

# Public Document Pack

## MID DEVON DISTRICT COUNCIL

A **MEETING** of the **MID DEVON DISTRICT COUNCIL** will be held in remotely on Wednesday, 29 July 2020 at 6.00 pm

**Important** - this meeting will be conducted and recorded by Zoom only. Please do not attend Phoenix House. The attached Protocol for Remote Meetings explains how this will work.

To join this meeting, please click the following link:

<https://zoom.us/j/99379914507?pwd=aVhHa3lrbEF0QzhTd3dVRjAzb055UT09>

Meeting ID: 993 7991 4507

Password: 508598

One tap mobile

08000315717,,99379914507#,,,0#,,508598# United Kingdom Toll-free  
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Dial by your location

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0 800 358 2817 United Kingdom Toll-free

Meeting ID: 993 7991 4507

Password: 508598

**ALL MEMBERS** of the **COUNCIL** are summoned to attend for the purposes of transacting the business specified in the Agenda which is set out below:

### **STEPHEN WALFORD**

Chief Executive

21 July 2020

**Members are reminded of the need to make declarations of interest prior to any discussion which may take place**

### **AGENDA**

1 **Apologies**

To receive any apologies for absence.

2 **Remote Meetings Protocol** (*Pages 5 - 10*)

To note the protocol for remote meetings.

3 **Public Question Time**

To receive any questions relating to items on the agenda from members of the public and replies thereto.

4 **Declarations of Interest under the Code of Conduct**

Councillors are reminded of the requirement to declare any interest, including the type of interest, and the reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.

5 **Chairman's Announcements**

To receive any announcements which the Chairman of the Council may wish to make.

6 **Local Plan Review - Inspectors Report on Adoption (Pages 11 - 342)**

To receive and consider an extract from the minutes of the Cabinet Meeting that took place on 9 July 2020 which includes recommendations to the Council.

At its meeting on 9 July 2020, the Cabinet considered a request from a member of the public to modify the policy map for policy SP2 (Sampford Peverell). A copy of the document in support of that request is appended at Appendix A. The Cabinet asked that a briefing note be prepared in relation to this for consideration by Council. Given the potentially significant implications of any misstep in the adoption of the plan and the introduction of late changes, the advice of Paul Shadarevian QC has been obtained and it is in the public interest that this advice be put into the public domain to enable a full understanding of the issues by all. It has been drafted and provided on that basis. Accordingly, the advice is appended at Appendix B.

7 **Part 2 Business - Minutes and Drafting Conventions (Pages 343 - 352)**

***To consider a report of the Head of Legal Services (Monitoring Officer) presented to Members in light of recent concerns raised with the Monitoring Officer, to provide Members with the opportunity to consider and discuss the drafting conventions for minutes of Part 2 business.***

### **Covid-19 and meetings**

The Council will be holding some meetings in the next few weeks, but these will not be in person at Phoenix House until the Covid-19 crisis eases. Instead, the meetings will be held remotely via Zoom and you will be able to join these meetings via the internet. Please see the instructions on each agenda and read the Protocol on Remote Meetings before you join.

If you want to ask a question or speak, email your full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) by **no later than 4pm on the day before the meeting**. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like any additional information please contact Sally Gabriel on:  
E-Mail: [sgabriel@middevon.gov.uk](mailto:sgabriel@middevon.gov.uk)

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## **Mid Devon District Council - Remote Meetings Protocol**

### **1. Introduction**

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations permit remote attendance in Local Authority meetings.

Remote attendance is permitted as long as certain conditions are satisfied. These include that the Member is able to hear and be heard by the other Members in attendance. Also, being able to hear and be heard by any members of the public entitled to attend the meeting (in line with the public participation scheme). A visual solution is preferred, but audio is sufficient.

This also relates to members of the public attending the meeting also being heard. The regulations are clear that a meeting is not limited to those present in the same place, but includes electronic, digital or virtual locations (internet locations, web addresses or conference call telephone numbers).

### **2. Zoom**

Zoom is the system the Council will be using for the time-being to host remote / virtual meetings. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

### **3. Access to documents**

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a virtual meeting.

If any other Member wishes to have a paper copy, they must notify the Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated. Printed copies will not be available for inspection at the Council's offices and this requirement was removed by the Regulations.

### **4. Setting up the Meeting**

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members will receive a URL link to click on to join the meeting.

### **5. Public Access**

Members of the public will be able to use a weblink and standard internet browser. This will be displayed on the front of the agenda.

## 6. Joining the Meeting

Councillors must join the meeting early (i.e. at least **five** minutes before the scheduled start time) in order to avoid disrupting or delaying the meeting. Councillors should remember that they may be visible and heard by others, including the public, during this time.

## 7. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present (viewing the participant list) and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public that **all microphones will be automatically muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use. Members would then need to turn their microphones back on when they wish to speak.

## 8. Public Participation

Participation by members of the public will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk). If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will invite the public by name to speak at the appropriate time. At that point, all public microphones will be enabled. This means that, to avoid private conversations being overheard, no member of the public should speak until it is their turn and they should then refrain from speaking until the end of public question time, when all microphones will be muted again. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question.

Unless they have registered, a member of the public will not be called to speak.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to [Committee@middevon.gov.uk](mailto:Committee@middevon.gov.uk) as well.

## 9. Declaration of Interests

Councillors should declare their interests in the usual way. A councillor with a disclosable pecuniary interest is required to leave the room. For remote meetings, this means that they will be moved to a break-out room for the duration

of this item and will only be invited back into the meeting when discussion on the relevant item has finished.

## **10. The Meeting and Debate**

The Council will not be using the Chat function.

The Chair will call each member of the Committee to speak - the Chair can choose to do this either by calling (i) each member in turn and continuing in this way until no member has anything more to add, or (ii) only those members who indicate a wish to speak using the 'raise hand' function within Zoom. This choice will be left entirely to the Chair's discretion depending on how they wish to manage the meeting and how comfortable they are using the one or the other approach.

Members are discouraged from physically raising their hand in the video to indicate a wish to speak – it can be distracting and easily missed/misinterpreted. No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – the remote management of meetings is intensive and it is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Councillors should refer to the report and page number, so that all Members of the Committee have a clear understanding of what is being discussed at all times.

## **11. Voting**

On a recommendation or motion being put to the vote, the Chair (or the Member Services Officer) will go round the virtual room and ask each member entitled to vote to say whether they are for or against or whether they abstain. The Member Services Officer will announce the numerical result of the vote.

## **12. Meeting Etiquette Reminder**

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

## **13. Part 2 Reports and Debate**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. It is important to ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings.

Any Councillor in remote attendance must ensure that there is no other person present – a failure to do so could be in breach of the Council's Code of Conduct.

If there are members of the public and press listening to the open part of the meeting, then the Member Services Officer will, at the appropriate time, remove them to a break-out room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

#### **14. Interpretation of standing orders**

Where the Chair is required to interpret the Council's Constitution and procedural rules in light of the requirements of remote participation, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

#### **15. Disorderly Conduct by Members**

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then they will be removed as a participant by the Member Services Officer.

#### **16. Disturbance from Members of the Public**

If any member of the public interrupts a meeting the Chair will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chair will ask the Member Services Officer to remove them as a participant from the meeting.

#### **17. After the meeting**

Please ensure you leave the meeting promptly by clicking on the red phone button to hang up.

#### **18. Technical issues**

In the event that the Chair, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chair should declare a recess while the fault is addressed. If it is not possible to address the fault and the meeting becomes inquorate through this fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter or one which is time-limited and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

For members of the public and press who experience problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be suspended or adjourned.

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## Extract from the minutes of the Cabinet meeting of 9 July 2020

### 197. LOCAL PLAN REVIEW - INSPECTOR'S REPORT ON ADOPTION (00-15-12)

The Cabinet had before it a \*report of the Head of Planning, Economy and Regeneration presenting the Inspector's report into the adoption of the Mid Devon Local Plan Review 2013-2033 including main modifications and additional (minor) modifications.

The Cabinet Member for Planning and Economic Regeneration outlined the contents of the report stating that the Council had received the Inspector's report on 26<sup>th</sup> June in which he set out his conclusions on the examination of the Mid Devon Local Plan Review 2013 – 2033.

The Inspector had confirmed that the Local Plan Review provided an appropriate basis for the planning of the district and had set out where 55 Main Modifications were needed in order for the Local Plan Review to be found sound and so that it could be adopted by the Council. Once adopted, the Local Plan Review would replace existing Local Plans for Mid Devon and would carry full weight for the determination of planning applications, as part of the development plan alongside the Devon Minerals and Waste Plans and Neighbourhood Plans. He stated that it was vital to understand that with an adopted plan this would safeguard against speculative development and give greater control where development took place.

The Inspector's recommended Main Modifications concerned matters that were discussed at the examination hearings. They followed from proposed Main Modifications that were approved by the Council on 4<sup>th</sup> December 2019 for the purpose of public consultation, alongside an updated Sustainability Appraisal, Habitat Regulations Assessment and Equalities Impact Assessment. The Inspector's Main Modifications overcame his previous concerns about housing delivery in the early years of the housing trajectory and should ensure a rolling five-year supply of deliverable housing sites. The Inspector had amended the detailed wording of modified policies for new Gypsy and Traveller sites to allow more flexibility for off-site provision to be made where sites were required on the major urban extensions. He had also made clearer why a full Retail and Leisure Impact Assessment was needed for any planning application which includes a designer outlet shopping centre at Junction 27.

A question was raised with regard to the suggestion made by Mr Byrom with regard to the green infrastructure being protected and whether modifications to the map could be made prior to adoption and the implications of any amendments to the plan.

The Head of Planning, Economy and Regeneration stated that whilst the modification may seem minimal and a minor modification, there would be a consequential main modification to the policy, the site was 6 ha including the green infrastructure and criterion f highlighted the 2.5 ha of green infrastructure. The text within the policy also referred to the green infrastructure so if a minor modification was made to the map it would introduce an inconsistency with the policy which would require a main modification.

Consideration was given to:

- Whether the settlement line and the allocation area (SP2) had the same boundary
- Whether the Local Plan with regard to green infrastructure was inconsistent
- Whether the Local Plan should be adopted at any cost as the Council had a responsibility to the local community
- The size of all the documentation before Members
- Whether typographical, grammatical and presentational changes should be made before the documents were considered by Council
- The need for a 'clean' plan without track changes to be presented to Council if possible
- Whether the 2.5ha of green infrastructure within Policy SP2 could be guaranteed without an amendment to the plan; with the Head of Planning, Economy and Regeneration Economy and Regeneration referred to text accompanying the policy stating that 'development of the highest ground should remain as undeveloped green infrastructure'. She believed the green infrastructure could be safeguarded through the policy
- The Climate Change Declaration of 2019 and the need for a stronger provision for the climate goals agreed and whether this would be considered in the next version of the plan
- The Local Development Scheme considered the timetable for producing the next plan

**RESOLVED** that a briefing note be prepared with regard to any modification to the map for Policy SP2 and for it to be considered by Council.

(Proposed by Cllr Mrs N Woollatt and seconded by Cllr L D Taylor)

It was therefore

**RECOMMENDED TO COUNCIL that:**

It notes the Inspector's Report at Appendix 3; and that:

(a) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 (Appendix 1), under Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012, including main modifications pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in his report (Appendix 3), and the Council's additional (minor) modifications (Appendix 4).

(b) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 Policies Map (Appendix 2) together with any changes needed to this through the Inspector's main modifications in his report (Appendix 3) including Plan MM35 (Appendix 9), Plan MM45 (Appendix 10) and the Council's additional (minor) modifications (Appendix 4) as described in Section 6 to this report.

(c) The Council notes that, in accordance with Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012 the following documents will be

published on the Council's website, and will be made available for inspection, free of charge at the Council's Phoenix House office during its opening times and in local libraries in Mid Devon once this becomes possible following a relaxation of restrictions of movement and public gatherings currently in place due to the Covid-19 pandemic:

- (i) Mid Devon Local Plan Review 2013 – 2033
- (ii) Mid Devon Local Plan Review 2013 – 2033 Adoption Statement (Appendix 5); and
- (iii) Sustainability Appraisal Report (Appendix 6) and Sustainability Appraisal Post-Adoption Statement (Appendix 7).
- (d) The Council notes that the Adoption Statement (Appendix 5) is sent to the Secretary of State and to any person who has asked to be notified of the adoption of the Mid Devon Local Plan Review 2013- 2033.
- (e) The Council approves the Sustainability Appraisal Report (Appendix 6) and the Sustainability Appraisal Post-Adoption Statement (Appendix 7).
- (f) Delegated authority is given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to make any typographical, grammatical, graphical and presentational changes to the Mid Devon Local Plan Review 2013 – 2033 (e.g. paragraph and table numbers) and its Policies Map to finalise the plan before it is published, including any changes that are necessary to the Policies Map to reflect the Devon Minerals and Waste Plans.

(Proposed by Cllr G Barnell and seconded by Cllr D J Knowles)

Notes:

- i) Cllr Warren declared that as Chairman of Willand Parish Council he had closely followed the journey of the Local Plan since 2014 and had spoken at committee and at the enquiries with regard to this matter.
- ii) \*Report previously circulated, copy attached to minutes.

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## **CABINET**

**9<sup>TH</sup> JULY 2020**

### **REPORT OF HEAD OF PLANNING, ECONOMY AND REGENERATION**

#### **MID DEVON LOCAL PLAN REVIEW ADOPTION**

**Cabinet Member(s):** Councillor Graeme Barnell, Cabinet Member for Planning and Economic Regeneration

**Responsible Officer:** Mrs Jenny Clifford, Head of Planning, Economy and Regeneration

**Reason for Report:** To present the Inspector's Report into, and recommend the adoption of, the Mid Devon Local Plan Review 2013 – 2033 including main modifications and additional (minor) modifications

#### **RECOMMENDATION:**

**That Cabinet**

**1 notes the Inspector's Report at Appendix 3; and 2 recommends to Council that:**

- (a) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 (Appendix 1), under Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012, including main modifications pursuant to section 23 of the Planning and Compulsory Purchase Act 2004 confirmed by the Inspector in his report (Appendix 3), and the Council's additional (minor) modifications (Appendix 4).**
- (b) The Council adopts the Mid Devon Local Plan Review 2013 – 2033 Policies Map (Appendix 2) together with any changes needed to this through the Inspector's main modifications in his report (Appendix 3) including Plan MM35 (Appendix 9), Plan MM45 (Appendix 10) and the Council's additional (minor) modifications (Appendix 4) as described in Section 6 to this report.**
- (c) The Council notes that, in accordance with Regulations 26 and 35 of the Town and Country (Local Planning)(England) Regulations 2012 the following documents will be published on the Council's website, and will be made available for inspection, free of charge at the Council's Phoenix House office during its opening times and in local libraries in Mid Devon once this becomes possible following a relaxation of restrictions of movement and public gatherings currently in place due to the Covid-19 pandemic:**
  - (i) Mid Devon Local Plan Review 2013 – 2033**

- (ii) **Mid Devon Local Plan Review 2013 – 2033 Adoption Statement (Appendix 5); and**
  - (iii) **Sustainability Appraisal Report (Appendix 6) and Sustainability Appraisal Post-Adoption Statement (Appendix 7).**
- (d) **The Council notes that the Adoption Statement (Appendix 5) is sent to the Secretary of State and to any person who has asked to be notified of the adoption of the Mid Devon Local Plan Review 2013-2033.**
- (e) **The Council approves the Sustainability Appraisal Report (Appendix 6) and the Sustainability Appraisal Post-Adoption Statement (Appendix 7).**
- (f) **Delegated authority is given to the Head of Planning, Economy and Regeneration in consultation with the Cabinet Member for Planning and Economic Regeneration to make any typographical, grammatical, graphical and presentational changes to the Mid Devon Local Plan Review 2013 – 2033 (e.g. paragraph and table numbers) and its Policies Map to finalise the plan before it is published, including any changes that are necessary to the Policies Map to reflect the Devon Minerals and Waste Plans.**

**Financial Implications:** No direct implications. However securing an up to date development plan is vital to support wider economic and housing development. It will be an important part of the framework that will enable Community Infrastructure Levy and the effective operation of s106 obligations. There is funding provision for the publication of the adopted Mid Devon Local Plan Review (hereafter referred to as the “Local Plan Review”).

**Legal Implications:** Regulation 4 (amendment of Regulation 10A) of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017, exercises the powers of the Planning and Compulsory Purchase Act 2004 and the Neighbourhood Planning Act 2017, and places a requirement for a review of the Local Plan to be completed every five years starting from the date of the adoption of the Local Plan. Once adopted the Local Plan Review will carry full weight in the determination of planning applications and will replace the Mid Devon Core Strategy (July 2007), the Local Plan Part 2 (Allocations and Infrastructure DPD)(October 2010) and Local Plan Part 3 (Development Management Policies)(November 2013).

Any person aggrieved by a decision to adopt a development plan document (local plan) may apply to the High Court on the grounds that the decision was not within the powers of the Council or that a procedural requirement has not been complied with – the application has to be made within 6 weeks of adoption.

**Risk Assessment:** The Inspector examining the Local Plan Review has made clear in his report where main modifications are necessary in order for the plan to be made sound, and without which the plan will be unsound. A decision not to approve all of

the Inspector's main modifications will mean that the Council will not be able to adopt the Local Plan Review as without these main modifications the Local Plan Review will be unsound and not capable of being adopted. A decision to not adopt the Local Plan Review with the Inspector's main modifications would leave the Council with an existing local plan that is out of date and which at appeal has already been found in part to be inconsistent with the NPPF. As a consequence the district would remain more vulnerable to speculative planning applications promoting development in locations that the Council has not identified for sustainable growth. Non adoption would also mean that the economic benefits of planning for sustainable growth would not be realised and the Council's negotiation position in terms of the provision of important infrastructure and affordable housing would be weakened. A decision to not approve the Local Plan Review with the Inspector's main modifications would potentially harm the Council's reputation as a plan making authority and negate the effort and investment in plan making since 2013.

As the Legal Implications make clear, there is a statutory right to challenge the adoption of a local plan on certain grounds, including procedural, and it is therefore essential that the Council gets the process of adoption correct.

**Budget and Policy Framework:** The adoption of the Local Plan Review forms the final stage that will complete this round of plan making. Councils are required to keep development plans up to date with a cycle of plan review and updates a minimum of every five years. Budget provision is made for this statutory function with the use of earmarked reserves. The Policy Framework consists of both statutory documents that have to be adopted or approved by the Council as well as locally determined policies and strategies that form an integral part of the decision making process and their subsequent implementation. Once adopted the Local Plan Review will be added to the Council's policy framework.

**Equality Impact Assessment:** The Local Plan Review has been screened through Equalities Impact Assessment. The Equalities Impact Assessment 2017 has been updated through an Addendum with the assessment of the impact of the main modifications (which are now recommended by the Inspector) in terms of the five policy areas and the protected characteristics identified in the Equalities Impact Assessment. Whilst the Inspector has satisfied himself with regards to his own assessment of the Public Sector Equality Duty (s.149 of the Equality Act 2010), the Council must also make its own final assessment at the time of a decision on adoption of the Local Plan Review.

**Relationship to Corporate Plan:** Expediting the Local Plan Review is a key corporate priority. The Local Plan Review will form the legal basis for determining planning proposals, once it has been adopted, and as a vehicle to realise a range of corporate priorities.

**Impact on Climate Change:** The Local Plan Review has been prepared within a legal framework and national planning policy that has at its heart the principle of sustainable development and policies to help address climate change through the development and use of land.

## 1.0 Introduction/Background

### *Submission of the Local Plan Review*

- 1.1 The Mid Devon Local Plan Review Submission Version (incorporating proposed modifications), hereafter referred to as the “Local Plan Review”, was submitted on 31<sup>st</sup> March 2017 to the Planning Inspectorate for its examination. This was in accordance with the decision of the Council at its meeting on 1<sup>st</sup> December 2016 at which Council adopted the recommendations of the preceding Cabinet meeting held on 21<sup>st</sup> November 2016. The submitted Local Plan Review included a land allocation at Junction 27 and associated housing sites, these having previously also been considered at meetings of Cabinet and Council on 15<sup>th</sup> September 2016 and 22<sup>nd</sup> September 2016 respectively. These decisions were reaffirmed by the Council on 21<sup>st</sup> February 2018 (Minute 116).
- 1.2 Mr Paul Griffiths BSc (Hons) BArch IHBC, was appointed by the Secretary of State as the Inspector to undertake the examination.
- 1.3 The appointed Inspector was charged with assessing whether the submitted Local Plan Review is ‘sound’ under the 2012 National Planning Policy Framework (NPPF) through transitional arrangements provided in paragraph 214 of the 2019 NPPF. The tests of soundness are as follows:

**Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;

**Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;

**Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and

**Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### *Examination*

- 1.4 A detailed explanation of the examination was reported to the Cabinet at its meeting on 21<sup>st</sup> November 2019 (item 86) and subsequent meeting of the Council on 4<sup>th</sup> December 2019 (item 99). For the sake of brevity this is summarised, and brought up to date, as follows:
- 1.5 Preliminary hearings were held on the 20<sup>th</sup> and 21<sup>st</sup> September 2018 specifically in relation to Policy J27, Policy SP2 Higher Town, Sampford Peverell and Policy TIV16 Blundells School, Tiverton allocations. The

Inspector subsequently issued his letter to the Council dated 29<sup>th</sup> October 2018, in which he made preliminary conclusions in relation to these allocations.

- 1.6 Main hearings were held on the 14<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> February 2019 at which he invited the Council and participants to respond to 49 questions.
- 1.7 The Inspector issued his post hearing advice note on 21<sup>st</sup> May 2019 in which he made further preliminary conclusions and indicated where he considered main modifications would be needed to the Local Plan Review in order for it to be found sound. The Inspector invited the Council to undertake further work to address his concerns in respect of certain policies, including the housing trajectory in the early years of the plan, where remedies would be needed to maintain a five-year supply of deliverable housing sites.
- 1.8 In accordance with delegated authority through the Council's approval of Minute 41 on 29<sup>th</sup> August 2018, officers prepared and agreed with the Cabinet Member for Planning and Economic Regeneration a Draft Housing Land Supply Update June 2019 (Examination document reference ED20) and a Sustainability Appraisal Implications Report (ED21).
- 1.9 The Inspector invited participants at hearings related to housing land supply and Policy SP2 Higher Town, Sampford Peverell and Policy CU21 Land at Colebrook, Cullompton to comment on the Draft Housing Land Supply Update June 2019 and Sustainability Appraisal Implications Report. Ten representations were received from the hearing participants (ED23) and the Inspector invited the Council to comment on these representations (ED22). Officers submitted a response to comments received to the Draft Housing Land Supply Update June 2019 and Sustainability Appraisal Implications Report to the Planning Inspectorate on 6<sup>th</sup> September 2019.
- 1.10 The Inspector contacted the Council on 27<sup>th</sup> September 2019 and advised that he has "*carefully considered the material contained in ED20, ED21, ED22 and ED23 and has no further questions at this stage. On that basis, the Inspector is content for the Council to publish its draft Main Modifications for consultation as soon as it is ready to do so.*"
- 1.11 Officers prepared a schedule of Proposed Main Modifications to the Local Plan Review guided by the Inspector's advice in his post hearings advice note. This included proposed main modifications to the housing trajectory that have previously been published and consulted on with relevant participants at the hearings.
- 1.12 Officers also prepared, for the sake of completeness and transparency, a schedule of additional (minor) modifications to the Local Plan Review. These additional modifications are 'minor' since they are factual and grammatical corrections and do not materially affect the plan's policies or go to the heart of the plan.
- 1.13 Consultant LUC undertook an assessment of the proposed Main Modifications to the Local Plan Review for the purpose of the Sustainability Appraisal. This

is since the Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations (2004) (“The SEA Regulations”) place a legal requirement for the Local Plan Review to be supported by a sustainability appraisal (SA). This legal requirement is an important element of testing the “soundness” of local plans that is required by National Planning Policy Framework paragraph 182. Consultant LUC also screened the proposed Main Modifications for the purpose of Habitat Regulations Assessment.

- 1.14 The Equalities Impact Assessment 2017 was updated following the proposed Main Modifications.
- 1.15 On 4<sup>th</sup> December 2019 the Council approved proposed Main Modifications for the purpose of public consultation, together with additional (minor) modifications, addendum to the Sustainability Appraisal, addendum to the Habitat Regulations Assessment and addendum to the Equalities Impact Assessment.
- 1.16 On 5<sup>th</sup> December 2019 the Council wrote to the Planning Inspectorate (**Appendix 8**) and formally requested that the Inspector, under section 20(7)(c) of the Planning and Compulsory Purchase Act 2004, recommend main modifications to the Local Plan Review in order for it to be made sound and legally compliant.
- 1.17 Public consultation on the Council’s proposed Main Modifications, additional (minor) modifications, addendum to the Sustainability Appraisal, addendum to the Habitat Regulations Assessment and addendum to the Equalities Impact Assessment took place over a 6 week period from 6<sup>th</sup> January to 17<sup>th</sup> February 2020.
- 1.18 75 consultation responses were received. With the exception of the Schedule of Additional (Minor) Modifications and consultation responses received on these (which are not before the Inspector for consideration), the schedule of proposed Main Modifications to the Local Plan Review, the addenda to the Sustainability Appraisal, Habitat Regulations Assessment, and the Equalities Impact Assessment 2017, and the consultation responses received on these were submitted to the Planning Inspectorate on 28<sup>th</sup> February 2020, so that they could be considered together with all previously submitted documentation and documents that have formed part of the examination and its hearings. The Council’s proposed Main Modifications were submitted to the Planning Inspectorate without prejudice to the Inspector’s final conclusions.

## **2.0 The Inspector’s Report**

- 2.1 The Inspector’s report on the examination of the Local Plan Review was received on 26<sup>th</sup> June 2020 (see **Appendix 3**). This has been published as required and is available for inspection on the Council’s website. Receipt of the Inspector’s report marks the completion of the examination.
- 2.2 The Inspector’s report states the Local Plan Review has a number of deficiencies in respect of soundness (for reasons set out in his report) which

mean that he recommends non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act.

