional exchange land to be offered in replacement for the Common Land required for the construction of Kingskerswell Bypass