- 2.3 However, the Council has requested that the Inspector recommends main modifications to make the Local Plan Review sound and capable of adoption.
- 2.4 **The Inspector has concluded the Local Plan Review provides an appropriate basis for the planning of the District provided that a number of main modifications are made to it to make the Plan sound and capable of adoption. With the inclusion of the Inspector's recommended main modifications the Local Plan Review satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF (2012).**
- 2.5 **The Inspector has also concluded that he is satisfied that where necessary the Council has engaged constructively, actively and on an ongoing basis in the preparation of the Local Plan Review and the Duty to Cooperate has therefore been met.**
- 2.6 **In terms of legal compliance, the Inspector has stated: the Local Plan Review has been prepared in accordance with the Council's Local Development Scheme; consultation on the Local Plan Review and main modifications was carried out in compliance with the Council's Statement of Community Involvement; the Sustainability Appraisal has been carried out and is adequate and the conclusions reached in the Sustainability Appraisal in relation to sites are reasonable ones; that an appropriate assessment has been undertaken through the March 2015 Habitat Regulations Assessment and Addenda of August and December 2016. The Inspector has stated the Local Plan Review complies with all other relevant legal requirements, including in the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012.**
- 2.7 The Inspector's report sets out where 55 main modifications are needed to the Local Plan Review (see **Appendix 3**, pages 28 to 45). The main modifications all concern matters that were discussed at the examination hearings and which were subject to public consultation, together with the addenda to the Sustainability Appraisal (SA), Habitat Regulations Assessment (HRA), and the Equalities Impact Assessment.
- 2.8 In some cases, where these relate to the provisions for Gypsies and Travellers, and Junction 27 the Inspector has incorporated a slight amendment to the detailed wording (shown in red in his report in **Appendix 3**) of the main modification and / or added consequential modifications where these are necessary for consistency or clarity:
- In the Local Plan Review Policy DM7 Traveller Sites and paragraph 2.31 the Inspector has replaced the words "more favourable" with the word "acceptable" in terms of the outcome sought for off-site provision of pitches for Gypsies and Travellers on housing allocations. He has also made clear

that where pitches are provided off-site on housing allocations these will be counted against the affordable housing targets for that site.

- In Policy J27 Land at Junction 27 of the M5 Motorway, the Inspector has qualified that any planning application which includes a 'designer outlet shopping centre' should be accompanied by a full Retail and Leisure Impact Assessment by adding the words "to ensure that any potential adverse impacts identified are addressed and mitigated".

The Inspector has stated that none of the amendments to the detailed wording of the main modifications significantly alters the content of the modifications as published for consultation or undermines the participatory processes and Sustainability Appraisal that has been undertaken.

2.9 In summary the Inspector's main modifications are as follows:

- Main modifications to establish a proper link between the development of housing and related infrastructure and to provide for a trajectory that should ensure a rolling five-year supply of deliverable housing sites;
- A group of main modifications necessary to allow the Plan to properly provide for the needs of Gypsies and Travellers and Travelling Show-People;
- Main modifications to ensure the major development proposed at Junction 27 of the M5 is brought forward in an acceptable way;
- Main modifications to deal with constraints relating to the allocation under Policy SP2 (Higher Town, Sampford Peverell); and
- Various main modifications to ensure that development management policies are effective and consistent with national policy.

2.10 Where the Inspector's report recommends that main modifications are needed to the Local Plan Review the Council must make those recommended main modifications if it wishes to adopt the plan. The report is not binding on the Council, but the Council may not adopt an unsound plan.

### **3.0 Sustainability Appraisal and Strategic Environmental Assessment**

3.1 During the preparation of the Local Plan Review the Council has been required by law (Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations ["the SEA Regulations]) to carry out a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) of the plan as it developed. This legal requirement is an important element of testing the "soundness" of local plans that is required by National Planning Policy Framework 2012 paragraph 182. Both the SA and SEA requirements were met through a single integrated process (referred to as SA), the method and findings of which were described

in a number of SA reports published alongside the different versions of the Local Plan Review during its development.

- 3.2 The SA (incorporating SEA) of the Local Plan Review was commenced by Council with the publishing of the SA Scoping Report in July 2013. Iterative stages of the SA were then published by the Council in 2014 SA Interim Report, 2015 SA Proposed Submission Consultation Report, 2017 SA Update, 2018 SA Update following an independent review of the 2017 SA Update, 2019 SA Implications in relation to the Council's proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector and 2019 SA Addendum. All of the above documents, with the exception of the 2019 SA Addendum, were produced in-house by the Council. Officers have also prepared the Sustainability Appraisal Post-Adoption Statement (**Appendix 7**) ready for publication. The Independent Review of the 2017 SA Update which led to the 2018 further SA Update was undertaken by consultant LUC. LUC also completed the 2019 SA Addendum which presents an appraisal of Proposed Main Modifications consulted upon and considers their implications for the SA findings report previously.
- 3.3 The Inspector's report sets out amended detailed wording and/or consequential modifications where necessary, which have followed the consultation on main modifications and the SA Addendum (2019). The Inspector clearly notes that none of the amendments significantly alter the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Officers have expressly considered whether, in light of the Inspector's report and the appraisals previously undertaken, the SA as a whole remains adequate – officers advise that it is still adequate. This is set out in the Sustainability Appraisal Post-Adoption Statement (**Appendix 7**).
- 3.4 This report recommends to Council that the Sustainability Appraisal Report (**Appendix 6**) (comprising the totality of the documents described in paragraphs 3.2 and 3.3 above taken together) and the Sustainability Appraisal Post-Adoption Statement (**Appendix 7**) are approved.

#### **4.0 Habitat Regulations Assessment**

- 4.1 The Local Plan Review has been subject to a Habitat Regulations Assessment that has been undertaken by consultant LUC. This has included a report (March 2015), an addendum (August 2016) and the J27 Appropriate Assessment Report (December 2016). Consultant LUC also screened the proposed Main Modifications for the purpose of Habitat Regulations Assessment. The Inspector's slight amendments to the main modifications do not alter the findings of the Habitat Regulations Assessment and as such no need has been identified for the Habitat Regulations Assessment to be updated.

#### **5.0 Equalities Impact Assessment**

- 5.1 The plan has been subject to an Equalities Impact Assessment (EqIA) in 2017, and an Addendum in 2019 which was necessary following the Council's

proposed Main Modifications. The Inspector considered the EqIA as part of the examination process. In his report the Inspector commented that:

*“141. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of sites to meet the needs of Gypsies and Travellers and Travelling Show-People, amongst other things.”*

- 5.2 The EqIA has been kept under review throughout the local plan review examination and following the receipt of the Inspector’s report. Officers are of the view that there is nothing arising from the Inspector’s report, including in relation Gypsies, Travellers and Travelling Show-People, which fundamentally alters the findings of that assessment or which gives rise to any concerns with regard to the Public Sector Equality Duty in section 149 of the Equality Act 2010. Where the Inspector has recommended main modifications to the Local Plan Review these are likely to have probable overall neutral or positive impacts on those persons with protected characteristics.

## 6.0 Policies Map

- 6.1 The Council must maintain an adopted Policies Map which illustrates geographically the application of policies in the Local Plan Review. A comprehensive set of maps that together make up the Policies Map for the Local Plan Review was submitted to the Planning Inspectorate in March 2017 for examination. **Appendix 2** includes links to each of these maps.

- 6.2 The Inspector has made clear the Policies Map is not defined in statute as a development plan document and so he does not have the power to recommend main modifications to it. However, two of the published main modifications to the Plan’s policies require further corresponding changes to be made to the Policies Map. These further changes to the Policies Map were published for consultation alongside the main modifications (as Plan MM35 which relates to the Cullompton Map, and Plan MM45 which relates to the Sampford Peverell map).

- 6.3 When the Local Plan Review is adopted, in order to comply with the legislation and give effect to the Local Plan Review’s policies, the Council will need to update the submitted Policies Map to include all the changes proposed, incorporating any necessary amendments that the Inspector has identified in his report (**Appendix 3**), including Plan MM35 (**Appendix 9**) and Plan MM45 (**Appendix 10**), and also through the Council’s additional (minor) modifications that were consulted on and which are published in **Appendix 4**.

- 6.4 The Policies Map that was submitted for examination will be updated through the Main Modifications and the Additional (Minor) Modifications as follows:

Main modifications:

- Update the Cullompton Map with Plan MM35 to show the settlement limit around the site allocation CU21 Land at Colebrook (**Appendix 9**).

- Replace the Sampford Peverell Map with Plan MM45 to show the site allocation SP2 Higher Town, Sampford Peverell (**Appendix 10**).

Additional (minor) modifications:

- Update the Sampford Peverell map with additional (minor) modification AM 86 by placing the policy code SP2 on the map
- Update the Tiverton Map with additional (minor) modification AM83 to replace the Policy code AL/TIV/9 with TIV16.
- Update the Bow Map with additional (minor) modification AM84 to extend the settlement limit to include BO2.
- Update the Uffculme Map with additional (minor) modification AM85 to place the Policy code UF1 on the map and the settlement limit to include UF1 proposal.

6.5 The Policies Map will also need to be updated to reflect the Devon Minerals and Waste Plans where necessary.

## **7.0 Conclusions, recommendations and next steps**

7.1 The Inspector has found the Mid Devon Local Plan Review 2013–2033 to be sound, subject to main modifications and additional minor modifications.

7.2 The Cabinet is requested to recommend the adoption of the Mid Devon Local Plan Review 2013–2033 to Council, together with the further recommendations appearing at the front of this report.

7.3 If the Council resolves to adopt the Mid Devon Local Plan Review 2013–2033, this then becomes the Council's adopted local plan and the previous plan is superseded. The required steps which follow adoption will be carried out, as set out in the report.

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**Circulation of the Report:** Cabinet Members

### **List of Background Papers:**

Local Plan Review examination library including submission documents, evidence base, hearing statements and examination documents, including Inspector's post hearings advice note(s):

<https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-examination/>

**Appendices:**

- Appendix 1:** Mid Devon Local Plan Review 2013 – 2033, including the Inspector’s Main Modifications, and the Council’s additional (minor) modifications
- Appendix 2:** Mid Devon Local Plan Review 2013 – 2033 Policies Map with any changes needed to this through main modifications and additional (minor) modifications
- Appendix 3:** Inspector’s Report on the examination of the Mid Devon Local Plan Review
- Appendix 4:** The Council’s schedule of additional (minor) modifications
- Appendix 5:** Mid Devon Local Plan Review 2013 – 2033 Adoption Statement
- Appendix 6:** Sustainability Appraisal Report
- Appendix 7:** Sustainability Appraisal Post-Adoption Statement
- Appendix 8:** Council’s request for the Inspector to recommend main modifications
- Appendix 9:** Plan MM35 CU21 Land at Colebrook Lane, Cullompton
- Appendix 10:** Plan MM45 SP2 Higher Town, Sampford Peverell

**To members of MDDC Cabinet – From Jamie Byrom, of Sampford Peverell**

In Public Question Time at Cabinet on 9 July I will put this question:

Please will this Cabinet today do what is needed to make the following recommendation to full Council on 29 July 2020:

*“MDDC Cabinet recommends that an additional (minor) modification be made to the policies map for SP2. The dotted line marking the extension of the village settlement area should be moved so that all the Green Infrastructure at the site is left in countryside”. (Illustrated in Figure 4 overleaf).*

An explanation of this request now follows

When the allocation at Higher Town was originally put forward, the suggestion was that the full site should be available to development. No Green Infrastructure was included.

At the Cabinet meeting in November 2016, the settlement boundary of Sampford Peverell was logically shown as being extended around the two fields. (See Figure 1).

On 1 December 2016, the Council voted to allocate the site. By then, however, it had agreed that development should be restricted to the striped area shown in Figure 2.

Paragraph 3.224a of the supporting text for Policy SP2 said then (and still says now) that ‘... *The site is on the edge of Sampford Peverell, outside the main built up part of the village. The site is elevated and will require careful landscaping and mitigation measures. Development of the highest ground should remain as undeveloped green infrastructure.*’ The Inspector has now approved this text.

In his final report, the Inspector has gone further. He has said in paragraph 114 that an extra 0.5ha of Green Infrastructure must be added at the east of the site. (See Figure 3).

This proposal emerged from consultation in early 2017. The extra GI is to protect a Listed Building adjacent to the north east corner of the site. The Inspector says this protection provided by the GI is ‘essential’. The Council proposes to add the 0.5ha and change the map. This is shown on the map for MM45 (page 335 of your pack).

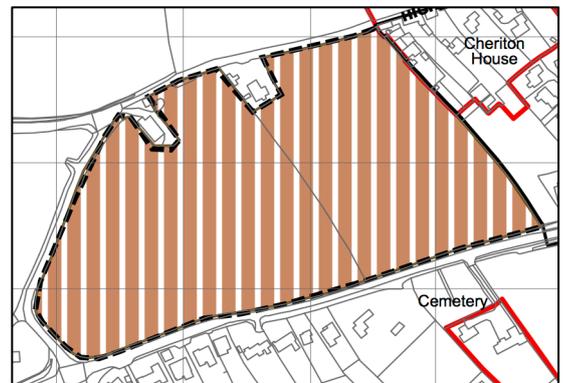


Figure 1 – November 2016

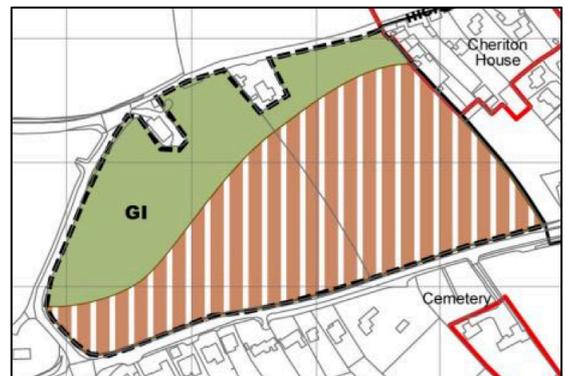


Figure 2 – December 2016

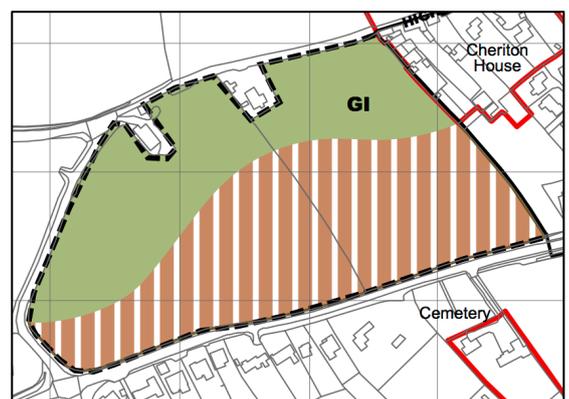


Figure 3 – March 2017

In paragraph 12 of his Final Report, the Inspector makes clear that he has no authority to recommend changes to policies maps. Only the Council may make such changes. On behalf of residents of Sampford Peverell, I therefore ask you to recommend one very minor, additional modification to the map.

**We ask you to recommend that the settlement boundary on the policies map for SP2 be moved to the position shown in Figure 4.**

It is illogical and potentially harmful to leave the settlement boundary around the full site as proposed in November 2016.

The Inspector agrees that there must be no development of the highest land. This limitation can be strengthened if the boundary is re-drawn to leave all the Green Infrastructure area in the countryside. This is allowed by new policy S14 (Countryside).

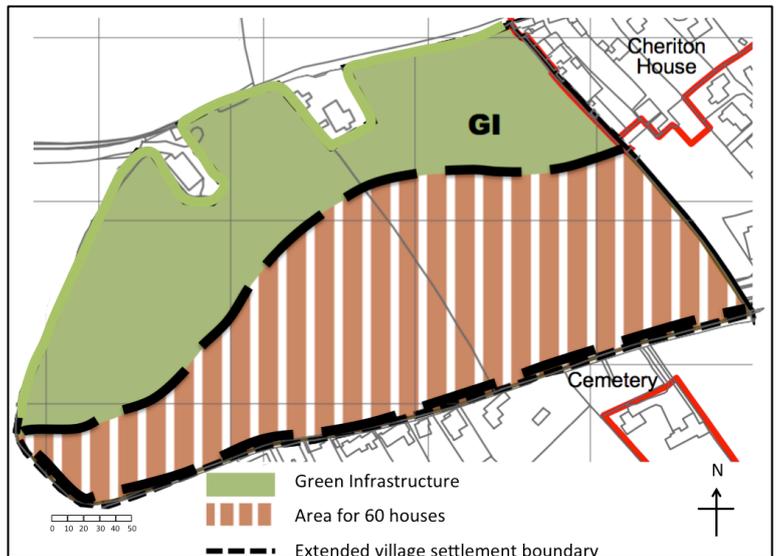


Figure 4 – Our proposed revision of SP2 policies map

Paragraph 1.3 of the *Procedure Guide for Local Plan Examinations, June 2019* says that *'The LPA may also make additional (minor) modifications to the plan on adoption, but only if they do not materially affect the plan's policies. Additional modifications are not subject to the formal examination process'*.

Our proposed change would not materially affect the plan. It would –

- leave every word of the text of SP2 unaltered from that finally recommended by the Inspector
- keep the location and extent of the Green Infrastructure exactly as shown on the policies map
- be entirely consistent with and reinforce the clear intent of the policy concerning the area of Green Infrastructure
- leave all the policy's Green Infrastructure in the countryside, providing it with extra protection against development under Policy S14
- **require minimal work - no more than a simple alteration to one map**
- be consistent with the way GI is treated at Tiverton, Cullompton and Crediton where GI can already be found beyond the edge of settlements.

The Planning Inspectorate has recently published a report that considers edge of settlement allocations. Paragraph 140 warns against including areas that a Council wishes to protect from development within the settlement boundary. It says that this *'... could have the unintended consequence of establishing a principle in favour of development on land that was intended to act as mitigation for development delivered through the allocation'*.

We have reason to fear such *'unintended consequences'* at Sampford Peverell.

Moving the settlement boundary will help to honour a promise made by the Council when the site was allocated. The promise was that no development would be allowed on the highest land in the site, as defined by the policies map. This amendment would show that the Council stands firmly by that promise. I commend it to you.

**IN THE MATTER OF THE  
MID-DEVON LOCAL PLAN REVIEW  
POLICY SP2**

---

**OPINION**

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**INTRODUCTION**

1. I am asked to advise Mid-Devon Council in relation to draft Policy SP2 Higher Town of the Local Plan Review. This draft policy allocates land at Sampford Peverell for no more than 60 dwellings and is intended to provide for a sustainable location to meet housing needs arising from the Junction 27 allocation. The policy (with main modifications) provides as follows:

Higher Town, Sampford Peverell

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following: [MM42]

- a) No more than 60 dwellings with 30% affordable housing;
- b) ~~No development until the completion of improved access works to the A361; [MM43]~~
- be) Landscaping and design which respect the setting and character of the area, conservation area and listed building;
- cd) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
- de) Mitigation of any wildlife impact including protection of hedgerows;
- ef) Archaeological investigation and appropriate mitigation; and
- fg) 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and [MM45]
- g) Improved access to the village for pedestrians and cyclists. [MM44]

Part of the supporting text provides as follows:

“The site is on the edge of Sampford Peverell, outside the main built up part of the village. The site is elevated and will require careful landscaping and mitigation measures. Development of the highest ground should remain as undeveloped green infrastructure. Low density and good design will be required to respect the existing character of edge-of village housing, conservation area and listed building. The site is currently bounded by hedgerow. Some loss of hedgerow would be required to enable access however, careful design should be considered to minimise this impact including incorporating new hedgerow into the design of the development.3.224b.

2. The allocated site as shown on the draft Policies Map includes the developable area and 2.5 hectares (this figure is the subject of a main modification) of green infrastructure intended to perform open space functions and provide for landscape mitigation etc. My Instructing Solicitor has asked me for my opinion specifically with regard to a request made by a member of the public to the Cabinet to agree a modification to the policy map for SP2. The proposal is to re-draw the settlement boundary, so that it no longer goes around the entirety of the allocation. Rather, that it will then cut through the site by excluding the area of green infrastructure from the settlement limit - the effect being that the settlement limit runs through the middle of the site. The claimed purpose of the proposed modification is that it will add greater protection to the area of land to be protected as green infrastructure.
3. The Local Plan Review has been through the examination stage and, subject to the making of a number of main modifications, including changes to SP2, it has been found sound. It is now going through main modifications procedures following receipt of the Inspector’s report.

## DISCUSSION

4. The Policies Map is not a local development plan document for the purposes of Development Plan Regulations 2012: R. (on the application of Bond) v Vale of White Horse DC [2019] EWHC 3080 (Admin) where it was held that a policies map is a local development document, not a development plan document. It is clear from reg.5 and reg.6 of the 2012 Development Plan Regulations that the AP map does not form part of the local plan, despite its function to "illustrate geographically the application of the policies in the adopted development plan" (reg.9). The local authority is not required to embark upon the elaborate process of amending the local plan. Instead, it could, by virtue of the general powers in s.23(1), s.23(5) and s.26(1) of the 2004 Act, lawfully revise the AP map outside the process for the adoption of a local plan. I return to this issue below.
  
5. Policy SP2 contains express reference to the green infrastructure that is to be protected and enhanced as part of the development of the site and all the land needed to meet the criteria of the policy is included within the allocated area as identified on the Policies Map. It makes it abundantly clear that the development of the whole site should be limited to 60 dwellings and that the 2.5 hectares of green infrastructure plays a significant role in the development of the site. It recognises its functional relationship. I cannot see that redrawing the settlement boundary as proposed would add any further protection to this area of land. The policy provides a firm basis upon which to impose conditions restricting and defining its use and its role within the development and to require s.106 obligations regulating its future use and maintenance, so far as may be necessary. In my opinion, the highest ground receives the necessary "protection" and

there is no planning imperative that requires the settlement boundary to be amended in this way.

6. Nevertheless, were the settlement boundary to be amended, thought would need to be given to whether the policy would need to be amended to reflect this fact in order to bring necessary clarity. Criterion (f) would *ideally* refer specifically to the 2.5 hectares of green infrastructure as the land forming part of the allocation *beyond the settlement boundary* so that it is made clear that, notwithstanding the fact that it is beyond the settlement boundary, it has a functional relationship with the development. I am of the view, however, that it would not be strictly necessary to amend the policy for this purpose as the effectiveness of the allocation and its policy criteria would not be undermined by a change to the settlement boundary itself.
7. Although the Policies Map is not the subject of the examination, if it is proposed to amend the settlement boundary, it would be prudent (and courteous) to make the Inspector aware of this so that he is able, independently, to consider the effectiveness of the policy in this context. Although I would not expect the Inspector to conclude that a change to the policy would be necessitated by a change in the settlement boundary, if, despite my view, a change to the policy were thought to be necessary in consequence of the change to the settlement boundary, it would need to be the subject of main modifications procedure and would prolong process.

20<sup>th</sup> July 2020

**PAUL SHADAREVIAN QC**  
**Cornerstone Barristers**



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# Mid Devon Local Plan 2013 - 2033

Adoption Draft

July 2020



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# 1.0 Introduction

# Preparation of the Local Plan

1.1 The purpose of planning is to help achieve sustainable development. This means ensuring that providing for the development needs of the current generation does not worsen the lives of future generations. The National Planning Policy Framework (NPPF) sets out how local councils should achieve this through the preparation of Local Plans and decisions on planning applications, having regard to the economic, social and environmental roles of sustainable development.

1.2 The Government requires that Local Plans are 'sound', meaning that they are:

- Positively prepared
- Justified
- Effective
- Consistent with national policy

1.3 The preparation of the Mid Devon Local Plan 2013-2033 has been guided by national planning policy and legislation in this respect. The plan sets out the strategic policies for development, identifies sites for housing, employment, infrastructure and environmental protection, and provides general policies on matters such as the design of development.

1.4 This Local Plan supersedes and replaces the following earlier plans:

- Core Strategy 2026 (adopted 2007)
- Allocations and Infrastructure Development Plan Document (adopted 2010)
- Local Plan Part 3: Development Management Policies (adopted 2013)

1.5 The Mid Devon Local Plan also forms part of the Development Plan for the district, alongside Devon County Council's Waste and Minerals Local Plans.

1.6 National planning policy sets the planning framework within which the Local Plan Review has been prepared. The National Planning Policy Framework (NPPF) was originally introduced in March 2012 and replaced multiple national policy statements and guidance with an overarching planning policy document. The NPPF requires local planning authorities to base local plans on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Assessments of and strategies for housing, employment and other uses should be integrated, taking full account of relevant market and economic signals. In May 2014 the Government launched web-based planning practice guidance that brought together supporting planning guidance entirely on-line in an accessible and useable way.

1.7 Most importantly, the NPPF applies a 'presumption in favour of sustainable development'. For plan-making this means:

- Local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
  - specific policies in the NPPF indicate development should be restricted (for example, restrictions on development affecting Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, designated heritage assets or areas at risk of flooding).

1.8 The NPPF goes on to provide national policy on all areas of planning for development, such as design, transport, employment growth and the conservation of environmental and heritage assets. Before it can be adopted, a Local Plan must be subject to Examination in Public. The Planning Inspector applies tests of 'soundness', one of which refers to the plan's consistency with national policy. In addition, a Local Plan must be positively prepared, justified and effective, and the NPPF defines the meaning of these terms. Under 'transitional arrangements' introduced alongside recent revisions to the NPPF, the Local Plan Review has been examined under the original 2012 version of the NPPF.

1.9 There is no longer a regional tier of planning policy in the form of a Regional Spatial Strategy. However, the Heart of the South West Local Economic Partnership (HotSW) has prepared a Strategic Economic Plan which has a bearing on strategic planning in Mid Devon.

1.10 Whilst national planning policy provides the planning framework within which a plan is to be prepared, the document has also been prepared in accordance with a regulatory framework set down by the EU requiring that the environmental impact of a plan be assessed. UK regulations take this a step further, requiring local planning authorities to also consider the social and economic impact of a plan in an environmental report when a Local Plan is submitted to the Secretary of State for Examination in Public, and subsequently adopted. Considering these three key elements together is central to assessing the sustainability of a plan. A Sustainability Appraisal has been carried out during the preparation of this Local Plan in order to gain an understanding of the sustainability challenges the district faces.

1.11 Local Authorities are also required to undertake a Habitat Regulations Assessment (HRA) of development plans. The HRA for the Mid Devon Local Plan Review considers the impact of the Plan on European sites either alone or in combination with other plans. European sites include Special Areas of Conservation (SACs) designated for species and habitats and Special Protected Areas (SPAs) designed for birds. Consideration is also provided to potential SPAs, candidate SACs, Sites of Community Importance and Ramsar sites. The HRA concludes that the development proposed in the Local Plan alone, and in combination with other plans and projects, will not result in adverse effects on the integrity of European Sites around Mid Devon. The Sustainability Appraisal carried out during the preparation of the Local Plan has taken into account the findings of the HRA.

1.12 Furthermore, the Equalities Act 2010 requires Local Authorities to eliminate discrimination and promote equality when producing a Local Plan and Policies. An Equalities Impact Assessment has been carried out to assess each policy and site allocation against five policy areas which have taken into account the 'protected characteristics' as set out in the Equalities Act. Policies have evolved and altered throughout the Local Plan Review process to reduce discrimination and promote equality.

1.13 The process of preparing the Local Plan and the Sustainability Appraisal has helped develop a picture of the district, its characteristics, constraints and sustainability issues. In particular Mid Devon is defined by:

- An inland district covering an area of 352 square miles, lying between Dartmoor, Exmoor and the Blackdown Hills
- One of the most sparsely populated local authorities in England and Wales with a high proportion of residents living outside the three market towns of Tiverton, Cullompton and Crediton
- Important transport routes cross cut the district, including the M5 motorway and A361, and the Great Western mainline railway
- A population of 79,800 (2016 Devon County Council PPSA Estimates)
- High house prices compared with local wage levels, resulting in low levels of affordability (in line with a pattern which applies across the region and nationally)
- Low levels of inward commuting but high out commuting, particularly to Exeter and Taunton
- High and increasing levels of car ownership
- 12 Sites of Special Scientific Interest, three Local Nature Reserves, two nature reserves managed by Devon Wildlife Trust and over 8 square kilometres of ancient woodland
- Rich historic environment including over 2000 listed buildings, 51 Conservation Areas, 49 Scheduled Monuments, 3 registered parks and gardens and 16 locally important parks and gardens
- Small areas of social deprivation within Tiverton, Cullompton and some of the remote rural areas

1.14 These characteristics and sustainability issues, and a range of other important issues which have informed the content of the plan, are discussed in greater detail in the accompanying Sustainability Appraisal (SA). The Local Plan has been prepared in response to these issues, seeking to deliver development in a sustainable manner, whilst respecting environmental limits. The SA charts this development process, reflecting how the plan has been put together following previous consultations and the production of evidence.

## Vision and Spatial Strategy

### Vision

1.15 The vision (in conjunction with the spatial strategy) describes how the sustainable development of Mid Devon will bring positive benefits to local communities through promoting community well-being, supporting economic success, conserving and enhancing the area and respecting environmental limits:

*Mid Devon will be a prosperous and sustainable rural district, where individuals, families and communities can flourish as a result of access to good quality local employment, housing and services and a clean, green, safe environment. Local communities and private, public and voluntary organisations will work in partnership to meet social and economic needs in ways that enhance the environment and reduce the area's carbon footprint. High quality development in the right places with appropriate infrastructure will bring regeneration, social and economic benefits and enhance towns, villages and countryside while promoting sustainable use of energy and other resources and tackling the causes and effects of climate change. The Council will use planning and related powers to:*

#### **Promote community well-being**

- Diverse, inclusive communities with a vibrant mix of accessible uses and local services
- Sufficient 'fit for purpose', decent homes which people can afford
- Safe, healthy and crime free neighbourhoods
- Active, involved, well-educated citizens
- A good range of opportunities to travel by active and sustainable modes
- Strong town and village communities
- Green Infrastructure for personal leisure amenity space

#### **Support sustainable economic success**

- A good range of jobs in urban and rural areas
- Growth that respects Mid Devon's relationship with Exeter and Taunton
- Profitable and expanding local businesses, attracting inward investment
- Attractive, lively and successful town centres
- Tourism and leisure enterprises that benefit the whole district
- Recognition of the role of heritage as a tourism attraction

#### **Conserve and enhance the area**

- High quality design in new developments
- Clean air and water
- Countryside, environment and heritage assets conserved and enhanced
- Attractive countryside providing for biodiversity and employment
- Effective reuse of existing buildings

- Conservation and enhancement of protected landscapes

## Respect environmental limits

- Social and environmental benefits of development are optimised
- Developments use land, energy and resources effectively
- Waste is minimised and recycling rates are high
- Public transport, walking and cycling are encouraged
- Floodplains remain undeveloped
- Renewable energy projects within environmental limits

## Spatial Strategy

### Overall Strategy

In order to move towards achieving the vision, development will be managed to:

- Create a prosperous economy which increases inward investment into the district
- Meet objectively assessed needs for development, guided to locations which are or can be made sustainable, achieving a suitable balance of housing, employment, facilities and other uses within towns, villages, neighbourhoods and rural areas
- Reduce the need to travel by car, increasing the potential of public transport, cycling and walking
- Reduce carbon emissions in support of national targets
- Promote social inclusion and reduce inequalities by enhancing access for all to employment, services and housing

### Cullompton

In the medium to long term, the market town of Cullompton will become the strategic focus of new development, reflecting its accessibility, economic potential and environmental capacity.

Development will be targeted to:

- Provide sustainable urban extensions containing a mix of fit for purpose homes, businesses, local shopping and other services and sustainable transport links
- Provide enhancements to the town centre through additional investment, traffic and transport improvements and environmental enhancements to provide a significant boost to its vitality and viability, provide for a better range of retail and other uses and a significantly improved visitor environment
- Develop any remaining underused brownfield sites within the town
- Protect and enhance the key environmental assets including heritage, biodiversity and air quality

### Other Market Towns

The market towns of Tiverton and Crediton will be the secondary focuses of new development, in scale with their individual infrastructures, economies, characters and constraints.

Development will be targeted to:

- Provide a sustainable mix of fit for purpose homes, businesses, shops, leisure, health, education and many other uses, to resolve existing problems where feasible and to meet rural needs

- Protect and enhance their environmental assets including their character, biodiversity, heritage, setting and air quality
- Develop underused and brownfield sites within the towns in preference to greenfield land or public open spaces
- Enhance town centres as accessible, vital and viable locations for a vibrant mix of uses, and as public transport hubs

## **Junction 27, M5 Motorway**

Regionally significant transport infrastructure linkages and acts as a gateway to the South West Peninsula.

Development will be targeted to:

- Provide a high quality tourist and leisure focused development to meet needs identified within the tourism study.
- Associated outlet/discounted retail floorspace to meet a regional comparison floorspace need and deliver the tourist and leisure elements of the allocation. Safeguarding existing town centres through planning controls.
- Ensuring enhanced linkages to Tiverton and Cullompton and the National Rail Network.
- Mitigating environmental impacts.
- Upgrading directly affected transport infrastructure.

## **Villages**

A network of villages with sufficient services and public transport provision will be locations for limited development, targeted to:

- Provide for housing, shops, local services, community facilities and low impact businesses, at a scale commensurate with that of the existing village
- Avoid significantly increased travel by car
- Protect and enhance their environmental assets, including their character, biodiversity, heritage and setting

## **Countryside**

Development in countryside areas outside defined towns and villages, including hamlets and other small settlements, will be targeted to:

- Meet agricultural and other rural business needs
- Promote environmental enhancement including landscape and biodiversity
- Encourage appropriate economic diversification to support the rural economy
- Provide infrastructure to meet the needs of the community

1.16 The Council has considered what strategic approaches are available to meet the vision for sustainable development which has been carried forward from the previous Core Strategy and which continues to reflect the national policy provisions for sustainable development. In particular, the NPPF requires that councils make significant efforts to meet the objectively assessed development needs for their area in their Local Plans. Environmental constraints at Tiverton and Cullompton mean that a new approach to the strategic distribution of development is required in this Local Plan Review. Some provision in the more sustainable villages is now proposed, but a wider distribution of housing in these smaller settlements risks significant increases in unsustainable travel. The possibility of a new settlement in the vicinity of Willand was examined but found to be both inappropriate and likely to be unachievable. Cullompton has more limited environmental constraints than the other market towns and long term growth potential to

the east of the town. Cullompton Town Council is supportive of increased growth rates, reflecting the importance they attach to the economic renaissance of the town and in particular the town centre. Given these constraints, and the lack of feasibility of a new settlement led approach to strategic growth, Cullompton is the appropriate long term focus of the district's growth. The Council understands significant potential infrastructure constraints to this growth will need to be overcome, but by providing certainty to the long term planning policy of the area, the Council will be in a position to work towards overcoming these constraints. Further details are set out in strategic policy S11 Cullompton and in the Cullompton section of Chapter 3.0, Site Allocations.

## Neighbourhood planning

1.17 The Localism Act 2011 devolved planning powers to local communities. A town or parish council designated as a neighbourhood forum can produce a neighbourhood plan, neighbourhood development order or community right to build order.

1.18 A neighbourhood plan must be consistent with the strategic planning policies of the district council, national planning policy and human rights legislation. A Sustainability Appraisal and Strategic Environmental Assessment may also be required. The plan is then subject to independent examination and a referendum. If it succeeds at referendum, a neighbourhood plan becomes part of the Mid Devon Development Plan and a statutory consideration in planning decisions.

1.19 Depending on its scope, the preparation of a neighbourhood plan can be a complex and time-consuming process, requiring a certain amount of technical expertise. The Council will support local communities wishing to pursue neighbourhood planning. Cullompton, Crediton, Silverton and Tiverton were the first to initiate neighbourhood planning in Mid Devon.

1.20 More information on neighbourhood planning and other community rights can be found on the Mid Devon website.

## Superseded policies

1.21 The Local Plan Review replaces and supersedes the policies of the previous Local Plan that was adopted in three parts: The Core Strategy 2026 (Local Plan Part 1) adopted in 2007, the Allocations and Infrastructure Development Plan Document (AIDPD) (Local Plan Part 2) adopted in 2010 and the Local Plan Part 3: Development Management Policies, adopted in 2013.

2007 Core Strategy Policy	Subject	Notes
COR1	Sustainable Communities	Replaced by: S1 Sustainable development priorities
COR2	Local Distinctiveness	Replaced by: S9 Environment
COR3	Meeting Housing Needs	Replaced by: S3 Meeting housing needs
COR4	Meeting Employment Needs	Replaced by: S6 Employment
COR5	Climate Change	Replaced by: S9 Environment
COR6	Town Centres	Replaced by: S7 Town centres
COR7	Previously Developed Land	Replaced by: S9 Environment

COR8	Infrastructure Provision	Replaced by: S8 Infrastructure
COR9	Access	Replaced by: S8 Infrastructure
COR10	Strategic Transport Networks	Deleted: Unnecessary
COR11	Flooding	Replaced by: S9 Environment
COR12	Development Focus	Replaced by: S2 Amount and distribution of development
COR13	Tiverton	Replaced by: S10 Tiverton
COR14	Cullompton	Replaced by: S11 Cullompton
COR15	Crediton	Replaced by: S12 Crediton
COR16	Bampton	Deleted: Bampton has been re-classified as a village
COR17	Villages	Replaced by: S13: Villages
COR18	Countryside	Replaced by: S14 Countryside

Table 1: Schedule of 2007 Core Strategy 2026 policies

2010 AIDPD	Subject	Notes
AL/DE/1	Housing Plan, Monitor and Manage	Replaced by: S4 Ensuring housing delivery
AL/DE/2	Overall Affordable Housing Provision	Replaced by: S3 Meeting housing needs
AL/DE/3	Affordable Housing Site Target	Replaced by: S3 Meeting housing needs
AL/DE/4	Occupation of Affordable Housing	Replaced by: S3 Meeting housing needs
AL/DE/5	Inclusive Design and Layout	Replaced by: S1 Sustainable development priorities
AL/DE/6	Exceptions Policy	Replaced by: DM6 Rural exceptions sites
AL/DE/7	Gypsy and Traveller Provision	Replaced by: DM7 Gypsy and traveller accommodation
AL/DE/8	Public Gypsy and Travellers Provision	Deleted: No equivalent policy
AL/IN/1	Community Infrastructure Levy	Deleted: Now set out in Community Infrastructure Levy Charging Schedule and supporting documentation prepared alongside the Local Plan Review

AL/IN/2	Development Without Community Infrastructure Levy	Deleted: Now set out in Community Infrastructure Levy Charging Schedule and supporting documentation prepared alongside the Local Plan Review
AL/IN/3	Public Open Space	Replaced by: S5 Public open space
AL/IN/4	Green Infrastructure	Replaced by: S9 Environment; DM26 Green infrastructure in major development
AL/IN/5	Education Provision	Replaced by: S8 Infrastructure
AL/IN/6	Carbon Footprint Reduction	Deleted: National policy moving away from delivery of on-site renewables to energy efficiency improvements delivered through the Building Regulations
AL/MO/1	Monitoring	Deleted: Section 5.0 of the Local Plan Review focuses on Monitoring
AL/TIV/1	Eastern Urban Extension	Replaced by: TIV1 Eastern Urban Extension
AL/TIV/2	Eastern Urban Extension Transport Provision	Replaced by: TIV2 Eastern Urban Extension Transport Provision
AL/TIV/3	Eastern Urban Extension Environmental Protection & Green Infrastructure	Replaced by: TIV3 Eastern Urban Extension Environmental Protection and Green Infrastructure
AL/TIV/4	Eastern Urban Extension Community Facilities	Replaced by: TIV4 Eastern Urban Extension Community Facilities
AL/TIV/5	Eastern Urban Extension Carbon Reduction & Air Quality	Deleted: Covered by Development Management policies on renewable energy, air quality and transport and pollution
AL/TIV/6	Eastern Urban Extension Phasing	Replaced by: TIV5 Eastern Urban Extension Phasing
AL/TIV/7	Eastern Urban Extension Masterplanning	Replaced by: TIV1 Eastern Urban Extension
AL/TIV/8	Farleigh Meadows	Replaced by: TIV6 Farleigh Meadows
AL/TIV/9	Blundell's School	Replaced by: TIV16
AL/TIV/10	Howden Court	Replaced by: TIV9 Howden Court
AL/TIV/11	Belmont Hospital, Belmont Road	Deleted: Site permitted and under construction.
AL/TIV/12	St Andrew Street	Replaced by: TIV7 Town Hall/St Andrew Street
AL/TIV/13	William Street	Deleted: Part of site is complete. Remainder is not considered deliverable.
AL/TIV/14	Palmerston Park	Replaced by: TIV11 Palmerston Park
AL/TIV/15	Blundell's Garage, Station Road	Deleted: Site permitted and built out.
AL/TIV/16	Roundhill	Replaced by: TIV10 Roundhill

AL/TIV/17	Hay Park, Canal Hill	Deleted: Concerns over deliverability. Within settlement limit therefore not necessary to remain allocated to come forward.
AL/TIV/18	The Avenue	Deleted: Concerns over deliverability. Part of site now has planning permission for one dwelling.
AL/TIV/19	Phoenix Lane	Replaced by: TIV12 Phoenix Lane
AL/TIV/20	Bampton Street	Deleted: Site has not come forward since allocation. Economic advice suggests unlikely that more than one town centre regeneration scheme to be likely to happen during plan period.
AL/TIV/21	Tidcombe Hall	Replaced by: TIV13 Tidcombe Hall
AL/CU/1	North West Cullompton	Replaced by: CU1 North West Cullompton
AL/CU/2	North West Cullompton Transport Provision	Replaced by: CU2 North West Cullompton Transport Provision
AL/CU/3	North West Cullompton Environmental Protection & Green Infrastructure	Replaced by: CU3 North West Cullompton Environmental Protection and Green Infrastructure
AL/CU/4	North West Cullompton Community Facilities	Replaced by: CU4 North West Cullompton Community Facilities
AL/CU/5	North West Cullompton Carbon Reduction & Air Quality	Replaced by: CU5 North West Cullompton Carbon Reduction and Air Quality
AL/CU/6	North West Cullompton Phasing	Replaced by: CU6 North West Cullompton Phasing
AL/CU/7	Masterplanning	Replaced in part by: CU1 North West Cullompton
AL/CU/8	Knowle Lane	Replaced by: CU13 Knowle Lane
AL/CU/9	Court Farm	Deleted: Majority of site permitted and built out. Remainder within settlement limit and does not need to be allocated to come forward.
AL/CU/10	Padbrook Farm	Deleted: Site permitted and built out.
AL/CU/11	Exeter Road	Replaced by: CU15 Land at Exeter Road
AL/CU/12	Lower Bull Ring	Deleted: Site permitted and built out.
AL/CU/13	Week Farm	Replaced by: CU17 Week Farm
AL/CU/14	Eastern Relief Road	Replaced by: CU19 Town Centre Relief Road
AL/CU/15	Cullompton Air Quality	Replaced in part by: S11 Cullompton Also, each site allocation within Cullompton is required in their policy to have a transport assessment and implement a travel plan to minimise the carbon footprint and air quality impacts
AL/CU/16	M5 Junction 28	Replaced in part by: CU20 Cullompton Infrastructure

AL/CU/17	Town Centre Enhancement	Replaced in part by: CU20 Cullompton Infrastructure
AL/CU/18	Enhanced Walking and Cycling Route	Replaced by: CU8 East Cullompton Transport Provision
AL/CU/19	Railway Station Car Park	Replaced in part by: CU20 Cullompton Infrastructure
AL/CU/20	Colebrook	Replaced by: CU21 Land at Colebrook
AL/CRE/1	Wellparks	Replaced by: CRE1 Wellparks
AL/CRE/2	Red Hill Cross, Exhibition Road	Replaced by: CRE2 Red Hill Cross, Exhibition Road
AL/CRE/3	Cromwells Avenue	Replaced by: CRE3 Cromwells Meadow
AL/CRE/4	George Hill	Deleted: Site permitted and built out.
AL/CRE/5	The Bike Shed, High Street	Deleted: Site no longer available.
AL/CRE/6	The Woods Group, Exeter Road	Replaced by: CRE4 Woods Group, Exeter Road
AL/CRE/7	Wellparks A377	Replaced by: CRE1 Wellparks
AL/CRE/8	Crediton Air Quality	Replaced in part by: S12 Crediton CRE11 Crediton Infrastructure
AL/CRE/9	Crediton Link Road	Deleted: Crediton Link Road has been completed.
AL/CRE/10	Exhibition Road	Deleted: School no longer proposes to move to single site.
AL/CRE/11	Cemeteries	Replaced by: CRE2 Red Hill Cross, Exhibition Road
AL/CRE/12	Pedlerspool, Exhibition Road	Replaced by: CRE5 Pedlerspool, Exhibition Road
AL/BA/1	Bampton, School Close	Replaced by: BA4 School Close, Bampton
AL/BA/2	Bampton, Bourchier Close	Deleted: Site no longer required in accordance with the strategy for Bampton.
AL/BA/3	Bampton, Ashleigh Park	Replaced by: BA3 Ashleigh Park, Bampton
AL/BA/4	Bampton, Newton Square	Replaced by: BA1 Newton Square, Bampton
AL/BO/1	Bow, West of Godfrey Gardens	Replaced by: BO2 West of Godfrey Gardens, Bow
AL/BO/2	Bow, South of Iter Cross	Deleted: No evidence of demand for employment allocation. Long-term protection of the allocation would be contrary to the National Planning Policy Framework.
AL/BO/3	Bow, South West of Junction Road	Deleted: No evidence of demand for employment allocation. Long-term protection of the allocation

		would be contrary to the National Planning Policy Framework.
AL/CO/1	Copplestone, Land off Bassett's Close	Deleted: Site not considered deliverable.
AL/CL/1	Culmstock, Linhay Close	Replaced by: CL1 Linhay Close, Culmstock
AL/CL/2	Culmstock, Hunters Hill	Replaced by: CL2 Hunter's Hill, Culmstock
AL/KE/1	Kentisbeare, South East of Village Hall	Deleted: No evidence of demand for employment in this location. Site has not come forward since allocated.
AL/MB/1	Morchard Bishop, Greenaway	Replaced by: MO1 Greenaway, Morchard Bishop
AL/SA/1	Sandford, South of Village Hall	Replaced by: SA1 Fanny's Lane, Sandford
AL/WI/1	Willand, Willand Moor	Deleted: Site has not come forward since allocation. Alternative allocation within the village included in Local Plan Review.
AL/WI/2	Willand, West of B3181	Replaced by: WI1 Land East of M5, Willand

Table 2: Schedule of 2010 Allocations and Infrastructure Development Plan Document policies

2013 Local Plan Part 3	Subject	Notes
DM1	Presumption in favour of sustainable development	Deleted: Inclusion of 'model' policy no longer required by the Planning Inspectorate
DM2	High quality design	Replaced by: DM1 High quality design
DM3	Sustainable design	Deleted: Government guidance states energy efficiency improvements in buildings to be delivered through Building Regulations. Superseded need for policy.
DM4	Waste Management	Deleted: Policy now included within Devon County Waste Plan 2014.
DM5	Renewable and low carbon energy	Replaced by: DM2 Renewable and low carbon energy
DM6	Transport and air quality	Replaced by: DM3 Transport and air quality
DM7	Pollution	Replaced by: DM4: Pollution
DM8	Parking	Replaced by: DM5 Parking
DM9	Cross subsidy of affordable housing on exception sites	Replaced by: DM6 Rural exception sites
DM10	Rural workers dwellings	Replaced by: DM8 Rural workers' dwellings
DM11	Conversion of rural buildings	Replaced by: DM9 Conversion of rural buildings
DM12	Replacement dwellings in rural areas	Replaced by: DM10 Replacement dwellings in rural areas
DM13	Residential extensions and ancillary development	Replaced by: DM11 Residential extensions and ancillary development

DM14	Design of housing	Replaced in part by: DM1 High quality design
DM15	Dwelling sizes	Replaced in part by: DM1 High quality design
DM16	Town centre development	Replaced by: DM14 Town centre development
DM17	Development outside town centres	Replaced by: DM15 Development outside town centres
DM18	Front of shops and business premises	Replaced by: DM16 Front of shops and business premises
DM19	Rural shopping	Replaced by: DM17 Rural shopping
DM20	Rural employment development	Replaced by: DM18 Rural employment development
DM21	Protection of employment land	Replaced by: DM19 Protection of employment land
DM22	Agricultural development	Replaced by: DM20 Agricultural development
DM23	Equestrian development	Replaced by: DM21 Equestrian development
DM24	Tourism and leisure development	Replaced by: DM22 Tourism and leisure development
DM25	Community facilities	Replaced by: DM23 Community facilities
DM26	Protection of recreational land and buildings	Replaced by: DM24 Protection of Local Green Space and recreational land/buildings
DM27	Development affecting heritage assets	Replaced by: DM25 Development affecting heritage assets
DM28	Green infrastructure in major development	Replaced by: DM26 Green infrastructure in major development
DM29	Protected landscapes	Replaced by: DM27 Protected landscapes
DM30	Other protected sites	Replaced by: DM28 Other protected sites
DM31	Planning enforcement	Replaced by: DM39 Planning enforcement
BA1	Bampton Stone Crushing Works	Replaced by: BA2 Stone Crushing Works (Scott's Quarry), Bampton
WI1	Willand Industrial Estate	Replaced by: WI2 Willand Industrial Estate, Willand

Table 3: 2013 Local Plan Part 3: Development Management Policies

## **2.0 Development Strategy and Strategic Policies**

# Sustainable development principles

The National Planning Policy Framework (NPPF) is clear that the purpose of the planning system is to contribute to the achievement of sustainable development.

The NPPF (2012) states that: “There are three distinct dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

The NPPF (2012) clarifies that “These roles should not be undertaken in isolation because they are mutually dependent” and:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):

- Making it easier for jobs to be created in cities, towns and villages;
- Moving from a net loss of biodiversity to achieving net gains for nature;
- Replacing poor design with better design;
- Improving the conditions in which people live, work, travel and take leisure; and
- Widening the choice of high quality homes.

Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. This Local Plan takes into account local circumstances to achieve sustainable development in Mid Devon.

# Overall provision of housing and employment

2.1 The Local Plan Review sets out the levels of development required over the period 2013-2033. This takes account of the Strategic Housing Market Assessment (2015), the Employment Land Review (2013) and the Retail Study (2012), all of which provide technical advice on the levels of need and demand for development in Mid Devon. The documents can be viewed on the Council's website.

## Housing

2.1a National policy requires that the Council uses its evidence (known as a Strategic Housing Market Assessment, or SHMA) to ensure that the Local Plan meets the full, objectively assessed needs for housing, and that planning for housing is considered over Housing Market Areas. The most recent SHMA for the Exeter Housing Market Area (incorporating Mid Devon, along with Exeter, East Devon and Teignbridge) published 2015, sets out the Objectively Assessed Need for Mid Devon and the remainder of the HMA.

2.1b The SHMA sets out the housing need range for Mid Devon of 359 – 381. Further explanation is given in the SHMA document. This Local Plan sets a housing target of 393 dwellings, above the housing need range set in the SHMA to ensure that housing provision in the plan is consistent with the additional need arising from job creation at Junction 27 of the M5. The SHMA concludes that there is no need for further upward adjustment to reflect market signals or other such factors.

2.2 7,860 dwellings are required over the plan period, equating to 393 dwellings per year. The following table sets out the situation at 31st March 2018 indicating a remaining need for about 3,512 dwellings to be allocated.

Local Plan requirement	7,860
Completions since 2013	1,730
Commitments (dwellings under construction or with planning permission)	2,618
Uncommitted requirement	3,512

Table 4: Housing requirement

2.3 Across the district, this breaks down as follows:

Location	Requirement	Completions (from 1 April 2013 – 31 March 2018)	Commitments (at 1 April 2018)	Remainder
Tiverton	2,358 (30%)	478	1,275	605
Cullompton	3,930 (50%)	545	252	3,133
Crediton	786 (10%)	136	295	355
Rural	786 (10%)	571	796	-581
Total	7,860 (100%)	1,730	2,618	3,512

Table 5: Housing requirement by area

2.4 The Local Plan makes provision for 17% more housing than is required, to provide flexibility and account for unforeseen circumstances that might prevent some sites from coming forward as expected such as not all commitments translating into completions. The availability of land for housing, taking account of existing commitments and allocations is set out in the following trajectory. The development of allocated sites in Tiverton and Crediton will diminish in the latter part of the plan period, while Cullompton’s role in meeting the district’s long-term housing need is reflected in the town’s forecast housing delivery up to 2033. Allocations in Crediton and rural areas will help to bolster housing supply in the first five years of the plan, allowing a sufficient lead-in period for the larger town sites, which have more complex infrastructure and Masterplanning requirements. These trajectories assume that housing will come forward at the earliest opportunity but it is largely the housing market that determines housing delivery and it is possible that sites will be delivered at different times and rates from those forecast. Also, windfall developments will continue to come forward throughout the plan period and these are not included in the trajectories.

### Overall Housing Trajectory 2013-2033

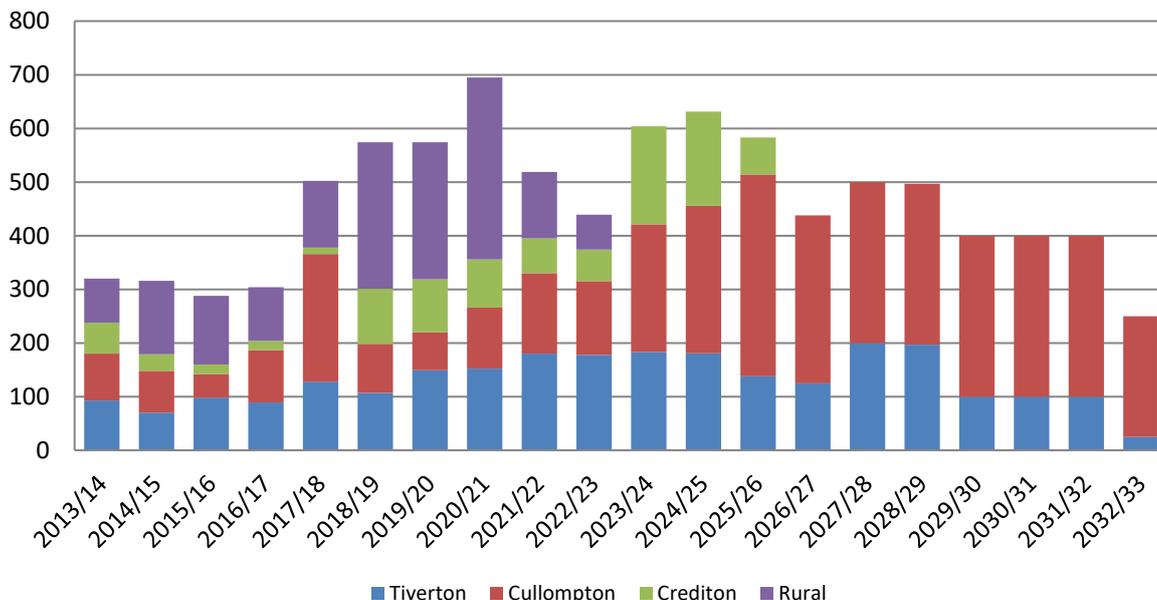


Chart 1: Overall housing trajectory

Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
<b>Tiverton</b>																						
Eastern Urban Extension	TIV1-TIV5														25	100	100	100	100	100	25	550
Howden Court	TIV9										10											10
Roundhill	TIV10									12	8											20
Phoenix Lane	TIV12								4			25	31									60
Tidcombe Hall (contingency)	TIV13																					0
Blundells School	TIV16								12	25	25	50	50	38								200
Commitments							107	149	136	143	135	108	100	100	100	100	97					1275
Completions		93	70	98	89	128																478
Tiverton Total		93	70	98	89	128	107	149	152	180	178	183	181	138	125	200	197	100	100	100	25	2593
<b>Cullompton</b>																						
NW Cullompton	CU1-CU6								49	100	100	150	150	176	100	100	100	100	100	100	25	1350
East Cullompton	CU7-CU12											50	125	175	200	200	200	200	200	200	200	1750
Ware Park and Footlands	CU14													25	13							38
Colebrook	CU21								12	25	25	38										100
Commitments							91	71	53	25	12											252
Completions		87	78	44	98	238																545
Cullompton Total		87	78	44	98	238	91	71	114	150	137	238	275	376	313	300	300	300	300	300	225	4035
<b>Crediton</b>																						
Red Hill Cross	CRE2										12	50	50	23								135
Woods Group	CRE4											8										8
Pedlerspool	CRE5								12	25	25	50	50	38								200
Sports Fields	CRE6										12	50	50	8								120
Stonewall Lane	CRE7											25	25									50
Land at Barn Park	CRE8								12	8												20
Alexandra Close	CRE9								12	3												15
Commitments							103	99	54	29	10											295
Completions		58	31	18	17	12																136
Crediton Total		58	31	18	17	12	103	99	90	65	59	183	175	69	0	0	0	0	0	0	0	979
<b>Rural sites</b>																						
Newton Square	BA1										5											5
Hollywell	BO1									12	8											20
Hele Road	BR1								7													7
Barton	CH1									12	8											20
Land off Church Lane	CB1									12	8											20
Barnshill Close	CF1								7													7
Linhay Close	CL1								6													6
Land adj Fishers Way	HA1								10													10
Greenaway	MO1									12	8											20
Former Tiverton Parkway Hotel	SP1								10													10
Higher Town	SP2								12	25	23											60
Fannys Lane	SA1								8													8
Old Butterleigh Road	SI1							8														8
The Garage	SI2							5														5
South of Broadlands	TH1									12												12
Land east of M5	WI1								12	25	5											42
Commitments							273	242	255	26												796
Completions		82	137	128	100	124																571
Rural Sites Total		82	137	128	100	124	273	255	339	124	65	0	0	0	0	0	0	0	0	0	0	1627
<b>Total (Mid Devon - all areas)</b>		320	316	288	304	502	574	574	695	519	439	604	631	583	438	500	497	400	400	400	250	<b>9234</b>
<b>Five year totals</b>																						
<b>Cumulative five year totals</b>																						
				1730					2801					2756					1947			
				1730					4531					7287					9234			

Table 6: Housing forecast 2013 – 2033

2.5 The availability, suitability and achievability of the sites have been assessed during the Local Plan's preparation, through the Strategic Housing Land Availability Assessment (SHLAA) in accordance with national policy and guidance. The Council is therefore confident that they can and will deliver sufficient housing to meet Mid Devon's requirements. Delivery of housing will be monitored continuously with information published annually in the Authority's Monitoring Report. Where performance falls significantly below the development targets and the Council is no longer able to demonstrate a five year supply of housing in accordance with national policy, the Council will take action as set out in Policy S4. The Local Plan will be reviewed and new sites identified if strategic sites in this plan fail to come forward.

2.6 The following table illustrates the requirement for five years' supply of housing. This is adjusted annually to take account of how many houses have been built since the beginning of the plan period (2013), with any shortfall included in the requirement for the next five years.

A	Local Plan requirement 2013-2033	7,860
B	Implied annual rate 2013-2033 (A ÷ 20)	393
C	Local Plan requirement to date, 2013-2018 (B * 5)	1,965
D	Completions April 2013-March 2018	1,730
E	Shortfall to date, 2013-2018 (C – D)	235
F	Local Plan requirement 2018-2023 (B * 5)	1,965
G	5 year supply requirement (E + F)	2,200

Table 7: Five year housing requirement

2.7 Over the entire plan period (2013-2033) there is provision for 17% more housing than required, as explained in paragraph 2.4. Within certain year brackets, such as 2023/24-2027/28 and 2028/29-2032/33, this is substantially higher, as shown in the table below. The table indicates that even applying a 20% buffer in the short term, there is flexibility in the plan to ensure sufficient housing will come forward for the Council to demonstrate a five year supply in accordance with national policy.

	<b>2018/19-2022/23</b>	<b>2023/24-2027/28</b>	<b>2028/29-2032/33</b>
Requirement	2,200	1,364	573
Trajectory	2,801	2,756	1,947
Surplus	27%	102%	240%

Table 8: Housing supply in five year tranches

2.8 All the housing sites in the Local Plan have been subject to the Strategic Housing Land Availability Assessment and have been deemed to be deliverable. However, the plan has to be able to deal with uncertainty, reflecting that changes in the housing market or other circumstances may prevent allocated sites from being delivered at the rate the Council has forecast. The Local Plan deals with this uncertainty in three ways.

### Extra provision

2.9 The Local Plan makes provision for 1,374 dwellings over and above the identified requirement.

## Windfalls

2.10 Windfalls are dwellings that come forward on sites that are not allocated. Other than windfalls included in the figures for existing committed sites (those under construction or with planning permission), the Local Plan makes no allowance for windfalls likely to occur in the plan period. However, it is highly likely that trends in windfall development will continue, and the Council's annual update of the district's housing supply will take account of windfall developments if and when appropriate. When including windfalls, the Council will assume a minimum of 129 dwellings per year, which is calculated in line with the most recently published version of the Exeter housing market area Housing and Economic Land Availability Assessment (HELAA) methodology (April 2017).

## Contingency sites

2.11 The Local Plan allocates one 'contingency site' for housing. This development will only be permitted if housing delivery across the district falls below defined 'action levels' or the Council is unable to demonstrate a five year housing supply in accordance with national policy. The release of the contingency site will be the Council's preference if the supply of housing is insufficient, but proposals on other sites will also be considered on their merits according to the presumption in favour of sustainable development set out in national policy.

## Commercial development

2.12 The Local Plan sets targets for commercial development, which can include traditional employment uses (B1-B8 use classes) such as offices, industrial development and storage and distribution, and also a range of other commercial uses such as retail, leisure and hospitality. Site allocation policies set out the uses considered acceptable in a certain location, but the Council maintains a flexible approach to employment development and will consider jobs creation as a supporting factor in any proposal. Nevertheless, uncontrolled retail and some other proposals in the wrong location can have serious adverse impacts on town centres and surrounding uses, so there will be careful consideration of these proposals on sites not allocated for such a use.

2.13 Allocations for commercial development are consistent with the Local Plan strategy being broadly in accordance with the housing locations for significant long-term growth in Cullompton, short-medium term growth in Tiverton, and growth in Crediton and rural areas that is proportionate to their circumstances and environmental constraints. The following table shows completions since 2013, existing commitments, (sites under construction and existing planning consents) and the amount of development allocated across Mid Devon. Figures are in square metres floorspace.

Location	Completions (sqm)	Commitments (sqm)	Local Plan allocations (of which remains unconsented) (sqm)
Tiverton	4,218	43,216	37,000 (8,981)
Cullompton	9,273	29,808	57,000 (30,702)
Crediton	2,045	6,863	9,820 (5,429)
Junction 27	0	0	42,550 (42,550)
Rural	30,977	48,476	22,355 (0)
Totals	46,513	128,363	168,725 (87,662)

Table 9: Commercial land completions, commitments and allocations

2.14 The Employment Land Review (2013) recommends the Council plan for 30-40 hectares employment land, which is considered equivalent to approximately 140,000 square metres floorspace. The Retail Study (2012) identifies a limited need for non-food retail at around 7,000 square metres. Taking this evidence into account, the Local Plan

sets a commercial development requirement of 147,000 square metres, with allocations distributed as shown in Table 9.

2.15 To provide flexibility of provision and allow for growth, the Local Plan makes provision for % more commercial floorspace than is required across the district’s settlements. There is an excess of commercial land supply in the most sustainable locations – Tiverton and Cullompton – while Crediton is more constrained due to the limited availability of suitable land. Rural areas are often not suitable for large-scale employment growth, though windfall development in rural areas and on existing employment sites is likely to continue, given past performance and supportive Local Plan policies. In addition the Local Plan makes provision for a further 29% commercial floorspace at Junction 27 for a high quality tourist and leisure focussed development to meet needs identified within the tourism study. The allocated sites have been subject to Strategic Commercial Land Availability Assessment (SCLAA) and are considered available, suitable and achievable. In the event that circumstances change and a site is no longer viable for its designated use, the Council will consider alternative uses as set out in paragraph 2.12 and Policy DM19 (protection of employment land).

2.16 The following trajectory illustrates the expected annual provision of commercial development across the district, taking account of existing commitments and allocations. The development of existing commitments is forecast to take seven years, spread evenly across that period. This takes account of slow historic rates of commercial development in Mid Devon. Cullompton’s role in meeting the district’s long-term development needs is shown in the town’s forecast delivery up to 2033, while Tiverton’s commercial growth from allocated sites tails off with the completion of the Eastern Urban Extension. The development of allocated sites in Crediton and rural areas may have been completed by the latter part of the plan period, but it is highly likely that windfall developments will continue to come forward.

### Overall Trajectory of Commercial Development

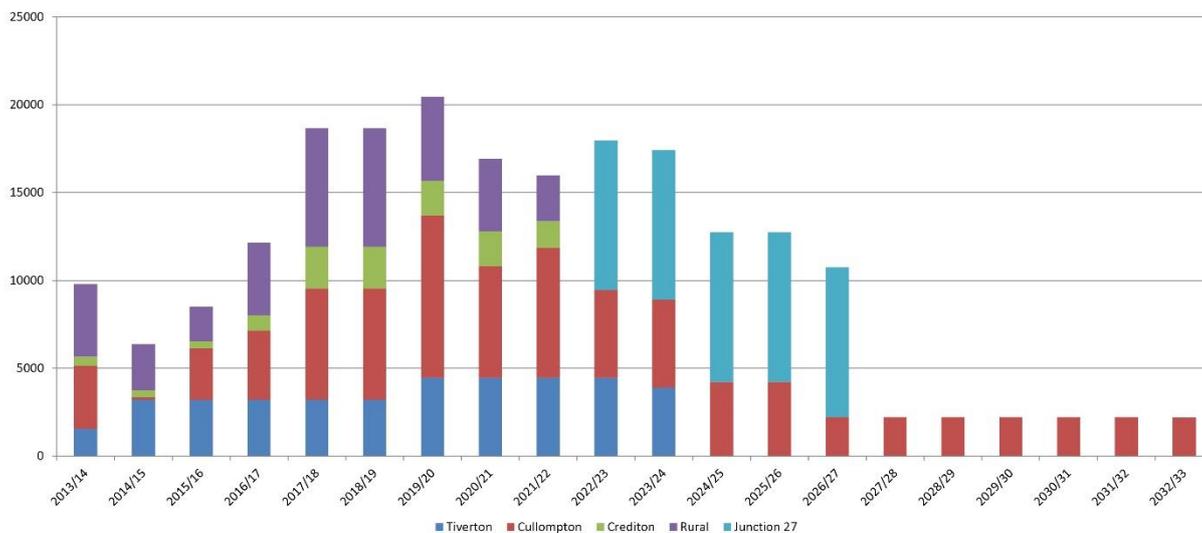


Chart 2: Overall Commercial Development trajectory

# Policy S1

## Sustainable development priorities

The following strategic priorities outline what will need to be achieved to deliver the Vision and address the key issues that have been identified in Mid Devon. All development will be expected to support the creation of sustainable communities by:

- a) A development focus at Tiverton, Cullompton and Crediton as Mid Devon's most sustainable settlements, with long-term growth to the east of Cullompton and a limited level of development in identified villages;
- b) Building a strong, competitive economy through access to education, training and jobs, infrastructure, the creation of new enterprise, economic regeneration and flexibility of uses to respond to changing circumstances;
- c) Ensuring the vitality of town centres and communities through a hierarchy of centres, defined town centre shopping areas, a diverse retail offer at Tiverton, Crediton and Cullompton, through controls on Junction 27 retail and support for the vitality and viability of defined villages;
- d) Supporting a prosperous rural economy through the conversion of suitable existing buildings and well-designed new buildings in suitable locations, diversification of agricultural and other land-based businesses, support for equestrian activities, retention and development of local services and community facilities in villages, and the promotion of sustainable rural tourism and leisure development;
- e) Promoting sustainable transport by delivering appropriate infrastructure, reducing the need to travel by car, integrating public transport and other forms of sustainable travel such as walking and cycling, and providing safe environments while recognising Mid Devon's rural locality;
- f) Supporting high quality communications infrastructure by supporting the expansion of telecommunications and high speed broadband throughout Mid Devon;
- g) Delivering a wide choice of high quality homes through a diverse housing mix and by meeting the housing needs of all sectors of the community including the provision of accessible housing for the elderly and disabled, those wishing to build their own home, affordable housing and gypsy and traveller pitches;
- h) Requiring good sustainable design that respects local character, heritage, surroundings and materials, creates safe and accessible environments, designs out crime and establishes a strong sense of place;
- i) Promoting healthy communities through the delivery of social, educational, recreational and cultural facilities and services, access to high quality open space, public rights of way, recreational trails, accessible land, and other green infrastructure, and opportunities for sport and recreation and the designation of Local Green Space;
- j) Meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources. Encourage the effective use of land, taking into account the economic and other benefits of the best and most versatile agricultural land;
- k) Conserving and enhancing the natural environment by protecting and enhancing valued landscapes including the Blackdown Hills Area of Outstanding Natural Beauty, Exmoor and Dartmoor National Parks, providing accessible green infrastructure, and preventing significant harm to soil, air, water, noise and visual quality, in particular air quality as a local issue at Crediton and Cullompton;
- l) Minimising impacts on biodiversity and geodiversity by recognising the wider benefits of ecosystems, delivering natural environment objectives, providing a net gain in biodiversity and by the protection of international, European, national and local designated wildlife sites; and

**m) Conserving and enhancing the historic environment through the identification and protection of designated and non-designated heritage assets and assessing the impact of new development on the historic character of Mid Devon’s landscapes and townscapes.**

2.17 It is a legal requirement that Local Plans contribute to the achievement of sustainable development. The Council will work in partnership with town and parish councils and other public bodies to ensure that all new development reinforces and delivers sustainable communities in line with guiding principles set out in Policy S1, which correspond to the vision and strategy for the district.

2.18 The sustainable development priorities aim to deliver varied and vibrant places by concentrating activities and facilities in accessible locations. The strategy aims to build a strong, competitive economy through inward investment and deliver a wide choice of high quality homes. Development will provide or utilise accessible green infrastructure networks including public open spaces, public rights of way, cycleways and other green linkages. Sustainable modes of transport include walking, cycling and public transport, though it is recognised that the private car will continue to play a significant role given the rural nature of Mid Devon. The strategy requires good design which conserves and enhances the historic and natural environment, promotes healthy life styles and reduces pollution. The supply of renewable energy should not be supported where it harms the special qualities of protected landscapes or their setting.

2.19 The Council will monitor development to ensure that the Local Plan delivers sustainable development.

## Policy S2

### Amount and distribution of development

**The diverse development needs of the community will be met through the provision of a minimum of 7,860 dwellings and 147,000 square metres of commercial floorspace between 1st April 2013 and 31st March 2033.**

**Development will be concentrated at Tiverton, Cullompton and Crediton, to a scale and mix appropriate to their individual infrastructures, economies, characters and constraints. Other settlements will have more limited development which meets local needs and promotes vibrant rural communities. In addition, development as proposed at Junction 27 of the M5 meets a tourism / leisure need in a location which is suitable for its regional role with a controlled retail element supporting the tourism and leisure aspects of the proposal.**

Development targets are approximately as follows:

Location	Total Residential (commitments and allocations; dwellings)	Total Commercial (commitments and allocations; square metres)
Tiverton	2,358	29,400
Cullompton	3,930	73,500
Crediton	786	14,700
Rural areas	786	29,400
<b>Total</b>	<b>7,860</b>	<b>147,000</b>

2.20 The Strategic Housing Market Assessment (SHMA, 2015) identifies the amount and type of housing that should be provided in Mid Devon. The target for commercial development is based on the Employment Land Review (2013) and the Retail Study (2012). Paragraphs 2.1-2.16 explain how the allocations in the Local Plan will meet the development targets set out in Policy S2 above, while Policies S3 and S6 provide more detail on the types of housing and employment to be delivered. A summary of the SHMA outputs on housing need is contained in paragraphs 2.1a and 2.1b.

2.21 Central to Policy S2 is the role of Cullompton in meeting the district's long-term development needs. This is a departure from historic planning strategy which focused the majority of development in Tiverton, commensurate with the size and sub-regional role of the town. Available and suitable land for development in Tiverton has become increasingly scarce as the town has grown, whereas the expansion of Cullompton is both achievable and supported by the local community.

2.22 National policy advises that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. The largest allocation in the Local Plan is East Cullompton (Policies CU7-CU12), which will have access onto the M5 motorway and deliver significant improvements to highways infrastructure for the whole town. The Council supports the reopening of a railway station at Cullompton and the Local Plan allocates a possible site for this. Pedestrian and cycle links to the town centre will be improved, and residents will be in close proximity to job opportunities within Cullompton and also at Willand, Tiverton and Exeter. The concurrent development of the North West Cullompton Urban Extension will see a new road linking Tiverton Road to Willand Road, which will relieve traffic congestion in the town centre, improving local air quality and the living conditions of residents. In addition, a new relief road to the east of the town centre will further improve local air quality by diverting north- and south-bound traffic away from Fore Street. Significant growth in Cullompton can be made sustainable through this investment in infrastructure, addressing long-standing issues of air quality and motorway junction capacity. New and expanded education facilities will also be provided within the town, to accommodate the impacts of new development.

2.23 Tiverton will continue to expand through the development of the Tiverton Eastern Urban Extension (EUE) and a number of smaller sites. The adopted EUE Masterplan proposes up to 1,520 dwellings and 30,000 square metres commercial floorspace, with a new junction onto the A361, a new primary school and community facilities.

2.24 Crediton is the smallest of Mid Devon's market towns but serves a wide area in terms of employment, education and shopping. The physical constraints of Crediton limit the options for developable sites, and there are existing problems of traffic congestion through the town centre. Air quality should improve following the opening of the Crediton Link Road as a proportion of HGV and other traffic is drawn away from Exeter Road to the Lords Meadow Industrial Estate; however the housing target for Crediton only amounts to 10% of the district total due to the traffic and topographical constraints that exist.

2.25 Rural areas are expected to accommodate around 10% of the housing requirement for Mid Devon. The Local Plan generally allocates small sites, the development of which will help to support the vitality of rural areas without harming their character or putting undue pressure on local infrastructure. Commercial development in rural areas will come forward on non-allocated sites according to demand, enabled by supportive general policies, but the Local Plan also retains small employment allocations in Bampton and Willand as these sites are already permitted or well-connected to existing commercial uses and infrastructure.

2.25a In addition to the development targets as set out in the policy above, land at Junction 27 is allocated for 42,550 sqm of commercial floorspace to meet a tourism/leisure need in a location suitable for its regional role with a retail element supporting the tourism and leisure aspects of the proposal. This will provide a high quality tourist and leisure focussed development to meet needs identified within the tourism study.

# Housing

## Policy S3

### Meeting housing needs

- a) **The diverse housing needs of Mid Devon will be met through the provision of a minimum of 7,860 dwellings between 1st April 2013 and 31st March 2033. In line with the predicted continuing need for new housing the expected annual rate of new housing development will be 393 dwellings per annum;**
- b) **Unless otherwise stated in a site allocation policy, on open market housing sites (i.e. excluding exception sites provided under Rural Exception Sites under policy DM6) of 11 dwellings or more in Tiverton, Cullompton and Crediton a target of 28% affordable dwellings, and on sites elsewhere of 6 dwellings or more a target of 30% affordable dwellings will be applied to the total number of dwellings, depending on viability and providing a mix of dwelling sizes and types appropriate to the evolving needs of Mid Devon's population. Sites of between 6 – 10 dwellings outside Tiverton, Cullompton and Crediton will be permitted to make a financial contribution sufficient to provide the affordable dwellings in another location;**
- c) **To support self-build and custom dwellings meeting the needs of local communities, such dwellings will be permitted as affordable housing in locations outside settlement limits in accordance with Policy DM6;**
- d) **To support self-build and custom housing on sites of 20 dwellings or more developers will supply at least 5% of serviced dwelling plots for sale to self-builders for a period of 12 months per plot and any plots subsequently developed for self-build must be completed within 3 years of purchase by a self-builder; and**
- e) **A five year supply of gypsy and traveller pitches will be allocated on deliverable sites within Mid Devon to ensure that the predicted need for traveller sites will be met. A further supply of developable sites or broad locations for growth will be identified equivalent to a further ten years of predicted growth. The Housing Authority will seek to provide a public site for gypsy and traveller pitches within Mid Devon, subject to the availability of funding.**

2.26 As recognised in the National Planning Policy Framework (NPPF) (2012) “every effort should be made objectively to identify and then meet the housing needs....of an area”. To do this the Council has commissioned a Strategic Housing Market Assessment (SHMA) in conjunction with other Councils to establish the level and types of housing need in Mid Devon. ‘Objectively Assessed Need’ (OAN) is determined by examining demographic projections, jobs-led population forecasts and market signals which may affect housing need. The SHMA concludes that Mid Devon’s housing need falls between 359 and 381 dwellings per year. This Local Plan sets a housing target of 393 dwellings, above the housing need range set in the SHMA to ensure that housing provision in the plan is consistent with the additional need arising from job creation at Junction 27 of the M5.

2.27 The Council’s Corporate Plan aims to “facilitate the housing growth that Mid Devon needs, including affordable housing” and “ensure good design and quality of new housing and associated environment”. The design policies in this plan will be utilised to achieve good quality housing for Mid Devon residents. The need for affordable housing has been established by the Strategic Market Housing Assessment (SHMA). The SHMA concluded that 124 units of affordable housing are needed per year to meet future needs arising in the district. This is equivalent to about 30% of the total housing need for Mid Devon. This is reflected in the affordable housing policy which requires development to meet this need by providing a proportion of dwellings as affordable on sites above the threshold. Additional affordable housing will also continue to come forward as windfalls resulting from Homes England investment, exception sites and delivery of housing on Council-owned land.

2.28 The application of the affordable housing policy is anticipated to deliver over 2,000 affordable dwellings across the plan period, equating to approximately 30% of total housing supply. However it is recognised that the level of supply is unlikely to meet the anticipated need as not all allocations will come forward or others may be developed with a lower housing number than specified in the policy. Furthermore, the Council has to consider the implications of meeting the need on the viability of new housing development. Viability assessment work undertaken for the Council in relation to the Community Infrastructure Levy (CIL) has established that for the targets of 30% in rural areas and a target in the towns of 28% CIL charges of £60 and £40 respectively are viable. However, as affordable housing is secured through planning obligations rather than CIL, the proportion to be provided onsite is negotiable and the Council may accept financial contributions in lieu of onsite provision, which can result in a lower level of affordable housing delivery than anticipated. Setting the affordable housing targets at the level proposed is therefore considered an appropriate balance between meeting the majority of the need within the district, whilst ensuring the delivery of other important elements such as infrastructure, essential to achieve sustainable development over the plan period to 2033.

2.29 The SHMA forecasts a significant increase in Mid Devon's older population. Given the resource demands associated with very elderly people, such as specially adapted bathrooms and the need for lifts, this is a significant figure. Care homes or retirement complexes will be provided through the development of strategic site allocations and other sites as they come forward. The Building Regulations will also ensure that new housing meets certain requirements for adaptability and an ageing population. As a result, there is no need for a specific policy target related to housing for older people.

2.30 The Government is supporting the delivery of larger numbers of self-build and custom homes through such measures as exempting such housing from the payment of CIL. For the purposes of CIL exemption, 'self-build' is defined as all homes built or commissioned by individuals or groups of individuals for their own use. The definition used in the Self-build and Custom Housebuilding Act 2015 is included in the glossary. Local evidence suggests that there is a demand for such housing in Mid Devon in that approximately 2,000 people search online for self-build plots every year in Mid Devon and the Council's Citizen's Panel Survey (2013) shows that 12% of respondents were considering building their own home. Policy S3 therefore includes a requirement for 5% of plots on sites of 20 houses or more to be made available for purchase by self-builders. The self-build element will form part of the market dwellings available on the site, with the percentage applied to the total number of properties on a site. For example, a site of 100 dwellings, where a policy of 25% affordable housing applies, will provide 25 affordable dwellings and 75 dwellings for sale on the open market, of which 5 of the latter would need to be provided as plots for self-build. Such plots will be marketed for a period of 12 months before being returned to the builder's control. The self-build property needs to be lived in as the owner's principal residence for 3 years, as this is a condition of the exemption from CIL liability.

2.31 As set out in the Government statement 'Planning policy for traveller sites' the government's aim is to ensure fair and equal treatment for gypsies and travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. To achieve this aim the statement indicates that working collaboratively local planning authorities should make their own assessment of need for traveller sites and identify a five year supply of deliverable sites with a further ten year supply of developable sites or broad locations for growth on top of this. As a result a group of Councils within Devon commissioned a Gypsy and Traveller Accommodation Assessment (GTAA) to ascertain the need for gypsy, traveller and travelling showpeople pitch or plot requirements. This study indicated that between 2014-34 within Mid Devon there is a need for 35 pitches for gypsies and travellers and 11 plots for travelling showpeople. The need for gypsy and traveller pitches will be accommodated by pitches within larger housing sites, for example at Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlerspool in Crediton. The Council's preferred approach is for on-site provision as part of larger housing proposals TIV1, CU1, CU7 and CRE5. Provision off-site will only be accepted where it is demonstrated that provision on a different site would achieve an acceptable outcome for Gypsies and Travellers as described in Policy DM7. Where such an acceptable outcome can be demonstrated, off-site provision must meet the requirements of Policy DM7, and a mechanism must be put in place to ensure that the pitches are delivered. This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided

by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and available for occupation before the occupation of a specified proportion of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where the off-site provision of pitches generates additional infrastructure needs, developers of the larger housing proposal at TIV1, CU1, CU7 or CRE5 will be expected to contribute fairly towards the cost in accordance with Policies S8 and DM7 of this Plan.

## Policy S4

### Ensuring housing delivery

The local planning authority will monitor the delivery of housing against the annual target set out in Policy S3 and against the total completions which should have taken place since the start of the Local Plan period. Cumulative dwelling completions since 1st April 2013 will be compared with the following defined action levels:

Year (1st April - 31st March)	Action Levels	Cumulative Target
2013/14	0	393
2014/15	0	786
2015/16	393	1179
2016/17	786	1572
2017/18	1179	1965
2018/19	1572	2358
2019/20	1965	2751
2020/21	2358	3144
2021/22	2751	3537
2022/23	3144	3930
2023/24	3537	4323
2024/25	3930	4716
2025/26	4323	5109
2026/27	4716	5502
2027/28	5109	5895
2028/29	5502	6288
2029/30	5895	6681
2030/31	6288	7074
2031/32	6681	7467
2032/33	7074	7860

**If cumulative completions since 2013 fall below the expected completions total by over two years' worth of the annual target (as expressed in the defined action level for that year), or a five year supply of deliverable sites cannot be demonstrated, the Council will work proactively to bring forward allocations or outstanding planning consents. If this is insufficient to deliver the necessary level of housing, an identified contingency site will be permitted to boost housing supply.**

2.32 To ensure that Mid Devon can deliver the level of housing development required to meet identified housing need there needs to be a mechanism that will allow further sites to come forward if for any reason the expected level of delivery falls significantly below the annual target set out under Policy S3. If housing delivery falls below the action level this will be addressed through proactive development management to bring forward allocated and permitted sites, and then through the release of a deliverable contingency site. However, there will be variation of delivery across the years so it is important that the action level when the designated contingency site~~s~~ will come forward will not trigger its release in response to normal variations in completions. The trigger level will therefore be when delivery has fallen two years' worth of expected annual completions behind the expected overall total for that year (i.e. equivalent to 10% of overall plan housing need).

2.33 The National Planning Policy Framework requires local planning authorities ensure that there is a supply of specific deliverable housing sites with a capacity equivalent to 105% of five years' worth of the annual housing target. The Local Plan proposals are designed to ensure that a five year supply of housing land is and remains available through the plan period, from existing permissions and allocations. However, should the Council at any time be unable to demonstrate a five year housing supply, it will prioritise actions to overcome constraints to the development of permitted or allocated sites. If that is insufficient or will not deal with the issue quickly enough, the Council will permit the development of a contingency site in order to boost short term housing supply. The Council will monitor the level of housing supply through its Authority's Monitoring Report and instigate an early review of the Local Plan to identify further sites if necessary.

# Policy S5

## Public open space

Within the parish boundaries of Tiverton, Cullompton and Crediton and the parishes containing villages defined in Policy S13, the following standards for the provision of high quality open space will be applied:

Type of open space	Quantity standard (square metres per dwelling)	Access standard
Allotments	6	300 metres or 6-7 minutes' walk time
Amenity green space	23.5	300 metres or 6-7 minutes' walk time
Parks, sport and recreation grounds	35 include both public and private grounds (excluding education sites)	600 metres or 12-13 minutes' walk time
Play space (children)	1.5	300 metres or 6-7 minutes' walk time
Youth space (teenagers)	0.5	600 metres or 12-13 minutes' walk time

In all other parishes, the following standards for the provision of open space will be applied:

Type of open space	Quantity standard (square metres per dwelling)	Access standard
Allotments	6 (for new provision)	600 metres or 12-13 minutes' walk time
Recreation space	28 to include both public and private grounds (excluding education sites)	600 metres or 12-13 minutes' walk time
Play space (children and youth)	1	600 metres or 12-13 minutes' walk time

Developments of 11 or more dwellings within the parishes of Tiverton, Cullompton and Crediton, and 6 or more dwellings elsewhere, will provide open space onsite or through offsite financial contributions, as follows:

Type of provision	Up to 49 dwellings	50-199 dwellings	200+ dwellings
Play space	Offsite	Onsite	Onsite
Amenity/natural green space	Offsite	Onsite	Onsite
Allotments	Offsite	Onsite	Onsite

<b>Park, sport and recreation ground</b>	<b>Offsite</b>	<b>Offsite</b>	<b>Onsite</b>
<b>Teenage facilities</b>	<b>Offsite</b>	<b>Offsite</b>	<b>Onsite</b>

2.34 Access to public open space including sports facilities is an essential element of healthy communities and national policy promotes such provision. To this end the Council has undertaken an Open Space and Play Area Study (2014) to identify the level of supply across Mid Devon and the gaps in open space provision. This results in the above standards, which aim to maintain the current level of provision per person as Mid Devon's population increases, and to increase the provision for teenage facilities which has been identified as a particular area of open space deficiency. Teenage facilities might include skateboard parks, basketball courts and 'free access' Multi Use Games Areas (MUGAs). In practice, there will always be some flexibility of use where younger children use equipment designed for youths and vice versa.

2.35 The types of applicable public open space are set out in the policy. For the purposes of this policy, other spaces such as grass verges, tree-lined avenues and sustainable urban drainage schemes are not classed as public open space. The standards are applied to development proposals according to the average size of households in Mid Devon (2.35 people).

2.36 Onsite open space will be provided by the developer and designed in such a way as to maximise the attractiveness, safety and overall quality of the development. The provision of larger multi-functional open space 'hubs' is considered preferable to smaller fragmented open spaces across a development. The balance of onsite and offsite provision according to site size is set out in the policy, but the Council will consider on a case-by-case basis any proposals that seek to justify a different solution. A planning obligation will be used to control the long-term maintenance of onsite open space through a management company.

2.37 Smaller developments (fewer than 6 dwellings in rural areas or 11 dwellings in the towns) will not be required to provide a public open space contribution, in accordance with national guidance. Most housing developments increase the demand for open space in the area, but a financial contribution towards a public open space project outside the site (an offsite contribution) will be accepted according to the amount of development being proposed, as set out in the policy. The Open Space and Play Area Strategy describes which types of housing (such as open market, affordable or accommodation for the elderly) will be eligible for offsite provision of public open space. The Council will identify locations across the district that require open space improvement or new provision, and for eligible developments will require a financial contribution through a planning obligation which secures funding for a specific project. The amount required is related to the cost of providing and maintaining open space, expressed as a cost per person as set out in the Open Space and Play Area Strategy. The Council will monitor the use of funds collected in this way to ensure that planning obligations are directly related to the open space needs associated with each development.

2.38 Viability testing undertaken by the Council has demonstrated that not all sites may be able to fund the full cost of the off-site contribution. Therefore, the Council will consider a reduced contribution where it can be demonstrated that payment of the full cost would make the development unviable. Further details on the policy's application, including information on the consideration and submission of viability evidence will be set out in a review of the existing Open Space Supplementary Planning Document, to be undertaken after the adoption of the Local Plan.

2.39 The Council will not use the Community Infrastructure Levy (CIL) to fund open space provision, to avoid illegal double-charging of developers who are required to provide onsite open space as part of well-designed development while also paying CIL. However, at least 15% of CIL receipts will be transferred to the parish council in the area a development takes place, and parish councils may spend this money on any infrastructure in their area which may include the creation, development, repair or maintenance of existing areas of open space.

2.40 Policy DM24 protects existing public open spaces from development, including some identified areas of 'Local Green Space'. Communities may also seek to protect such areas through designation in a neighbourhood plan or by registering sites as Assets of Community Value (as defined in the glossary).

# Employment

## Policy S6

### Employment

**The employment needs of the community will be met through the development of 147,000 square metres of commercial floorspace comprising a range of employment-generating uses, including:**

- a) Offices, industry, storage and distribution (B1-B8);**
- b) Retail, tourism and leisure (A1-A5, C1, D2 and relevant sui generis uses);**
- c) Development for healthcare, education and public facilities (C2-C2a, D1); and**
- d) Other forms of sustainable employment-generating uses.**

2.41 The Council's employment strategy is inclusive, seeking to provide the jobs the market can deliver by promoting a range of employment-generating uses. While the majority of commercial land allocations comprise B1, B2 and B8 uses, the plan has a positive approach to other uses that provide jobs in a sustainable manner.

2.42 Employment floorspace is measured according to 'gross internal floorspace', meaning the area of floor inside the walls. This applies to use classes B1 (business), B2 (general industry) and B8 (storage and distribution) and will generally be applied to all commercial development, except for retail within use class A1 (shops). A1 retail floorspace is 'net floorspace', meaning the area of a store used for sales. Within this class, 'convenience' means food sales, while 'comparison' means anything else.

2.43 The Employment Land Review (2013) presents forecasts for employment land in Mid Devon, taking account of economic projections and past take-up of employment land. The Employment Land Review recommends that the Council plan for 30-40 hectares of employment land over a twenty year period, equating to approximately 140,000 square metres floorspace.

2.44 Very large employment sites can be more difficult to deliver due to high infrastructure costs, and there is an identified shortage of small-scale employment sites. Development Management policies allow for small-scale employment and other commercial development in suitable locations. These sites can come forward according to market demand and a land allocation will not always be necessary. However, the towns are usually the most sustainable locations for planned employment growth, where there is an existing local population and access to services. Commercial development is expected to be delivered through a combination of site allocations and windfall developments elsewhere.

2.45 The Local Plan's employment strategy seeks to guide a deliverable level of development to the most sustainable locations while recognising that larger employment centres such as Exeter and Taunton will continue to draw some of Mid Devon's working population, and suitable employment in rural areas will benefit the rural economy.

2.46 The Retail Study (2012) identifies a quantitative need of approximately 7,000 square metres of comparison retail floorspace up to 2026. Long-term forecasting of retail demand is not very reliable, so the anticipated need has been applied across the plan period to 2033 on the understanding that allocated and non-allocated sites will come forward according to market demand and the plan will be reviewed before the need to 2026 is likely to have been exhausted. Retail development will generally be directed towards town centres and the Council will apply a sequential approach in assessing edge-of-centre or out-of-centre proposals, in accordance with Policies S7, DM14 and DM15. In addition, development as proposed at Junction 27 of the M5 meets a tourism / leisure need in a location which is suitable for its regional role with a controlled retail element supporting the tourism and leisure aspects of the proposal.

2.47 The following table sets out the Local Plan allocations which include employment-generating uses, and states where their policies can be found within this document:

<b>Location</b>	<b>Site</b>	<b>Policy</b>	<b>Gross site area (ha)</b>	<b>Net site area (ha)</b>	<b>Floorspace (sq.m)</b>	<b>Local Plan page</b>
<b>Tiverton</b>	Eastern Urban Extension	TIV1-5	153	6	30,000	
<b>Tiverton</b>	Phoenix Lane	TIV12	1.4	1	7,000	
<b>Cullompton</b>	North West Urban Extension	CU1-6	95	3	10,000	
<b>Cullompton</b>	East Cullompton	CU7-13	160	5	20,000	
<b>Cullompton</b>	Week Farm	CU18	10.7	8.7	15,000	
<b>Cullompton</b>	Venn Farm	CU19	4.4	2.5	12,000	
<b>Crediton</b>	Wellparks	CRE1	22.9	1.2	2,220	
<b>Crediton</b>	Land south of A377	CRE10	1.9	1.9	7,600	
<b>Junction 27</b>	Junction 27	J27	71	28	42,550	
<b>Bampton</b>	Stone crushing works (Scott's Quarry), Bampton	BA2	0.45	0.36	355	
<b>Willand</b>	Willand Industrial Estate	WI2	9.2	9.2	13,000	

# Town centres

## Policy S7

### Town centres

**The vitality and viability of the town centres of Tiverton, Cullompton and Crediton will be protected and enhanced by positive management so that economic regeneration and heritage conservation reinforce each other as follows:**

- a) Positive measures of enhancement and regeneration;**
- b) Promoting new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability;**
- c) Outside the town centres of Tiverton, Cullompton and Crediton, only permit new retail, leisure, office and other key town centre uses where they meet the sequential and impact tests set out in Policy DM15; and**
- d) Traffic management measures including improving sustainable travel opportunities and interchange facilities to improve town centre environment and accessibility.**

2.48 Policy S7 seeks to secure the sustainability of Mid Devon's market towns, focusing development within town centres. The Council will work in partnership to deliver the objectives of Policy S7 and will integrate other local plans and strategies, including neighbourhood plans where these are being prepared. Investment will be directed to enhance and regenerate areas of environmental, social and economic deprivation. Networks and interchange facilities, which provide opportunities for better integration of public transport and sustainable ways of travelling, will be improved. Town centre health checks will be undertaken to monitor the condition of each of the market towns in respect of the objectives set out above. This focus on healthy town centres does not preclude retail, leisure and recreation uses within strategic site allocations, such as East Cullompton. Sustainable development of such large sites requires a mix of uses, providing residents with close access to employment, recreation and small-scale convenience shopping, though these mixed uses must be carefully planned so as not to undermine town centres. A masterplan will set out the principles to be followed in subsequent planning applications. A sequential test applied at planning application stage will be considered in this context. The allocation of land at Junction 27 to provide a high quality tourist and leisure focused development to meet needs identified within the tourism study will include associated outlet/discounted retail floorspace to meet a regional comparison floorspace need and deliver the tourist and leisure elements of the allocation. Existing town centres will be safeguarded through planning controls.

2.49 Mid Devon's town centres face a challenging future due to changing national retailer requirements, online shopping and reduced consumer spending. The Retail Study suggests that a changing role or focus for town centres may be required, involving conversion and redevelopment to other uses. To this end, the Local Plan incorporates tourism and leisure uses within the retail part of the commercial development target in Policy S2 and has a positive strategy for the enhancement and regeneration of town centres. Town centre redevelopment is expected to include some residential accommodation, to improve the viability of development and the vitality of the town centre.

2.50 Research by English Heritage, the Heritage Lottery Fund and others clearly demonstrate the significant contribution of heritage to the economy. Policy S7 emphasises the importance of heritage conservation in making the town centres attractive places to visit.

2.51 The following table contains details of the Local Plan's only town centre allocation, and states where the policy can be found within this document:

Location	Site	Policy	Site area (ha)	Use	Local Plan page
Tiverton	Phoenix Lane	TIV12	1.4	60 dwellings and 7,000sqm. of mixed commercial floorspace	

# Infrastructure

## Policy S8

### Infrastructure

**The location, scale and form of development will be guided by the need for community facilities and any existing infrastructure deficiencies. The Council will work with providers and developers to ensure that new development is served by necessary infrastructure in a predictable, timely and effective fashion. Development and transport planning will be coordinated to improve accessibility for the whole community and promote the use of sustainable modes of transport. The Council will set out key infrastructure and facility requirements for new development in an Infrastructure Plan, taking account of existing provision and cumulative impact of new development. Developers will be expected to contribute fairly towards, or bear the full cost of, new or improved infrastructure and facilities where it is appropriate for them to do so, subject to viability assessment where appropriate. Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan.**

2.52 Ensuring that new development is served by appropriate infrastructure is an important role of the planning system. This is achieved by the provision of infrastructure in step with development and by guiding development to places where there is existing capacity. There is also the possibility that new development can be guided to locations where its infrastructure will help to achieve wider planning objectives such as air quality improvements. Developments likely to generate significant levels of traffic must be supported by a robust transport evidence base.

2.53 This policy underpins site allocation policies such as the North West Cullompton and East Cullompton urban extensions, which will provide traffic solutions to improve motorway junction capacity and reduce traffic through the town centre. Facilities such as schools, green infrastructure and community halls will be provided or enhanced as appropriate, to account for the increased demand arising from new development. The strategic sites will also include care homes or other provision for older people in recognition of the aging population and its associated needs. The Council will guide development to locations where there is sufficient sewerage capacity, or require that increased capacity be provided in step with development which will help to deliver Water Framework Directive objectives. The need for investment will be reviewed and addressed by South West Water through 5 yearly cycle plans. Sewerage network improvements will be negotiated in line with the provisions of the Water Act in conjunction with developers as and when the need arises.

2.54 For most sites funds for infrastructure delivery will be secured through the Community Infrastructure Levy (CIL); a charge per square metre of eligible new development. The rate of payment for CIL has been subject to viability assessment which takes account of the other policy requirements affecting viability, such as affordable housing targets. Legal agreements under Section 106 of The Town and Country Planning Act (1990) may be used instead of CIL if the proceeds would exceed the amount of CIL that would be generated from the development. Section 106 Agreements, a type of planning obligation, will also be used to secure funding for specific public open space projects in the district, as discussed under Policy S5. The strategic sites (Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Junction 27) will be zero-rated for CIL and these developments will be required to pay for necessary infrastructure through Section 106 agreements, undergoing viability assessment at planning application stage if necessary.

2.55 There is currently a significant infrastructure funding gap and the Council will also seek external sources of funding to deliver key infrastructure. More information about the means of funding infrastructure can be found in the most recent Infrastructure Plan and the 'Regulation 123' list for CIL, available on the Council's website. CIL is also

accompanied by a policy setting out the circumstances in which Section 106 agreements are to be used. It is anticipated that CIL will be adopted at the same time as the Local Plan.

# Environment

## Policy S9

### Environment

Development will sustain the distinctive quality, character and diversity of Mid Devon's environmental assets and minimise the impact of development on climate change through:

- a) High quality sustainable design which reinforces the character and distinctiveness of Mid Devon's historic built environment, mitigates and adapts to climate change and creates attractive places;
- b) The efficient use and conservation of natural resources of land, water and energy, minimising pollution and preserving the quality and productivity of the best and most versatile agricultural land wherever possible;
- c) The provision of measures to reduce the risk of flooding to life and property, requiring sustainable drainage systems including provisions for future maintenance, guiding development to locations of lowest flood risk by applying a sequential test where appropriate, and avoiding an increase in flood risk elsewhere;
- d) Renewable energy development in locations where there is an acceptable local impact, including visual, on nearby residents, landscape character and wildlife, balanced with the wider sustainability benefits of renewable energy;
- e) The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within landscape character areas. Within the Blackdown Hills Area of Outstanding Natural Beauty, and within the setting of the Blackdown Hills Area of Outstanding Natural Beauty, and Exmoor and Dartmoor National Parks, the primary objective will be to protect the special qualities of that landscape and its setting;
- f) The protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species populations and linking habitats. If significant harm resulting from development cannot be avoided impacts should be adequately mitigated. Compensation measures will only be considered where appropriate as a last resort; and
- g) The preservation and enhancement of Mid Devon's cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance such as listed buildings, conservation areas, scheduled monuments and local heritage assets.

2.56 The environmental qualities of the district are highly valued by the community and the preservation and enhancement of Mid Devon's distinctive environmental assets are important to the achievement of sustainable development. Changes in land use, agricultural practices and new development are all threats to the quality of Mid Devon's environment unless properly managed, while the effects of climate change will provide both challenges and opportunities. New development will be located, designed and constructed in ways that reinforce local distinctiveness, respond to climate change and provide positive solutions for protecting and enhancing environmental assets. Mitigation measures will be sought where appropriate, to achieve neutral or positive effects on the environment, including ecological measures which would help to deliver Water Framework Directive objectives.

2.57 The Government's approach in tackling climate change has evolved over time. Ambitious carbon reduction targets have led to Government incentives for renewable energy schemes, resulting in a marked increase in planning applications for wind turbines and field-scale solar energy development. The Mid Devon Landscape Sensitivity Assessment considers the susceptibility of different parts of the landscape to change as a result of wind and solar energy development of different sizes, scales and groupings. This assessment is a material consideration in decision-making, alongside evidence of biodiversity, noise, glare and other impacts.

2.58 Development Management policies on design, green infrastructure, protected landscapes/habitats and heritage assets provide detailed criteria for development.

# Tiverton

## Policy S10

### Tiverton

**Tiverton will continue to develop in a balanced way as a medium sized market town serving a rural hinterland in the central part of Mid Devon and to the north. The strategy will maintain its status as the largest urban area in Mid Devon and increase the self-sufficiency of the town and its area by improving access to housing, employment and services for its population and that of the surrounding rural areas. Proposals will provide for approximately 2,358 dwellings, of which 660 will be affordable, and 29,400 gross square metres of commercial floor space over the plan period.**

**The Council will guide high quality development and other investment to:**

- a) Manage the town centre so that economic success and heritage reinforce each other, promoting new homes, shops, leisure, offices and key town centre uses which contribute to vitality and viability, including an additional 7,000 square metres of gross commercial floorspace in accordance with the sequential approach in Policy DM15;**
- b) Enhance walking and cycling opportunities and bus services around the town, particularly improving access via these more sustainable modes to the town centre, Tiverton Parkway Station, Exeter and Taunton, and their interchange in the town centre;**
- c) Retain the green setting provided by the steep open hillsides, particularly to the west and south of the town and the historic parkland of Knightshayes to the north of the A361;**
- d) Protect the importance of Tidcombe Fen, other areas of biodiversity value and green infrastructure, supporting opportunities for enhancement;**
- e) Enhance the tourism and visitor role of the town and surrounding area; and**
- f) Support measures to reduce flood risk within Tiverton, working with natural processes wherever possible.**

2.59 Tiverton is the largest settlement in Mid Devon, with the largest economic concentration and level of social and commercial services. It is the focus of a reasonable level of public transport provision. However, the long-term options for Tiverton's growth are constrained by the town's topography, flood plains and the position of the A361. Cumulative traffic impacts on Junction 27 of the M5 must also be considered. While the evidence suggests that improvements to signalisation of the junction have provided capacity for planned strategic development in Tiverton, additional development may require improvements to the junction. Traffic assessments will be required where appropriate to consider impacts on the local and strategic road network.

2.60 As the largest town in the district, there is an expectation that Tiverton will deliver approximately 2,358 dwellings over the plan period. Recent completions and current commitments total over 1,750 dwellings. It is therefore expected that a significant proportion of the town's outstanding housing needs will be delivered as part of the Eastern Urban Extension allocation (TIV1-5), with the remainder provided by smaller allocations. Sites have been allocated in excess of the anticipated development levels to allow for flexibility in the supply of housing and employment, as discussed in paragraphs 2.1-2.16. A contingency site has been allocated within the town, forming part of the strategy for providing flexibility within the plan.

2.61 Retail forecasts identify a need for additional non-food retail floorspace in Tiverton. The Retail Study (2012) recommends that site allocations for retail development include the redevelopment and improvement of the bus station and existing open-air car parks. The area around Phoenix Lane in Tiverton is available, suitable and achievable for a mixed use redevelopment scheme.

2.62 Historically, the take-up of employment allocations in Tiverton has been slow, while the larger urban centres of Exeter and Taunton are established employment destinations and will continue to draw a large number of Mid Devon's working residents. The Employment Land Review (2013) advises on the locations and amounts of development appropriate in the towns. In accordance with this, the Tiverton Eastern Urban Extension is expected to provide 30,000 square metres of employment floorspace, phased to come forward in step with housing development. Employment development in this location, close to the A361, may serve to claw back some of the jobs that are currently being lost to other settlements outside Mid Devon.

2.63 The following table sets out the allocations in Tiverton, their policy reference, site area and use, and states where the relevant policies can be found within this document:

Site	Policy	Site area (ha)	Use	Local Plan page(s)
Eastern Urban Extension	TIV1-TIV5	153	1580 dwellings and 30,000 sqm of commercial floorspace	
Farleigh Meadows	TIV6	8.2	255 dwellings	
Town Hall	TIV7	0.5	59 dwellings	
Moorhayes Park	TIV8	0.4	8 dwellings	
Howden Court	TIV9	0.47	10 dwellings	
Roundhill	TIV10	0.4	20 dwellings	
Palmerston Park	TIV11	0.9	25 dwellings	
Phoenix Lane	TIV12	1.4	60 dwellings and 7,000 sqm. of mixed commercial floorspace	
Tidcombe Hall (contingency)	TIV13	5	100 dwellings	
Blundell's School	TIV16	14	200 dwellings	

# Cullompton

## Policy S11

### Cullompton

**Cullompton will develop as a fast growing market town with a strategic role in the hierarchy of settlements in Mid Devon. The town will become the strategic focus of new development reflecting its accessibility, economic potential and environmental capacity. This strategy will improve access to housing through urban extensions and expanded employment opportunities. There will be significant improvements to the town's infrastructure and connectivity, including the reopening of the railway station, and improved services for its population and nearby rural areas. Proposals will provide for approximately 3,930 dwellings, of which 1,100 will be affordable, and 73,500 gross square metres of commercial floor space over the plan period.**

**The Council will guide high quality development and other investment to:**

- a) Make any necessary strategic mitigations to maintain highway capacity safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;**
- b) Promote further public transport improvements within Cullompton and to other urban centres (particularly Tiverton and Exeter) and improved access to the rail network by the reopening of Cullompton Railway Station;**
- c) Continue measures to support the implementation of the Cullompton Air Quality Action Plan including the construction of new highway links to relieve the town centre and enhanced walking and cycling opportunities around the town;**
- d) Manage the town centre so that economic regeneration and heritage reinforce each other by promoting new homes, shops, leisure, offices and other key town centre uses which are well designed and contribute to vitality and viability;**
- e) Provide community infrastructure such as education and enhanced open space to support new development proposals;**
- f) Enhance the tourism and visitor role of the town and surrounding area; and**
- g) Support measures to reduce flood risk within Cullompton and make provision for green infrastructure.**

2.64 Cullompton is situated 11 miles north of Exeter and about 20 miles south west of Taunton. The M5 motorway runs close to the east side of the town. The B3181 runs through the centre of the town and links Exeter and Willand. The town lies in the Culm Valley with the river passing the east side of the town. Cullompton's location on the strategic road network, its close proximity to Exeter and the availability of land for development make it a suitable destination for long-term growth. A Critical Drainage Area (CDA) has been identified by the Environment Agency at Cullompton. The aim of this CDA is to ensure there is no increase in flood risk downstream as a result of development pressure. A Flood Risk Assessment will be required at the planning application stage for development proposed in the CDA to determine specific recommendations for mitigation. All new development will require additional water storage areas to be created within the site compared to the normal SUDs design thereby contributing to a reduction in flooding downstream. The Environment Agency (EA) is a statutory consultee on all developments in Critical Drainage Areas and flood zones 2 and 3, while the Lead Local Flood Authority (Devon County Council) will be a statutory consultee on all major development.

2.65 The largest single site allocation in the Local Plan is East Cullompton (Policies CU7-CU12), which will have access onto the M5 motorway and deliver significant improvements to highways infrastructure for the whole town. There has also been a long-standing public desire to see the reopening of Cullompton Railway Station. The proposal

is gaining momentum and is included within Network Rail's Western Route Study (draft for consultation) 2014 which sets out the strategic vision for the western part of the rail network over the next 30 years. The Council supports the reopening of the station and the Local Plan allocates a possible site for this. The combination of highways improvements and a new railway station provides an opportunity to significantly raise the profile of Cullompton and the wider area, attracting inward investment.

2.66 Pedestrian and cycle links to the town centre will be improved, and residents will be in close proximity to job opportunities within Cullompton and also at Willand, Tiverton and Exeter. The concurrent development of the North West Cullompton Urban Extension will see a new road linking Tiverton Road to Willand Road, which will relieve traffic congestion in the town centre, improving local air quality and the living conditions of residents. The town centre acts as a strategic relief route for the M5 during closures resulting in significant congestion. A new relief road, to the east of the town centre, will further improve local air quality by diverting north- and south-bound traffic away from Fore Street. Note that the name of the road, originally called the Eastern Relief Road when allocated in the Allocations and Infrastructure DPD, has been amended to Town Centre Relief Road to more accurately reflect its role. Significant growth in Cullompton can be made sustainable through this investment in infrastructure, addressing long-standing issues of air quality and motorway junction capacity.

2.67 The major growth of the town will provide the opportunity to revitalise the town centre through additional investment, traffic and transport improvements. The growth of the town and proposed improvements will provide a significant boost to its vitality and viability, providing a more attractive retail environment through organic change in the town centre by which the use of existing underused and struggling premises is improved, rather than through the delivery of new retail floorspace. The need for additional retail floorspace will be reviewed as part of the process of preparing the next Local Plan.

2.68 Future employment provision is expected to be centred around the Kingsmill industrial estate and within the adjoining urban extension at East Cullompton. Access to the motorway will need to be improved before significant levels of development come forward. Masterplanning of the East Cullompton urban extension will include a phasing strategy which ensures that infrastructure is provided in step with development.

2.69 The following table sets out the allocations in Cullompton, their policy reference, site area and use, and states where the relevant policies can be found within this document:

Site	Policy	Site area (ha)	Use	Local Plan page(s)
North West Cullompton	CU1-6	103	1350 dwellings and 10,000 sqm. commercial floorspace	
East Cullompton	CU7-12	160	1750 dwellings (within the plan period) and 20,000 sqm. commercial floorspace	
Knowle Lane	CU13	9.8	296 dwellings	
Ware Park & Footlands	CU14	2.1	38 dwellings	
Land at Exeter Road	CU15	1.4	24 dwellings	

Cummings Nursery	CU16	5.3	100 dwellings	
Week Farm	CU17	10.7	15,000 sqm. commercial floorspace	
Venn Farm	CU18	4.4	12,000 sqm. commercial floorspace	
Colebrook	CU21	4.8	100 dwellings	

# Crediton

## Policy S12

### Crediton

**Crediton will continue to develop in its role as a small and vibrant market town, serving a rural hinterland in the western part of the district. The strategy aims to improve access to housing within the town, expand employment opportunities and improve the quantity and quality of the existing retail provision. Proposals will provide for approximately 786 dwellings, of which 220 will be affordable, and 14,700 gross square metres of commercial floorspace over the plan period.**

**The following development will be supported over the plan period:**

- a) Proposals which support the economic regeneration of the town centre, including the provision of new homes, commercial development, cultural facilities and other key town centre uses which support the town centre's viability and vitality. Particular support will be given for proposals which improve the quantity and quality of existing retail provision within the town centre. All proposals within the town centre will need to play a positive role in sustaining and enhancing the significance of the area's heritage;**
- b) Proposals which respect the setting provided by the open areas of hillside and the adjoining historic parklands of Creedy Park, Shobrooke Park and Downes;**
- c) Continuation of measures to support the implementation of the Crediton Air Quality Action Plan, including enhanced walking and cycling opportunities around the town;**
- d) Enhance the tourism facilities and visitor role of the town and surrounding area; and**
- e) Community and education facilities and other infrastructure to support the development proposed, including green infrastructure.**

2.70 Crediton is a small and vibrant market town, located in the west of the district. The town is situated near to the Rivers Creedy and Yeo, and is set within a landscape of farmland extending across gently rolling hills and broad valleys. It lies within what is known as the 'Crediton Trough', a low lying flattish basin feature. The town's past is reflected in the historic core, principally focused around the High Street. The town is a focal point for the surrounding area, providing a level of employment and services. Opportunities for the expansion of Crediton are limited, given the steep topography around the town, adjoining historic parklands and traffic congestion through the town centre.

2.71 In 2006 Crediton was designated as an Air Quality Management Area as a result of unacceptably high levels of airborne pollutants in the centre of the settlement. However, one of the key actions set out within the Air Quality Action Plan, the Crediton Link Road, has been provided. This is likely to have a significant impact on local air quality, directing a proportion of HGV and other traffic to Lords Meadow Industrial Estate, away from the town centre. Air quality monitoring will determine whether the pollutants have reduced sufficiently for the Air Quality Action Plan to be withdrawn.

2.72 The Employment Land Review (2013) points to a limited demand for employment growth in Crediton. The Retail Study (2012) identifies no requirement for additional retail floorspace within the town, but development management and town centre initiatives should seek to improve and upgrade the quality of the existing provision.

2.73 The total housing target for Crediton (786 dwellings) represents 10% of the district's total requirement. This is lower than might be expected for a town of this size, but environmental constraints limit Crediton's expansion and the development can be more sustainably located elsewhere. The sites allocated in the Local Plan have been subject to Strategic Housing Land Availability Assessment (SHLAA) and are considered available, suitable and achievable.

2.74 The following table sets out the allocations in Crediton, their policy reference, site area and use, and states where the relevant policies can be found within this document:

Site	Policy	Site area (ha)	Use	Local Plan page(s)
Wellparks	CRE1	7.9	185 dwellings and 2,220sqm. commercial floorspace	
Red Hill Cross	CRE2	3.1	135 dwellings	
Cromwells Meadow	CRE3	2.4	35 dwellings	
The Woods Group	CRE4	0.17	8 dwellings	
Pedlerspool	CRE5	23.5	200 dwellings	
Sports Fields	CRE6	5.5	120 dwellings	
Stonewall Lane	CRE7	3.2	50 dwellings	
Land at Barn Park	CRE8	1.64	20 dwellings	
Land off Alexandra Close	CRE9	0.63	15 dwellings	
Land south of A377	CRE10	1.9	7,600sqm. commercial floorspace	

# Rural areas

## Policy S13

### Villages

**The following rural settlements will be designated as villages suitable for limited development: Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Coplestone, Culmstock, Halberton, Hemyock, Holcombe Rogus, Kentisbeare, Lapford, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme, Willand and Yeoford.**

**Development will be limited to proposals within their defined settlement limits and to allocations for:**

- a) Small scale housing, employment, tourism and leisure;**
- b) Services and facilities serving the locality; and**
- c) Other limited development which enhances community vitality or meets a local social or economic need.**

2.75 There are a number of settlements which do not function as market towns, but which provide a limited level of services which support vibrant rural communities. These are locations which are suitable for a limited level of development meeting local needs appropriate to their individual opportunities. Sites for affordable housing may also come forward in locations that are not designated villages in Policy S13 above, subject to local need as demonstrated through a local housing needs survey or other suitable evidence. Policy DM6 (rural exceptions sites) explains the Council's approach to considering 'exception sites' for affordable housing.

2.76 The 22 settlements set out in the policy are considered to be appropriate for a limited level of development, based on their physical characteristics, and the availability of the following three essential services identified:

- Educational facility
- Convenience store
- Transport service

2.77 Yeoford does not have a shop but is considered appropriate for inclusion in Policy S13 due to its accessibility to other settlements and the availability of public transport including an hourly train service. The settlement limits of the villages defined in Policy S13 are shown on the Policies Map and site allocations are set out in the relevant section of the Local Plan.

2.78 Rural areas are expected to accommodate approximately 10% of the housing requirement for Mid Devon up to 2033. 483 dwellings have been allocated and are considered available, suitable and achievable, capable of coming forward within the first 10 years of the plan. It is also likely that a small number of windfall developments will be built within settlement limits or through the rural exceptions policy (Policy DM6). Given that more than half of Mid Devon's population currently resides outside the main towns, this is considered a sustainable approach which will maintain the vitality and viability of rural settlements.

2.79 Proposals for more than 5 dwellings in villages will be required to provide 30% affordable housing, which will be in the form of off-site contributions for sites of 6-10 dwellings. Exception sites may also come forward outside settlement limits, but these will need to demonstrate a need for affordable housing, and any element of market housing must be limited to the lowest amount possible to facilitate the provision of affordable housing. In appropriate circumstances, self-build housing will be permitted through the exceptions policy (Policy DM6). Other development management policies will also be applied, along with the Council's Supplementary Planning Document on Meeting Housing Needs.

2.80 Historically, employment sites in rural areas across Mid Devon have been delivered primarily through windfall sites with limited provision on allocated land. The 2012-2013 Mid Devon Employment Land Survey noted that since 2006 only two small parts of allocated land at Willand and approximately 50% of allocated land at Bampton had been completed. The Council recognises the importance of retaining and providing rural employment opportunities, but the combination of permitted development rights and supportive general policies is considered sufficient to deliver employment according to demand in rural areas. However, recent permissions indicate there is demand for employment in Willand so the Willand Industrial Estate is retained along with Scott's Quarry at Bampton because the development has planning permission and is deliverable. In general, site allocations within the towns meet the overall target for commercial development across the district, providing flexibility and choice in the market.

# Countryside

## Policy S14

### Countryside

**Development outside the settlements defined by Policies S10-S13 will preserve and where possible enhance the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development management policies will permit agricultural and other appropriate rural uses, subject to the following criteria:**

- a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, residential conversion of appropriate existing buildings, replacement dwellings, housing essential to accommodate a rural worker and accommodation ancillary to a dwelling;**
- b) Appropriately scaled retail, employment, farm diversification, tourism and leisure related development (including appropriate conversion of existing buildings);**
- c) Appropriately scaled and designed extensions and other physical alterations to existing buildings;**
- d) Agricultural and equestrian development;**
- e) Community facilities, such as educational facilities, buildings associated with public open space, transportation and infrastructure proposals (including green infrastructure); and**
- f) Renewable energy and telecommunications.**

2.81 National policy supports thriving rural communities and encourages multiple benefits from the use of land in rural areas. Development in the countryside in the context of this policy is defined by land outside of the settlement limits of the main towns (S10-S12) and villages (S13). A strong rural economy is promoted by national policy through sustainable growth of business and enterprise in rural areas. Development in the countryside will be managed to meet local need, promote vibrant rural communities and help provide appropriate forms of agricultural and rural diversification to support the rural economy and sustain environmental qualities of the countryside. Development management policies allow for small-scale employment development in suitable locations whilst retaining the intrinsic character and beauty of the countryside. These sites can come forward according to market demand.

2.82 To promote sustainable development in rural areas, housing has been allocated where it will enhance or maintain the vitality of rural communities. New isolated homes will be avoided in the countryside unless there are special circumstances as set out in national policy and supplemented in relevant Local Plan policies such as Policy DM6 (rural exception sites), DM8 (rural workers dwellings) and DM9 (conversion of rural buildings). In the context of the Mid Devon Local Plan, 'isolated' refers to any location outside of defined settlement limits. Such land is defined as the countryside which can include small settlements and hamlets. National policy requires that new sites for travellers should be limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. In certain circumstances the development of such sites outside of settlement limits will be appropriate, providing it can meet the criteria set out within Policy DM7 (gypsy and traveller accommodation).

2.83 National policy advocates the provision of market housing in rural areas where it would facilitate the provision of significant affordable housing required to meet housing need. To facilitate the provision of affordable and low cost (discounted) housing in rural areas across Mid Devon, rural exception sites will be considered in line with Policy DM6 and the Council's Supplementary Planning Document on Meeting Housing Needs.

## 3.0 Site Allocations

# Site Allocations

3.1 The overall amount of development is discussed earlier in this plan, with Policy S2 setting out targets for development across the district. After existing commitments (sites under construction or with planning permission) have been deducted, there is a net requirement for dwellings and commercial floorspace to 2033.

3.2 Site allocations have been subject to Strategic Housing and Commercial Land Availability Assessments. This is a technical assessment of the broad suitability, availability and achievability of potential development sites. It does not indicate whether or not sites should be allocated; the selection of sites to be allocated has taken place through the preparation of the Local Plan, taking account of other information and consultation. The net requirement for development is shown in the table below, based on the targets contained in Policy S2.

<b>Use</b>	<b>Completions 1 April 2013 – 31 March 2018</b>	<b>Commitments at 31 March 2018</b>	<b>Net requirement</b>	<b>Uncommitted Allocations to 2033</b>
Housing (dwellings)	1,730	2,618	3,512	4,886
Commercial (employment, retail and leisure) square metres floorspace	46,513	128,363	-27,876	87,662

Table 10: Overall development need and land supply

3.3 The development strategy for Tiverton is set out under Policy S10. The following table summarises Tiverton's supply of housing and commercial development.

Use	Commitments at 31 March 2018	Completions from 1 April 2013 – 31 March 2018	Uncommitted Allocations	Total
Housing (dwellings)	1,275	478	840	2,593
Commercial (employment, retail and leisure) square metres floorspace	43,216	4,218	8,981	56,415

Table 11: Development supply in Tiverton

3.4 Nine sites are allocated for housing in Tiverton, excluding one contingency sites at Tidcombe Hall that will be permitted to come forward if the Council's housing supply proves insufficient, as set out in Policy S4. All housing sites are considered achievable in principle, corresponding to a Tiverton map that accompanies this document. Net site areas shown in Table 12 reflect the land area considered developable after land has been provided for access, strategic landscaping and other uses. For very small sites, the whole site area is often considered developable. The majority of Tiverton's housing is to be provided through the strategic site Eastern Urban Extension (TIV1-5). Although the housing growth of the town is therefore dependent on this site coming forward, there is limited risk associated with this because there is a good track record of joint working between the Council and the site promoters, with half of the site covered by an adopted masterplan, and approximately 1,000 dwellings now with planning permission.

Table 12: Allocations in Tiverton, excluding sites/dwellings with planning permission

Site	Policy	Gross site area (ha)	Net site area (ha)	No. dwellings allocated without permission
Eastern Urban Extension	TIV1-TIV5	153	64.86	550
Howden Court	TIV9	0.47	0.38	10
Roundhill	TIV10	0.4	0.4	20
Phoenix Lane	TIV12	1.4	1	60
Blundell's School	TIV16	14	6	200
Total				840

3.5 A number of housing sites were allocated in the previous Local Plan and already have planning approval, but are either not yet under construction or only recently implemented. These sites are retained as Local Plan allocations to ensure that policy criteria still apply in the event that revised schemes are submitted or planning permission lapses. The table below shows allocated sites with existing planning permission. Development at Moorhayes Park (TIV8) has recently been completed so is not shown in this table.

Site with planning permission	Policy	Site area	Dwellings with planning permission
Eastern Urban Extension	TIV1-5	153	1030
Farleigh Meadows	TIV6	8.2	259
Town Hall	TIV7	0.5	39
Palmerston Park	TIV11	0.9	26
Total			1,354

Table 13: Housing allocations with planning permission (position at 31 March 2018)

3.6 Two sites in Tiverton are allocated to deliver employment up to 2033, through a range of uses. The amount of floorspace to be provided by commercial development depends on the use. For instance, office development on multiple floors provides a greater amount of floorspace per hectare than a single-storey warehouse, and some commercial uses require more land for parking than others. Floorspace assumptions for different uses are set out in the methodology for Strategic Commercial Land Availability Assessment (SCLAA), but the Council recognises that this is only a starting point and a higher or lower density of development may be justified depending on the nature of the proposal that comes forward.

Site	Policy	Gross site area (ha)	Net site area (ha)	Floorspace (sq.m)
Eastern Urban Extension	TIV1-5	153	6	30,000
Phoenix Lane	TIV12	1.4	1	7,000
Total				37,000

Table 14: Allocated sites for commercial development

# Policy TIV1

## Eastern Urban Extension

**A site of 153 hectares east of Tiverton is allocated for mixed use development as follows:**

- a) 1580 to 1830 dwellings;**
- b) A proportion of affordable dwellings subject to further assessment of viability to include at least five pitches for gypsies and travellers;**
- c) At least 30,000 square metres commercial floorspace;**
- d) 47 hectares strategic green infrastructure;**
- e) Highway mitigation measures and transport provision to ensure appropriate accessibility for all modes;**
- f) Environmental protection and enhancement;**
- g) Community facilities to meet local needs arising, including a new primary school and neighbourhood centre;**
- h) An agreed strategy to bring forward development and infrastructure in step and retain the overall viability of development; and**
- i) Compliance with the adopted masterplan and completion of a public Masterplanning exercise in respect of the southeast of the site (Area B in the adopted masterplan).**

3.8 The allocation is carried forward from the Allocation and Infrastructure DPD which identifies it for from 1550 to 2000 dwellings. The masterplan for the Tiverton Eastern Urban Extension was adopted in April 2014. It includes provision for 1522 dwellings, 30,000 square metres mixed commercial floorspace and a target of 35% affordable housing (subject to viability as each phase comes forward). Taking into account permissions granted or with a resolution to grant permission subject to a S106 agreement, it is considered that the site would be suitable to provide for 1580 dwellings. More detailed masterplanning of Area B is yet to take place and will establish the final number of dwellings and may demonstrate that a higher number of dwellings are able to be accommodated. Accordingly a range of housing numbers is given for the allocation. This approach to housing numbers reflects that taken by the Inspector on the Allocations and Infrastructure DPD. At least five gypsy and traveller pitches will be provided, some of which will be in the first phase of development, helping to meet the needs identified in the Gypsy and Traveller Accommodation Assessment (2015). The masterplan includes a phasing strategy which ensures that a new junction onto the A361 be provided early in the development, along with traffic calming and environmental enhancement on Blundell's Road. The development will also provide a new primary school, a neighbourhood centre for shopping and community use, and various forms of open space to meet the needs of residents.

3.9 The site was originally intended to accommodate up to 2,000 houses and this would have necessitated a new access road to link the development to Heathcoat Way, thereby allowing Blundell's Road to be closed to general traffic and used mainly for access by sustainable travel modes. The allocated site is no longer expected to deliver this amount of housing and the access road cannot be justified for the amount of development proposed. However, any proposal for significant further development to the east of the allocated urban extension would be likely to trigger the requirement for this additional road, subject to detailed design and the advice of the Highway Authority (Devon County Council).

3.10 The Tiverton Eastern Urban Extension meets most of Tiverton's development needs and is expected to take 10-15 years to be completed. As the largest of Mid Devon's towns, Tiverton is a sustainable location for development to meet the housing and employment needs of a growing population. Environmental constraints such as topography, flood plains and the position of the A361 limit the opportunities for expansion, making the Post Hill area the only suitable site for a development of this size. This necessitates the loss of some Grade 2 agricultural land. However, longer terms strategic housing needs for Mid Devon will be met through housing allocations at Cullompton which is less constrained.

3.11 The provision of affordable housing is an important local priority and the adopted masterplan includes a target of 35% affordable housing. However, developments must continue to be viable and affordable housing targets can make a considerable difference to viability. In the case of the Tiverton Eastern Urban Extension, there are considerable infrastructure costs and these bear heavily on the viability of this strategically important development. The Council therefore proposes that the proportion and timescale for provision of affordable housing be subject to further assessment of viability. It is expected that sites will contain a mix of housing types, including where appropriate provision for the elderly. The affordable housing requirement will need to be reassessed as applications come forward to ensure that affordable housing need continues to be met whilst ensuring the development remains viable. External funding sources, such as the Local Transport Fund are being used to contribute towards the cost of the road junction on to the A361. Furthermore, to reflect the high cost of infrastructure the site will be zero-rated for Community Infrastructure Levy. Instead, infrastructure will be funded through Section 106 agreements, of which delivery of the site will be limited to no more than five per infrastructure type or project.

3.12 The policies for this allocation are based on the evidence available to the Council when preparing them. It is important that the policies are not seen as rigid and unalterable in the light of new evidence. Therefore, where new information or evidence arises which indicates an alternative approach to a particular subject and this retains the overall strategic thrust of the proposals, then the Council will consider such proposals. Nevertheless, the policies and requirements of this plan should not be overturned lightly or without clear justification.

## Policy TIV2

### Eastern Urban Extension Transport Provision

**To support the Eastern Urban Extension, the following transport infrastructure will be provided:**

- a) Provision of a new grade-separated junction to the A361 and road links into the site;**
- b) Traffic calming and environmental enhancement between Heathcoat Way and Putson Lane, including Blundell's Road;**
- c) Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- d) Cycle and pedestrian links to the Railway Walk, Grand Western Canal and nearby public rights of way;**
- e) Implementation of Travel Plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- f) Bus service enhancements between the main residential areas of Tiverton and the employment areas within the Eastern Urban Extension;**
- g) Bus service enhancements between Exeter, Tiverton Bus Station, the Eastern Urban Extension and Tiverton Parkway Station; and**
- h) New and improved offsite pedestrian and cycle links including improvements to a wider green infrastructure network.**

3.13 The provision of appropriate transport infrastructure is a key requirement of the urban extension, minimising impact on adjoining uses and promoting sustainable development. The key items of transport infrastructure are set out in the masterplan which was adopted in April 2014.

3.14 A direct access to the A361 will ensure that the site is both attractive for employment growth, and minimises the impact of traffic on other surrounding routes. The new junction is to be provided early in the development, along with improvements to Blundell's Road and traffic calming measures to ensure a safe environment for all users of the

highway and adjacent land. The first phase of Blundell's Road traffic calming and environmental enhancement has been implemented.

3.15 It is expected that the junction onto the A361 will be achieved through a combination of developer and public funding. The Tiverton Eastern Urban Extension is excluded from the Community Infrastructure Levy (CIL) which applies elsewhere in the district, so the provision of infrastructure including financial contributions for bus service enhancements will be secured through planning obligations (Section 106 Agreements).

3.16 The final number of dwellings on the site will be established following a further masterplanning exercise in relation to Area B. However, additional development of this site or further expansion to the east if exceeding 2,000 dwellings would likely trigger a requirement for a second access onto Heathcoat Way. Devon County Council has considered options for the route of this road, should it be required in the future.

3.17 Appropriate traffic calming and environmental enhancement along Blundell's Road together with cycle and pedestrian facilities have the opportunity to create an attractive sustainable transport corridor that respects the setting and operation of Blundell's School and the residential environment of the area. Devon County Council as Highway Authority will prepare a detailed design, subject to consultation.

3.18 It is essential that the development is served by an attractive, convenient and safe network of sustainable transport routes, including bus, cycle and pedestrian. Streets appropriate for bus use should be provided so that as far as possible, all buildings are within 400 metres of a bus route. The existing Blundell's Road and the A361 link will need to be included in these routes, together with appropriate streets within the urban extension. It is equally important that cyclists have access to safe, attractive and direct cycle routes within the urban extension, linking together the dwellings, businesses and services in a network. These should link to the existing cycling and walking provision in the surrounding area, particularly the Railway Walk and Grand Western Canal (both part of the National Cycle Network) and public rights of way. The provision of Green Infrastructure will provide opportunities for off-road cycling and walking routes. The aim will be to integrate these sustainable transport provisions into the wider Tiverton area and surrounding countryside as far as possible.

3.19 There will be the need for developers to prepare and implement Travel Plans for the development as a whole and for the constituent parts, to promote softer and other less traditional measures relating to transport.

3.20 A major development must be served by high quality public transport in order to maximise its potential for sustainability and encourage alternatives to use of the car where possible. The urban extension will provide new commercial space serving Tiverton and therefore it is important that the existing residential areas of the town have improved public transport access to it. As a major new residential area, it is also important that residents of the extension can access key locations by public transport. A service linking Exeter, the Bus Station and Tiverton Parkway Rail Station via the Eastern Urban Extension would make a significant contribution in this regard and reduce the carbon footprint of the development. Support of appropriate bus services will be required from the development for a minimum period of 5 years.

# Policy TIV3

## Eastern Urban Extension Environmental Protection and Green Infrastructure

As part of the Eastern Urban Extension, the following environmental protection and enhancement measures will be implemented at the expense of all new development in the Eastern Urban Extension:

- a) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- b) Provision and management of 47 hectares of land for strategic green infrastructure on the western and southern edges of the urban extension, including management and funding arrangements for the protection and enhancement of Tidcombe Fen Site of Special Scientific Interest, its catchment and land west of Pool Anthony Bridge;
- c) Areas of equipped and laid out public open space, totalling 2 hectares of children's play, 8 hectares of sports pitches and 2 hectares of allotments;
- d) A strategic landscaping and tree planting scheme to mitigate landscape impact, enhance biodiversity and the character of development;
- e) Appropriate provision of a sewerage system to serve the development;
- f) The provision of a strategic Sustainable Urban Drainage Scheme provided in step with development to deal with all surface water from the development, paying particular attention in relation to runoff into Tidcombe Fen SSSI in terms of quality and quantity of water entering the fen, and arrangements for future maintenance of the scheme;
- g) Detailed archaeological investigation and measures to record, and where necessary protect the archaeological interest of the site through appropriate design layout and mitigation; and
- h) Design solutions which respect the character and setting of heritage assets within and adjoining the site.

3.21 A number of key environmental requirements arise from the Eastern Urban Extension, to protect existing features of national and local importance, and to ensure that the development contributes to enhancements in the local environment.

3.22 Tidcombe Fen, which lies between Tiverton and the main part of the Tiverton Eastern Urban Extension, is a 10.7 hectare Site of Special Scientific Interest (SSSI) and as such must be protected. The site was notified in 1988 and is a type of wetland habitat rare in Devon. There is a wide variety of plant species unusual in its diversity, and fauna includes rare snail species. Active management of this habitat is currently undertaken by a local trust. One of the key issues is the impact of development on the quality and flows of water entering the SSSI, and its water levels. Avoidance of harm to its catchment area is therefore vital. A contribution to continued management of the SSSI and its catchment will be required.

3.23 There are a number of other areas of biodiversity interest within and adjoining the area of the urban extension and measures will need to be incorporated which protect and enhance their value. The Grand Western Canal is a designated County Wildlife Site and a substantial buffer zone will be retained between the canal and the development to preserve its special environmental quality. The layout of the development should promote the continued use of species-rich hedgerows as wildlife corridors, acting to prevent their fragmentation and providing appropriate treatment where such corridors cross roads and other linear features.

3.24 The provision of public open space for local benefits and for the wider benefit of Tiverton will be important in defining the character of the urban extension. The adopted masterplan provides for at least two hectares each of children's play space and allotments, while eight hectares for sports pitches will be provided through a combination of onsite pitches and new or improved sports provision elsewhere in Tiverton.

3.25 The development will need to take a strategic approach to Sustainable Urban Drainage to ensure that there is no additional run-off from the site arising from the development. This is in order to avoid an increase in flood risk on site and downstream. Particular care will be required in relation to runoff into the Tidcombe Fen SSSI to ensure that the quantity and quality of water entering the Fen and its catchment are carefully controlled.

3.26 There are various heritage assets in and around the site, including listed buildings, scheduled ancient monuments, the Grand Western Canal and Blundell's Conservation Area. The site is also within the defined 'setting area' for Knightshayes Court, which is on the national register of historic parks and gardens. The development must have appropriate regard to the character and setting of all heritage assets affected. The urban extension also occupies an area of known archaeological potential, in particular with regard to prehistoric activity. There are two archaeological funerary sites of national importance just outside the development site that are Scheduled Ancient Monuments. Further archaeological assessment will be required across the Eastern Urban Extension site.

## Policy TIV4

### Eastern Urban Extension Community Facilities

**As part of the Eastern Urban Extension, the following community infrastructure will be provided at the expense of all new development in the urban extension area:**

- a) One serviced site of 1.93 hectares for a primary school at no cost to the Local Education Authority;**
- b) Provision of a 420-place primary school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers;**
- c) A site of 2.0 hectares for a shopping and community centre, of which 1.0 hectare will be for community buildings at no cost to the provider;**
- d) Contribution to new and improved facilities at the secondary school; and**
- e) Construction cost of appropriate community facilities and buildings including youth and children's provision and a community hall;**
- f) Contributions towards a new recycling centre to serve Tiverton.**

3.27 The creation of a genuine urban extension requires that the residents and workers have access to a range of community facilities within easy walking or cycling distance, thereby discouraging car trips for essential local purposes. It is also important that, as far as possible, the development of this site will not lead to unacceptable pressures on existing services and facilities within Tiverton and the wider area. Accordingly, this policy sets out the requirements for provision of community facilities within the development and elsewhere.

3.28 The adopted masterplan includes a phasing plan which ensures a new primary school is provided at no cost to the Local Education Authority at an appropriate point in the development. The development will also need to provide new and enhanced secondary provision to accommodate the demand it will generate. The Education Authority has undertaken a feasibility study in respect of expansion and enhancement of Tiverton High School. Enhancements may include an expansion of the school site. A neighbourhood centre will also be provided within the urban extension site to act as a community focal point and located in conjunction with the primary school. The neighbourhood centre will include shops to meet local, convenience needs and community facilities including a community meeting space and youth provision. It may also form the location for local medical facilities, child care and small-scale offices. An element of residential accommodation may also be appropriate as part of a mixed use approach.

# Policy TIV5

## Eastern Urban Extension Phasing

The development of the Eastern Urban Extension must be carried out in accordance with an approved phasing strategy, to ensure that the development and infrastructure come forward in step, minimising the impact of the development and taking account of the need for development to remain viable. Detailed justification must be provided if there is any proposed deviation from the following requirements:

- a) The provision of on and off slip roads on the south side of the A361 to a standard suitable to form construction access prior to any development;
- b) The provision of the completed on and off slip roads on the south side of the A361 (forming the southern element of the A361 junction) and the highway link between this junction and Blundell's Road prior to the occupation of any development;
- c) The occupation of no more than 200 dwellings or 4,000 square metres employment floorspace before the provision of a 'Phase 1' traffic calming scheme at Blundell's School and improvements to the roundabouts at Heathcoat Way and Lowman Way, as set out in the adopted masterplan;
- d) Prior to the commencement of construction south of Blundell's Road the transfer of land for the primary school and its access to the Local Education Authority;
- e) Prior to the first occupation of development south of Blundell's Road the servicing of the site for the primary school;
- f) The occupation of no more than 400 dwellings before the construction of the first phase of the primary school;
- g) The occupation of no more than 400 dwellings before the provision of temporary open space on the future school and neighbourhood centre site;
- h) The occupation of no more than 600 dwellings or 10,000 square metres commercial floorspace before the completion of the full movement grade separated junction to the A361 and completion of the traffic calming and environmental enhancement of Blundell's Road between Putson Lane and Heathcoat Way;
- i) The occupation on no more than 600 dwellings before the implementation of arrangements for the management and funding for the Green Infrastructure west of Pool Anthony Bridge;
- j) The occupation of no more than 600 dwellings before the implementation of bus service enhancements;
- k) The occupation of no more than 600 dwellings before the provision of a 2.0 ha serviced neighbourhood centre site;
- l) The occupation of no more than 1000 dwellings before the provision of Green Infrastructure between Pool Anthony Bridge and Manley Railway Bridge within Area A as defined in the adopted masterplan, with necessary management and funding arrangements;
- m) The occupation of no more than 1250 dwellings before the provision of Green Infrastructure between Pool Anthony Railway Bridge and Manley Railway Bridge within the Area B as defined in the adopted masterplan, with necessary management and funding arrangements; and
- n) Phased delivery of cycle and pedestrian links to the railway walk, Grand Western Canal and nearby public rights of way.

3.29 The phasing of development will have a key influence on the impact on surrounding areas, but also on the viability of development. The above policy sets out the approach to phasing which has been negotiated and agreed through the adoption of the masterplan as a Supplementary Planning Document. Legal obligations and conditions on planning consents will be used to control these phasing requirements. Other features such as sustainable urban drainage and linking pipework should be integrated and phased appropriately in step with development.

3.30 The provision of a new junction onto the A361 is critical to the success of the scheme, to prevent unacceptable increases in traffic along Blundell's Road and allow commercial development in the northwest corner of the site to be delivered. Given the expense of building new roads, construction of the new junction will take place in phases but is required early in the development.

3.31 Public open space and pedestrian and cycle links will be expected to come forward in pace with the development rather than a specific trigger point being identified for provision. The provision of affordable housing will be subject to viability assessment as each phase of the development is proposed in more detail through a planning application.

3.32 The adopted masterplan sets out areas of the site (A and B), with more detailed survey and design work having been included for Area A. The phasing and delivery of green infrastructure should be further informed by an additional Masterplanning exercise for Area B to the southeast of the site, which is expected to be delivered after Area A.

3.33 It is expected that a serviced site for the neighbourhood centre will be provided no later than the occupation of 600 dwellings, but may be as early as the commencement of construction to the south of Blundell's Road. The Masterplan SPD identifies that the construction of community facilities within the neighbourhood centre will commence within phase 1b and will be built out by the end of phase 1c (up to 1000 dwellings). The funding and timing of the provision of community facilities will be secured via a planning obligation (Section 106 Agreement) at planning application stage.

3.34 The provision of land for the new primary school and the construction of its first phase are timed to allow the Education Authority to secure the site at an early stage in order to plan for and meet the need arising from the new development. No specific trigger is set out for enhanced secondary education. This will be expected to be provided in pace with development in order to meet its needs.

## Policy TIV6

### Farleigh Meadows

**A site of 11.2 hectares at Farleigh Meadows is allocated for residential development, subject to the following:**

- a) 255 dwellings on land in Flood Zone 1, with 35% affordable housing;**
- b) 3 hectares of informal amenity open space within the floodplain with appropriate security measures to prevent access to and pollution of the Mill Leat;**
- c) Two vehicular access points;**
- d) Cycle and pedestrian routes providing links between Rackenford Road, Higher Loughborough and Washfield Lane, incorporating and enhancing the Exe Valley Way;**
- e) Protection of oak trees subject to Tree Preservation Orders within the site, incorporated within public open space where appropriate;**
- f) Careful design and landscaping treatment of the boundary between housing and amenity open space, taking account of impact on views from the north and east; and**
- g) Measures to mitigate impact on air quality at Leat Street.**

3.35 This is a previously allocated site that has planning permission and has commenced development. Of the 11.2 hectare site, the eastern most 3 hectares are in Flood Zone 3 and therefore not suitable for housing development; this is proposed as informal space. The remaining 8.2 hectares has the capacity for 255 dwellings, taking account of the need to protect attractive mature trees within the site, which are subject to a Tree Preservation

Order. The Mill Leat which runs along the eastern edge of the proposed informal amenity open space, will need to be provided with fencing and planting to ensure safety as well as avoidance of pollution to a vital water source for Heathcoat's factory. This will have to retain access for maintenance. Discussion with Heathcoat Fabrics Ltd should take place around the necessary details.

3.36 Two vehicular access points are required and gaps in the cycle and pedestrian routes in the vicinity will need to be addressed. In particular, the existing Exe Valley Way which runs through the site should be enhanced to provide pedestrian and cycle links to the south and north. Leat Street, which is about 500m to the south east of this site, has poor air quality, and this site has the potential to worsen this through traffic generation. Where significant change is proposed to the existing consented scheme, updated studies of the potential impact will be required and should fund relevant measures to mitigate any impact. The site has the potential to impact on views from Knightshayes, a Historic Park and Garden, and this should be considered in the layout, design and landscaping.

3.37 An outline application for development at Farleigh Meadows was granted permission for the erection of up to 300 dwellings in 2013, which was reduced to 255 dwellings at reserved matters stage. Both applications met the requirements of the policy including agreement to maintain a 35% affordable housing target. The affordable housing percentage of 35% is retained in the policy to reflect the planning permission that was granted, as that percentage was clearly considered viable for this development. Any revised scheme will be considered against this target and evidence would be required to justify any proposed reduction.

## Policy TIV7

### Town Hall / St Andrew Street

**A site of 0.5 hectares at St Andrew Street is allocated for residential development as follows:**

- a) 59 dwellings, incorporating conversion of buildings adjoining St Andrew Street, including 28% affordable housing;**
- b) Design which protects the character and setting of heritage assets both onsite and adjoining the site, and enhances the setting of the River Exe;**
- c) Archaeological investigation and appropriate mitigation; and**
- d) Ground floors to be raised and provision of flood evacuation/access routes.**

3.38 An application for development at St Andrew Street was granted permission in 2013 for the erection 45 apartments for older persons, excluding the 14 dwellings to be provided through the conversion of buildings adjoining St Andrew Street. The proposal met the requirements of the site allocation policy with the exception of affordable housing provision, which was considered financially justified. As the new build part of this development has not been built out, it is considered appropriate to include a policy target of 28% affordable housing to reflect the Council's viability evidence. Any revised scheme submitted in the future would need to be assessed against the criteria of the policy above and market conditions prevalent at that time.

3.39 The design of this site is important as it is a highly visible site from the direction of the river. A scheme should enhance the views of the Conservation Area from this direction, while respecting the character and setting of the associated listed buildings. As a central site, there is the potential for archaeological remains, and this should be investigated. The site is within the 100 year floodplain, although behind a flood wall. Due to its regeneration importance to the town centre, the site passes the relevant sequential test set out in national guidance. Where appropriate the provision of raised floor levels and access/egress to dry land in the event of flooding should be provided.

# Policy TIV8

## Moorhayes Park

**A site of 0.4 hectares at Moorhayes Park is allocated for residential development, subject to the following:**

- a) 8 dwellings;**
- b) Access to be provided from Hayne Court; and**
- c) Archaeological investigation and appropriate mitigation.**

3.40 This site is located within Moorhayes Park and is bounded by the A361 to the north, modern housing to the east and is adjacent to a transformer station to the west. It is currently an overgrown area and not in use. The site falls within the built up area of Tiverton and as a result it is likely that there will be no landscape impact. An existing access from Hayne Court is suitable. It is in an area of known prehistoric activity and appropriate archaeological investigation would be required. A preliminary ecological appraisal has been undertaken which concludes that the site is of limited ecological value. The town leat runs to the east of the site. A flood risk assessment will need to consider the potential for flooding from the leat including a scenario of blockage of local culverts/bridges that convey the leat.

3.41 Planning permission has been granted for the development of this site, including one affordable dwelling. Any revised scheme will be expected to meet the latest policy criteria for affordable housing.

# Policy TIV9

## Howden Court

**A site of 0.53 hectares at Howden Court is allocated for residential development, subject to the following:**

- a) 10 dwellings;**
- b) Submission of a Junction Capacity Assessment to determine the need for a right turning lane from the A396 if accessed via the Howden Court development; and**
- c) Provision of a pedestrian and cycle route from Howden Court to Palmerston Park.**

3.42 This site is located on the western edge of Tiverton bounded by residential development to the east. This site is the remaining part of a previous allocation for 65 dwellings, of which 50 have been built or are committed. On the advice of the Highway Authority, if the site is accessed via the adjacent Howden Court development, it may need to be served by a right turning lane from the A396, as cumulatively the housing will exceed 50 dwellings. Any planning application should be accompanied by a Junction Capacity Assessment which should assess the need for the right turning lane as a result of the additional development being proposed on the site.

# Policy TIV10

## Roundhill

**A site of 0.4 hectares at Roundhill is allocated for residential development, subject to the following:**

- a) 20 affordable dwellings; and**
- b) Investigation of ground stability and implementation of appropriate remediation works.**

3.43 The site comprises underused garages in the Council's ownership with existing housing to the north, south and east. It is a brownfield site and can be made available for 100% affordable housing. A number of dwellings adjoining the site have rights of access over part of it and these will need to be maintained as part of the development. Approximately 35 car parking spaces and garages will be retained/provided on the site as part of the redevelopment. Potential mineshafts may be found in the area; appropriate investigations will need to be undertaken and should accompany any application.

# Policy TIV11

## Palmerston Park

**A site of 0.9 hectares at Palmerston Park is allocated for residential development subject to the following:**

- a) 25 affordable dwellings;**
- b) Habitat and protected species reports including a programme of appropriate mitigation and compensation for loss of any protected habitat or species if appropriate; and**
- c) Investigation of ground stability and implementation of appropriate remediation works.**

3.44 This site lies to the west of Tiverton adjacent to Palmerston Park and close to Howden Industrial Estate. It was previously used as allotments but is now unused and overgrown. The land is steeply sloping upwards to the west. It is well screened from the east by sycamore trees and high banks. The northern half of the site is deciduous woodland, classed as a priority habitat in the UK Biodiversity Action Plan. A habitat survey of the site will be required to establish in more detail the characteristics of the woodland, the importance of the habitat, and identify mitigation or compensation that may be required.

3.45 The site is in the Council's ownership and can be made available for 100% affordable housing which is a considerable benefit arising from development of this site. There is a potential impact on the landscape character due to the loss of trees on the elevated part of the site. The site is visible from the east side of the River Exe. The impact on the landscape will require careful treatment. Potential mineshafts may be found in the area; appropriate investigations will need to be undertaken and should accompany any application. The site is expected to accommodate 25 dwellings, avoiding development of the higher, steeply sloping part of the site.

# Policy TIV12

## Phoenix Lane

**A site of 1.4 hectares at Phoenix Lane is allocated for redevelopment as a high quality shopping, leisure and residential area with accessible public space. Redevelopment is subject to the following:**

- a) 60 dwellings with 28% affordable housing;**
- b) 7,000 square metres of mixed commercial floorspace including retail, office and leisure uses;**
- c) Redesign and enhancement of the bus station to include an improved, safe and attractive passenger waiting area with adequate provision for buses and taxi ranks;**
- d) Improved pedestrian access between Phoenix Lane and the Pannier market, and between Phoenix Lane and the multi-storey car park;**
- e) Retention or relocation of the war memorial within the Town Centre;**
- f) Outstanding design that announces the southern entrance to Tiverton's primary shopping area while respecting and enhancing the character, appearance and setting of heritage assets and steep open hillsides;**
- g) Retention of the listed building, Gotham House, and measures to protect its character, appearance and setting including the protection of the Town Leat;**
- h) Adequate parking and service areas to serve the needs of existing and proposed uses;**
- i) Archaeological investigation and appropriate mitigation;**
- j) Provision of a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance; and**
- k) Comprehensive Masterplanning of the development including at least two stages of public consultation and adoption of the Masterplan as a Supplementary Planning Document, before any planning application is determined.**

3.46 The Mid Devon Retail Study (2012) identifies Phoenix Lane as an area suitable for retail development. At present it is a wide pedestrianised road providing a link between the multi-storey car park and bus station to the core shopping area of Tiverton. However, the street is wider than necessary and redevelopment could provide an attractive shopping frontage with residential accommodation above. There are also opportunities to improve the bus station and links to the Pannier Market and the multi-storey car park. Masterplanning of Tiverton town centre is in progress to identify the best ways of enhancing the town centre's attractiveness as a destination for tourism, shopping and leisure.

3.47 High quality design will be crucial to the success of redevelopment of this area. It is essential that the historic character of the town centre is respected, the setting of important listed buildings preserved, and views in and out of the conservation area sensitively treated. Gotham House, a Grade II\* listed building, must be retained and its character respected, though the redevelopment may include the conversion of this building to residential accommodation, subject to detailed plans. The bus station and car park are the main point of entrance to the town centre for visitors, so the development must improve and enhance the visual quality of this area and the perception of Tiverton town centre as a whole.

# Policy TIV13

## Tidcombe Hall CONTINGENCY SITE

**A site of 8.4 hectares at Tidcombe Hall is identified as a contingency site for residential development to be released in accordance with Policy S4, subject to the following:**

- a) 100 dwellings with 28% affordable housing;**
- b) Vehicular access point on to Canal Hill and improvements to Tidcombe Lane northwards from the site;**
- c) Walking and cycling enhancements and connection to surrounding public rights of way and green infrastructure networks;**
- d) Design and landscaping which protects the setting of the Grand Western Canal, Tidcombe Hall and Conservation Areas; and**
- e) Archaeological investigations and appropriate mitigation measures.**

3.48 This site is primarily greenfield and is identified as a contingency site to be released in accordance with Policy S4. Whilst acceptable in some respects there are a number of constraints which make it less suitable than the sites allocated in the Local Plan, including landscape and highway constraints that need to be mitigated.

3.49 The site adjoins the south eastern limits of Tiverton. It extends from the grounds of Tidcombe Hall southwards including agricultural land as far as Newts Hill. Rising generally from north to south, it is more prominent at its south west corner. Although the site could accommodate more than 100 dwellings, a lower density would help protect the setting of the canal and Tidcombe Hall. The site is adjacent to residential development to the west, and low density reflecting this existing development would be appropriate.

3.50 The northern part of the site at Tidcombe Hall lies within the Grand Western Canal Conservation Area and faces the canal itself, which is also a Country Park. Tidcombe Hall is an unlisted building but is considered a heritage asset and the setting should be respected. Development to the south and east of the hall may be significant. Design and landscaping should protect Tidcombe Hall and the Grand Western Canal Conservation Area from the impact of the development including their settings. There is potential for archaeological remains that should be surveyed with appropriate mitigation provided if necessary.

3.51 A key factor is access. Tidcombe Lane has limited width without footways and Tidcombe Bridge is very narrow. Improvements to Tidcombe Lane will be necessary northwards from the site to ensure the safety of pedestrians, although not necessarily to increase its traffic capacity. A single vehicular access point on to Canal Hill will need to be supplemented with a secondary emergency access designed to be located at the end of the main cul-de-sac within the site.

3.52 A watercourse runs through the site and this should be preserved as part of the open space provision. A flood risk assessment will need to consider the potential for this watercourse to cause flooding.

# Policy TIV15

## Tiverton Infrastructure

The Council will work with partners to deliver the following infrastructure for Tiverton:

- a) Provision of a new junction onto the A361 to serve the Tiverton Eastern Urban Extension;
- b) Traffic calming and environmental enhancement to Blundell's Road in association with the Tiverton Eastern Urban Extension;
- c) Provision of increased capacity at roundabouts on Heathcoat Way;
- d) Bus service enhancements;
- e) Expansion and improvement of primary and secondary education facilities;
- f) Public open space and green infrastructure;
- g) Expansion of emergency fire and rescue services;
- h) Provision of healthcare facilities;
- i) Enhanced library service provision;
- j) Community facilities including provision for children/youth, a GP surgery and community hall;
- k) Provision of works to reduce flood risk; and
- l) Provision of a replacement recycling centre facility.

3.58 Strategic Local Plan sites will be required to pay for specific items of infrastructure that are necessary to make the development acceptable. Other development (if eligible) will be charged the Community Infrastructure Levy (CIL) at a rate per square metre. CIL funds will be spent according to a prescribed list of infrastructure projects or types of infrastructure.

3.59 The Council's strategic infrastructure policy is set out earlier in the Local Plan under Policy S8, but there are infrastructure requirements specific to Tiverton that are listed under Policy TIV15. The Council will use CIL, planning obligations for strategic sites and other sources of funding to deliver the infrastructure listed wherever possible. The Council's Regulation 123 list and accompanying policy on the use of Section 106 agreements, sets out the mechanism to be used to fund infrastructure. Where another organisation is responsible for delivering the infrastructure required as a result of new development, the Council will work in partnership with the relevant bodies to ensure that infrastructure needs associated with development are addressed appropriately.

3.60 Devon County Council's Waste Plan (adopted December 2014), allocates a site in Tiverton for the delivery of an Energy from Waste plant. A site within the Tiverton Eastern Urban Extension has been identified, being located in relatively close proximity to other development, allowing energy and heat recovered from the disposal of waste to be exported to nearby properties and businesses. The facility is included in Mid Devon's Infrastructure Plan as an important piece of local infrastructure, though it is expected it would be fully funded by a private sector waste company, with no funds being required from developer contributions or CIL.

# Policy TIV16

## **Blundell's School**

**A site of 14 hectares north of Blundell's School is allocated for residential development subject to the following:**

- a) 200 dwellings with 28% affordable housing;**
- b) Approximately 8 hectares of informal green infrastructure adjoining the River Lowman;**
- c) Appropriate land shaping to raise areas for development above flood zone 3, including an allowance for the effects of climate change and to create additional floodplain to compensate for the loss of floodplain;**
- d) Provision of a junction on Heathcoat Way and a safeguarded road route through the site to serve as a future second strategic road access for development at Tiverton eastern urban extension;**
- e) Provision and enhancement of cycle and pedestrian links in the area;**
- f) Site contamination assessment and remediation measures to mitigate risks associated with former and current land-uses including the scrapyards and former poultry factory;**
- g) Provision of a sustainable urban drainage scheme to deal with all surface water from the development and arrangements for future maintenance;**
- h) Implementation of transport plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- i) Archaeological investigation and appropriate mitigation;**
- j) Design which respects and enhances the character and appearance of the Conservation Area; and**
- k) The creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits.**

3.60a Land to the north of Blundell's Road in the vicinity of Blundell's School consists of a mix of Greenfield and brownfield land, including unattractive buildings no longer in use, in and adjoining the floodplain of the River Lowman. Current and former uses have the potential to cause contamination, including an impact on river quality, and development of this area has the potential to resolve such issues. The site is bounded by development to three sides, with the River Lowman forming the northern boundary. Most of the site was previously allocated for an extension to the Tiverton Business Park, which lies north of the river.

3.60b The owners have previously confirmed availability and have sought allocation of the site, supporting the view that the site is viable. It is suitable for a relatively high density of development, as it would adjoin a large area of public open space. It is proposed to bring forward the residential element of the allocation from the previous plan (Allocations and Infrastructure DPD 2011).

3.60c The flooding issues associated with the development of this site have been examined. The regeneration and sustainability benefits arising from redevelopment are sufficient that the sequential test set out in national policy is overcome, and the measures set out in the policy overcome the exceptions tests. The policy requires that remodelling of the site be carried out, in order to raise certain areas and lower others, the end result being no change to the functionality of the floodplain to deal with a 1:100 year return period flood event, including appropriate allowance for the effects of climate change. This remodelling would create a total of 6 hectares of developable land along the southern edge of the site, and 8 hectares of floodplain, which would be provided as Green Infrastructure. The Environment Agency has indicated that it is supportive of the carrying forward of the allocation given the opportunity it provides to assist in the provision of wider flood risk mitigation proposals in this area of the River Lowman, subject to the provision of wider environmental and sustainability benefits.

3.60d The western end of Blundell's Road has air quality issues which have been within about 15% of exceeding the relevant guidelines. Additional road traffic from this site has the potential to bring this permanently over the relevant

limits if access is obtained from Blundell's Road. Accordingly, access to the site is proposed to be direct from Heathcoat Way via a new junction. The design and location of this junction and site access may in the future form part of a second strategic access to the Eastern Urban Extension. The development of this site will need to ensure that any future route through it to service the Eastern Urban Extension is not precluded. Non-vehicular access into and through the site should also be enhanced, through new and improved cycle and pedestrian routes including non-vehicular links to Blundell's Road. An air quality assessment will be required with any application.

3.60e The site contains a working scrapyards, adjoining the River Lowman, which has the potential to harm water quality. Its removal and clean-up of the site would be a particular benefit, and is a key justification for this allocation. Similarly, the former poultry factory on the site may be contaminated and is becoming increasingly derelict. It would be inappropriate to allow redevelopment of land within the site for new housing before the removal of the scrapyards, given the impact on the living conditions and health of occupiers arising from its continued operation. Accordingly, no residential development will be permitted on the site until the scrapyards has been removed and the site remediated. Appropriate measures, agreed with the Council, will be needed to allow the site's development.

3.60f Provision of a Sustainable Urban Drainage Scheme will be required, to deal with the quality and quantity of surface water.

# Cullompton

3.61 Cullompton will develop as a fast growing market town and will become the principal focus of development for the district in the medium to long term in accordance with the development strategy set out in Policy S11.

3.62 Cullompton Town Council is preparing a neighbourhood plan which may contain policies and site allocations additional to those in the Local Plan. The neighbourhood plan is subject to a separate process of consultation and examination. Local Plan allocations to the north-west and east of Cullompton have strategic implications for Mid Devon and neighbouring districts, particularly with regard to impacts on the strategic road network. The Local Plan takes precedence over any neighbourhood plan where strategic policies are concerned.

3.63 The following table summarises the development supply for Cullompton.

Use	Commitments at 31 March 2018	Completions from 1 April 2013 – 31 March 2018	Uncommitted Allocations (within the plan period)	Total
Housing (dwellings)	252	545	3,238	4,035
Commercial (employment, retail and leisure) square metres floorspace	29,808	9,273	30,702	69,783

Table 15: Development supply in Cullompton

3.64 Seven sites are allocated for housing in Cullompton. All housing sites are considered achievable in principle, corresponding to a Cullompton map that accompanies this document. Four sites are wholly or partially without planning permission and these are shown below:

Site	Policy	Gross Site Area (ha)	Net site area (ha)	Allocated dwellings
North West Cullompton	CU1-6	100	65	1,350
East Cullompton	CU7-12	160	96	1,750
Ware Park & Footlands	CU14	2.1	1.3	38
Land at Colebrook	CU21	4.8	2.9	100
Total				3,238

Table 16: Housing allocations, excluding sites/dwellings with planning permission

3.65 The remaining housing sites have been granted planning approval and are now wholly or partially implemented. These sites are: Knowle Lane (CU13), Land at Exeter Road (CU15) and Cummings Nursery (CU16).

3.66 Land for commercial development is allocated within the north-west and east Cullompton urban extensions. Allocated sites at Week Farm and Venn Farm in the Kingsmill area now have planning permission.

3.67 The amount of floorspace to be provided by commercial development depends on the use. For instance, office development on multiple floors provides a greater amount of floorspace per hectare than a single-storey

warehouse, and some commercial uses require more land for parking than others. Floorspace assumptions for different uses are set out in the methodology for Strategic Commercial Land Availability Assessment (SCLAA), but the Council recognises that this is only a starting point and a higher or lower density of development may be justified depending on the nature of the proposal that comes forward.

<b>Site</b>	<b>Policy</b>	<b>Gross site area (ha)</b>	<b>Net site area (ha)</b>	<b>Floorspace (sq.m)</b>
North West Urban Extension	CU1-6	100	3	10,000
East Cullompton	CU7-12	160	5	20,000
Week Farm	CU17	10.7	8.7	15,000
Venn Farm	CU18	4.4	2.5	12,000
<b>Total</b>				<b>57,000</b>

Table 17: Allocations for commercial development

# Policy CU1

## North West Cullompton

**A site of 100 hectares to the North West of Cullompton is allocated for mixed use development subject to the following:**

- a) 1350 dwellings with 28% affordable housing to include at least five pitches for gypsies and travellers and provision of extra care housing;**
- b) 5% of housing to be provided as serviced plots for sale to self-builders;**
- c) 10,000 square metres commercial floorspace to include a care home or retirement complex, and other suitable uses such as a hotel or leisure development;**
- d) Provision of at least 28 hectares strategic green infrastructure;**
- e) Provision of a road linking Tiverton Road to Willand Road, and transport provision to ensure appropriate accessibility for all modes;**
- f) Environmental protection and enhancement;**
- g) Community facilities and primary school to meet local needs arising;**
- h) Carbon reduction and air quality improvements;**
- i) An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development; and**
- j) Comprehensive Masterplanning of the development including at least two stages of public consultation and adoption of the Masterplan as a Supplementary Planning Document, before any planning application is determined.**

3.68 Land to the north-west of Cullompton is currently in agricultural use. The western boundaries are formed by hedgerows, the eastern by Willand Road and the adjoining development. The southern end of the site wraps around the steeper northern and western slopes of St Andrews Hill, its southern edge again formed by hedgerows and development. A stream with a narrow flood plain runs west to east through the site, and another stream forms the boundary at the northern end of the site.

3.69 Development of this site must be carefully planned to ensure that impact on the landscape is minimised through measures such as avoiding the development of higher ground, appropriate landscaping and ensuring that areas at risk of flooding remain undeveloped.

3.70 There are severe traffic congestion problems on Cullompton High Street and at its junction with Tiverton Road, having an adverse effect on air quality, living conditions and the attractiveness of the town centre. This development will be required to provide a road linking Tiverton Road to Willand Road, not only diverting traffic from the new development away from the town centre but also providing an alternative route for other vehicles. Traffic management measures on Willand Road and Tiverton Road will also be required. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of the Cullompton Town Centre Relief Road.

3.71 This development will also provide affordable housing including at least five gypsy and traveller pitches, contributing to the need identified in the Gypsy and Traveller Accommodation Assessment (2015). Part of the affordable housing provision should comprise extra care housing, which enables older people to live independently in homes that are purpose-built in clusters of 50 units, with 24 hour care and support services available onsite.

3.72 In addition, provision of around 60 serviced plots for self-builders will diversify the choice of housing for potential residents, providing a low cost and reasonably straightforward option for those who wish to build their own home.

3.73 The Council will consider a range of commercial uses on this site, subject to masterplanning. Industrial, warehouse and office development is primarily located on the east side of Cullompton, and not necessarily compatible with housing development, but this is a sustainable location for a number of other employment-generating uses. The site should include a residential care or nursing home to account for the aging population, or another form of development for the elderly which generates sufficient jobs. Self-contained retirement apartments where there is little or no onsite care will not be considered to constitute commercial development because they do not generate any significant number of jobs, but an extra care scheme or retirement ‘village’ or complex may be classed as commercial development if there will be a range of facilities and care services onsite. The site may also include other leisure or hospitality uses in addition to community facilities, a new primary school and various forms of open space.

3.74 The Local Plan sets out a framework for the development of North West Cullompton Urban Extension, but leaves many details for later consideration. The preparation of a masterplan in consultation with stakeholders, including the local community, is an important step in achieving a comprehensive development with wider community benefits. The Council will resist ad-hoc development of phases with no reference to the overall vision and development strategy for the urban extension. The developers will be expected to produce a number of further studies and surveys to support the masterplan and work in partnership with the Council to achieve its adoption as a Supplementary Planning Document.

## Policy CU2

### North West Cullompton Transport Provision

**As part of the development of North West Cullompton, the following transport infrastructure will be provided and funded by all new development within the site:**

- a) **Provision of a network of streets linking to the existing highway network, including a through route linking Tiverton Road to Willand Road suitable for buses and all agricultural vehicles;**
- b) **Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- c) **Cycle and pedestrian links to and from the town centre and within the mixed-use urban extension;**
- d) **Implementation of travel plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- e) **Financial contributions to bus service enhancements within, into and out of, the mixed-use urban extension;**
- f) **Financial contributions to bus service enhancements between Cullompton, Exeter, Tiverton Parkway and Tiverton;**
- g) **Financial contributions towards the Town Centre Relief Road and traffic management measures on Willand Road and Tiverton Road; and**
- h) **Capacity improvements at junction 28 M5, to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site.**

3.75 The provision of appropriate transport infrastructure is a key requirement of the development. This can ensure that it is an attractive location for new development, that it minimises the impact on adjoining uses and accords with the need to promote sustainable development. The development will need to mitigate its impact upon capacity at junction 28 of the M5. The provision of a road through the site linking Tiverton Road to Willand Road will alleviate traffic congestion at the junction of Tiverton Road and High Street, and in the town centre generally. Combined with bus service enhancements and design which encourages non-car modes of travelling, this should reduce air pollutants in the town centre.

3.76 The development should be served by an attractive, convenient and safe network of sustainable transport routes, including bus, cycle and pedestrian. Streets appropriate for frequent bus routes should be provided so that as far as possible, all buildings are within 400 metres of bus stops. Applications will be expected to respond to these aspirations and as set out in the adopted masterplan SPD for the site. It is equally important that there is access to safe and direct cycle and pedestrian routes within the urban extension, linking together the dwellings, commercial uses and services. This can be achieved through the creation of off-road routes and also by ensuring that streets are designed appropriately for safe walking and cycling.

3.77 The provision of green infrastructure as set out in Policy CU3 will provide opportunities for off-road cycling and walking routes. These should be integrated into existing and proposed networks as far as possible. The creation of additional public rights of way should be examined.

3.78 Developers will be expected to prepare and implement travel plans for the development as a whole and for its constituent parts, to promote non-traditional measures relating to transport that can help minimise the development's carbon footprint and its impacts on air quality.

3.79 The development should be designed to be served by a permeable network of streets providing access to/from the development. This should include a through-route linking Tiverton Road to Willand Road which is suitable for use as a bus route and other traffic bypassing the town centre.

## Policy CU3

### North West Cullompton Environmental Protection and Green Infrastructure

**As part of the development of North West Cullompton, the following environmental protection and enhancement measures will be provided and funded by all new development within the site:**

- a) A strategic landscaping and tree planting scheme to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;**
- b) An area of 28 hectares for strategic green infrastructure, laid out and managed with an appropriate mix of public parkland, open space, landscaping and potential local nature reserve;**
- c) Areas of equipped and laid out public open space, totalling 0.7 hectares of equipped play, 2.6 hectares amenity open space, 4 hectares for parks, sports and recreation grounds, 0.7 hectares of allotments and 0.1 hectares for a community garden adjoining the health centre;**
- d) Protection and enhancement where possible of all existing Public Rights of Way;**
- e) Appropriate provision for sewerage systems serving the development, and provision of a strategically designed, and phased, Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;**
- f) Detailed archaeological investigation and measures to record, and where necessary, protect the archaeological interest of the site through appropriate design, layout and mitigation; and**
- g) Design solutions which respect the settings of listed buildings within and adjoining the site.**

3.80 The area proposed as green infrastructure on this site will include land managed for public access and biodiversity, and will provide a new recreation facility for the town. There are a number of potentially species rich hedgerows within the development and further detailed study of these features will be necessary to confirm their potential. The layout of development should promote the continued use of wildlife corridors, including watercourses, acting to prevent their fragmentation and providing appropriate treatment where such corridors cross roads and other linear features. There is potential for off-road cycle and pedestrian routes to follow these features, helping maintain their integrity. The requirement to extend the town cemetery, which adjoins this site, has been recognised in the proposals and has been extended.

3.81 There is an area of flood plain associated with a watercourse running across the site from west to east. There are also a number of small watercourses running through the site for which flood risk and flood zone data is unknown. A flood risk assessment will need to consider the potential of flooding along these watercourses. The layout of the development will need to take this into account. Areas of floodplain should be retained as part of the strategic green infrastructure. The urbanisation of the area has the potential to increase surface water run-off elsewhere, through the loss of permeable surfaces. The inclusion of a sustainable urban drainage scheme (SUDS) approach for the entire development will ensure that there is no additional run-off from the site as a result of development. Critical Drainage Area designation will require a net reduction in rain water runoff which affects parts of Willand Road and adjacent properties. Measures should be put in place to reduce this. Sustainable urban drainage schemes usually involve the provision of ponds, swales and other soft areas which can serve as a dual use for public open space and can be incorporated into wildlife networks. The role of landscaping and tree-planting in flood prevention should also be recognised in the development. A detailed sustainable drainage strategy together with proposals for ongoing management and maintenance for dealing with surface water must be prepared which builds on the high level approach set out in the adopted masterplan SPD in order to determine the number, size and location of the required SUDS features.

3.82 The development of this site will have an impact on the character of the area. The incorporation of appropriate landscaping and tree planting will act to mitigate this and should be designed to support high quality green infrastructure areas and wildlife corridors. Tree planting will also act to collect carbon dioxide, helping to reduce the overall carbon footprint of the scheme.

3.83 Archaeological investigations in the area have demonstrated the presence of extensive and significant prehistoric and Romano-British sites. The Historic Environment Record notes the presence of prehistoric enclosures and funerary monuments within the area, as well as a findspot of a Saxon metal object and prehistoric flint tools. Development must take account of the setting of the St Andrews Hill Scheduled Monument, a Roman Fort. An archaeological assessment must be undertaken, the results of which should be taken into account during the masterplanning exercise to ensure protection where necessary.

3.84 A number of listed buildings lie within or close to the area. The setting of these will need assessment and protection as part of the layout and design work and subsequent planning applications. Careful consideration needs to be given to the design of the new roads through the site linking Tiverton Road to Willand Road. The cemetery and chapels could be closely affected by the road which runs close to the cemetery extension and could be prominent given the topography. Appropriate boundary treatments and screening is critical to mitigate any potential harm.

# Policy CU4

## North West Cullompton Community Facilities

**As part of the development of North West Cullompton, the following community infrastructure will be provided and funded by all new development within the site:**

- a) A serviced site of 2.1 hectares for a new primary school at no cost to the Local Education Authority;**
- b) Provision of a 420-place school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers;**
- c) A site of 1.0 hectare for community uses including provision of a multi-purpose community building**
- d) Contribution towards sporting and leisure facilities; and**
- e) Contributions towards a new recycling centre to serve Cullompton.**

3.85 The creation of an urban extension requires that residents and workers have access to a range of community facilities within easy walking or cycling distance. This will discourage trips by car for essential local purposes. It is also important that, as far as is possible, the development of the site does not result in unacceptable pressure on existing services and facilities within Cullompton and the surrounding area. This policy sets out the requirements for provision of community facilities within the development site and elsewhere in the town.

3.86 The provision of a new primary school in the urban extension will be required in order to provide local educational facilities for the resident school age children. The policy requires that the land for the school is serviced and provided free of charge to the education authority, within the timing of provision set out in the phasing policy and the adopted masterplan SPD.

3.87 Development of this site will lead to an increase in pressure on existing facilities and demand for new provision. The construction of a community centre and provision of equipped and laid out public open space will be required within the site. The location of community facilities has been established within the masterplan for the site, to ensure the highest level of access for residents and other users.

# Policy CU5

## North West Cullompton Carbon Reduction and Air Quality

**The development of North West Cullompton will be required to implement a Carbon Reduction and Low Emissions Strategy funded by all new development in the site. This will propose measures to minimise the overall carbon footprint of the development, making provision for sources of decentralised onsite renewable or low-carbon energy and ensure that impact of the site on air quality is acceptable, such as:**

- a) Renewable and low carbon energy to provide a proportion of the site's energy use;**
- b) Measures to ensure that residents, employees and businesses are encouraged to travel in the most sustainable fashion, including travel plans, information, car clubs, lift-sharing and infrastructure for low emission vehicles;**
- c) Measures to encourage the sustainable treatment of waste;**
- d) Measures to manage the impacts of construction;**
- e) Offsite tree planting where sufficient cannot be accommodated onsite;**

- f) **Energy improvements to existing buildings;**
- g) **Other measures to capture or mitigate carbon emissions and air quality impacts from development.**

3.88 The construction and use of buildings has major implications for the use of non-renewable resources. Fifty percent of the UK's carbon emissions come from the construction and operation of the built environment. As the population increases and climate changes, there is a clear need to mitigate and adapt to climate change through effective carbon reduction and other methods.

3.89 Policy CU5 ensures that methods of carbon reduction are considered and incorporated into the development where appropriate, such as carbon offsetting, travel plans and design which encourages sustainable ways of living. The combination of planning and building control should ensure a sustainable development that minimises carbon emissions from both housing and associated transport. Further detail will be required through the masterplanning exercise and subsequent planning applications.

3.90 Cullompton was declared an Air Quality Management Area (AQMA) in 2006 and an Air Quality Action Plan was published in 2010. An assessment of the air quality impact of the potential development proposed in the Local Plan was undertaken in 2014. Findings indicate that no significant cumulative air quality effects, including the impact of the North West Cullompton development is anticipated as a result of the development of sites set out in the Local Plan.

## Policy CU6

### North West Cullompton Phasing

**A phasing strategy will be required for the development of North West Cullompton to ensure that the development and infrastructure come forward in step, minimising the impact of development while ensuring that the development remains viable. The strategy should take account of the following requirements, variation of which will have to be carefully justified. Development shall be subject to the following:**

- a) **Provision of affordable housing will be in broad step with the market housing;**
- b) **Provision of all serviced self-build plots after the 'through route' linking Tiverton Road to Willand Road is operational;**
- c) **Provision of commercial development after the delivery of the first 500 houses and prior to the delivery of the first 800 houses, at a rate of at least 0.9 hectare per 150 occupied dwellings thereafter;**
- d) **Provision of 8.8 hectares of strategic green infrastructure including equipped public open space and one playing pitch prior to the occupation of no more than 500 dwellings;**
- e) **Implementation of local bus service improvements prior to the occupation of no more than 500 dwellings and strategic bus service enhancements phased with development;**
- f) **Occupation of no more than 500 dwellings before the opening of a 'through route' linking Willand Road to Tiverton Road and the delivery of traffic management measures on Willand Road;**
- g) **Transfer of land for a primary school together with right of access to the Local Education Authority prior to the commencement of the development on the site, and transfer of funding for education facilities in instalments;**
- h) **The necessary sustainable urban drainage features, and linking pipe work is integrated and phased appropriately in step with development and, where required, temporary measures should be taken during construction to protect downstream areas from additional water run-off; and**
- i) **Occupation of no more than 600 dwellings prior to the completion of the Cullompton Town Centre Relief Road.**

3.91 The phasing of development will have an important impact on the surrounding area, but it will also impact on the economic viability of the development. The policy sets out the general approach to phasing, with more detail being provided within the adopted masterplan SPD February 2016. Legal obligations and planning conditions will be used to control these phasing requirements.

3.92 The provision of transport links and improvements is a key element of the development. In addition to the need to minimise traffic generation from new development, it will also be necessary to carry out improvements to existing infrastructure to ensure that there is sufficient capacity available in order to cope with increased usage.

3.93 The provision of public transport to connect the site to the rest of the town and the wider area is an important part of the strategy to improve the overall sustainability of the urban extension and the town generally. The North West and East Cullompton urban extensions together will generate a significant increase in potential users of public transport. Accordingly, enhancements to the bus service will need to be implemented at an appropriate point in the development, before the occupation of no more than 500 dwellings.

3.94 The creation of a through route linking Tiverton Road and Willand Road will serve an important function connecting the site to the wider highway network, providing a bus route and serving as a link from south west Cullompton to the north. A through route should be completed before the occupation of the 500th dwelling. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. No more than 600 dwellings should be occupied before the Cullompton Town Centre Relief Road is completed and open to traffic. The provision of the Town Centre Relief Road provides increased capacity at J28 M5.

3.95 The development will generate the need for additional primary school provision over and above existing requirement within the town. To ensure that reliance on car based trips is reduced, it is important to ensure that this is provided within close proximity of new dwellings within the urban extension. It will therefore be a requirement that land is transferred to the Local Education Authority with right of access before the development commences.

3.96 Commercial development will be provided in step with housing to ensure that facilities for older people and new jobs are delivered alongside the rising population of the town. Affordable housing, including extra care housing and gypsy and traveller pitches, will be provided at a rate of approximately 25%, in step with the market housing. Serviced plots for self-build should not come forward until after the through route linking Tiverton Road to Willand Road has been provided, as the sale of serviced plots will not generate sufficient funds to pay for road infrastructure and it is important not to impede the ability of standard housing development to progress and deliver the road at an early stage.

# Policy CU7

## East Cullompton

A site of 160 hectares to the East of Cullompton is allocated for mixed use development subject to the following:

- a) 1,750 dwellings within the plan period and further development of at least 850 dwellings post-2033;
- b) 28% affordable housing to include extra care housing and at least ten pitches for gypsies and travellers, subject to viability;
- c) 5% of housing to be provided as serviced plots for sale to self-builders;
- d) 20,000 square metres commercial floorspace within the plan period and a further 12,000 post-2033, to include a care home or retirement complex, appropriately scaled retail development and other suitable uses such as offices and a hotel or leisure development;
- e) Provision of at least 40 hectares strategic green infrastructure;
- f) Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 28 and pedestrian and cycling links across the motorway to the existing town;
- g) Environmental protection and enhancement and noise mitigation where necessary;
- h) Assessment of land contamination and remediation if necessary;
- i) Land and facilities for community use including a new primary school to meet local needs arising;
- j) Contributions towards expansion of local secondary education facilities to meet needs arising;
- k) Carbon reduction and air quality improvements;
- l) Archaeological investigation and appropriate mitigation;
- m) An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development; and
- n) Comprehensive Masterplanning of the development including at least two stages of public consultation and adoption of the Masterplan as a Supplementary Planning Document, before any planning application is determined.

3.97 There is currently little development in Cullompton to the east of the motorway. This large area is predominantly agricultural land made up of multiple fields with hedgerows and some mature trees. While the loss of greenfield land is regrettable, Mid Devon is a rural district with insufficient brownfield land to meet the identified housing and employment needs of a growing population. The quality of the agricultural land in this area is mixed, falling predominantly within Grades 3a and 3b, and there are no alternative sites that could deliver this level of development. There are a number of streams on the site but no significant areas of flood plain. The Landscape Appraisal notes that the site is part of an area of gently undulating land, which is difficult to perceive in the surrounding landscape. Although visible from limited locations within the Blackdown Hills AONB to the east and high ground to the north-west of Cullompton, given the low levels of visibility of the site, phased development beginning from the west is acceptable. Nevertheless, development of this site must be carefully planned to ensure that impact on the landscape is minimised through appropriate landscaping and ensuring that areas at risk of flooding remain undeveloped.

3.98 Development in Cullompton is severely constrained by the limited capacity at Junction 28 of the motorway, in addition to traffic congestion and poor air quality in the town centre. This development, in combination with the urban extension to the northwest of Cullompton, presents an opportunity to resolve town centre traffic problems and provide an alternative means of access onto the M5. The Council has been working closely with statutory consultees to ensure emerging proposals for junction 28 M5 improvements are appropriately designed.

3.99 This development will also provide affordable housing including extra care housing and gypsy and traveller pitches, contributing to the needs identified in the Infrastructure Plan, Strategic Housing Market Assessment and the Gypsy and Traveller Accommodation Assessment. In addition, provision of around 130 serviced plots for self-builders

will diversify the choice of housing for potential residents, providing a low cost and reasonably straightforward option for those who wish to build their own home. However, the provision of highways infrastructure is fundamental to the delivery of this scheme, and the Council will negotiate on the proportion of affordable housing and self-build plots if necessary to ensure the viability of development.

3.100 The Council will consider a range of commercial uses on this site, subject to masterplanning. The Kingsmill area is a well-established employment centre and further industrial, warehousing and office development may be appropriate where the urban extension adjoins this development and the allocated site at Week Farm. In addition, a development of this size will require small-scale retail development to meet local needs. The site should also include a residential care or nursing home to provide accommodation for the aging population, or another form of development for the elderly which generates sufficient jobs. Self-contained retirement apartments that include little or no onsite care will not be considered to constitute commercial development because they do not provide a significant number of jobs, but a retirement 'village' or complex may be classed as commercial development if there will be a range of facilities and care services onsite. The site may also include other leisure or hospitality uses in addition to community facilities, a new primary school and various forms of open space.

3.101 A masterplanning exercise will be essential to consider all the requirements of the development in more detail, including the phasing of infrastructure. The Local Plan sets out a framework for the development, but leaves many details for later consideration. The preparation of a masterplan in consultation with stakeholders, including the local community, is an important step in achieving a comprehensive development with wider community benefits. The Council will resist ad-hoc development of phases with no reference to the overall vision and development strategy for the urban extension. The developers will be expected to produce a number of further studies and surveys to support the masterplan and work in partnership with the Council to achieve its adoption as a Supplementary Planning Document.

## Policy CU8

### East Cullompton Transport Provision

**As part of the development of East Cullompton, contributions towards or delivery of the following transport infrastructure will be provided by all new development within the site:**

- a) **Capacity improvements at Junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;**
- b) **Provision of appropriate highway improvements on roads around the development to ensure any unacceptable traffic impacts are mitigated;**
- c) **Reopening of Cullompton Railway Station;**
- d) **Provision of a network of streets linking to the existing highway network, and appropriate mitigation to reduce impacts on the existing road network such as Honiton Road;**
- e) **Provision of bus, pedestrian and cycle routes at appropriate locations throughout the development, creating an attractive, permeable network for non-car modes travelling within, into and out of the area;**
- f) **Safe and attractive cycle and pedestrian links to and from the town centre and within the mixed-use urban extension;**
- g) **Creation of safe and attractive pedestrian and cycle links between the development and the Kingsmill Industrial Estate;**
- h) **Implementation of travel plans and other non-traditional transport measures to minimise carbon footprint and air quality impacts;**
- i) **Bus service enhancements within, into and out of, the mixed-use urban extension, linking to Cullompton town centre;**
- j) **Bus service enhancements between Cullompton, Exeter, Tiverton Parkway and Tiverton.**

3.102 The provision of appropriate transport infrastructure is a key requirement of the development. This must ensure that there is sufficient long-term capacity for vehicles travelling onto, off and across the motorway. A well-functioning road network will also ensure that this is an attractive location for new development, minimising the impact on adjoining uses and providing sustainable development that benefits the wider community. The reopening of Cullompton Railway Station is also a key part of the development strategy for revitalisation of the town, attracting inward investment and increasing opportunities for the use of sustainable modes of transport. East Cullompton, as the largest strategic allocation within the plan, is required to make contributions towards the reopening of the station, thereby providing future residents of the site with access to alternative modes of transport. The Council recognises that the high infrastructure costs of this site will not solely be funded by the development. As has been the case on other strategic sized sites, the Council will work with its partners and the development industry to secure external funding to ensure the delivery of the necessary infrastructure.

3.103 The development should be served by an attractive, convenient and safe network of sustainable transport routes, including bus, cycle and pedestrian. Streets appropriate for frequent bus routes should be provided so that as far as possible, all buildings are within 400 metres of bus stops. These will need to be designed as part of the masterplanning process. It is equally important that there is access to safe and direct cycle and pedestrian routes within the urban extension, linking together the dwellings, commercial uses and services. This can be achieved through the creation of off-road routes and also by ensuring that streets are designed appropriately for safe walking and cycling.

3.104 The provision of green infrastructure as set out in Policy CU9 will provide opportunities for off-road cycling and walking routes. These should be integrated into existing and proposed networks as far as possible. The creation of additional public rights of way should be examined.

3.105 Developers will be expected to prepare and implement travel plans for the development as a whole and for its constituent parts, to promote non-traditional measures relating to transport that can help minimise the development's carbon footprint and its impacts on air quality.

## Policy CU9

### East Cullompton Environmental Protection and Green Infrastructure

**As part of the development of East Cullompton, the following environmental protection and enhancement measures will be implemented at the expense of all new development within the site:**

- a) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;**
- b) An area of 40 hectares for strategic green infrastructure, laid out and managed with an appropriate mix of public parkland, open space, landscaping and local nature reserve;**
- c) Areas of equipped and laid out public open space, totalling 0.4 hectares of equipped children's play, 0.12 hectares for teenage facilities, 6 hectares amenity green space, 9 hectares of parks, sports and recreation grounds, and 1.5 hectares of allotments;**
- d) Protection and enhancement where possible of existing Public Rights of Way;**
- e) Appropriate screening and landscaping for properties adjacent to the M5;**
- f) Appropriate provision of a sewerage system to serve the development and a strategically designed, and phased, Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;**

- g) A strategic landscaping and tree planting scheme to mitigate landscape impact, protect the setting of the Blackdown Hills Area of Outstanding Natural Beauty, and enhance biodiversity and the character of development; and**
- h) Design solutions which respect the settings of listed buildings adjoining the site.**

3.106 The area proposed as green infrastructure on this site will include land managed for public access and biodiversity, and will provide a new recreation facility for the town. There are a number of potentially species rich hedgerows and mature trees within the site, and further detailed study of these features will be necessary to confirm their potential. The layout of development should promote the continued use of wildlife corridors, including watercourses, acting to prevent their fragmentation and providing appropriate treatment where such corridors cross roads and other linear features. There is potential for off-road cycle and pedestrian routes to follow these features, helping maintain their integrity.

3.107 There are various areas of narrow flood plains associated with watercourses running across the site. For some of the small watercourses, a flood risk assessment will need to consider the potential of flooding as the current extent is unknown. These watercourses do not take up a significant area but the layout of the development will need to take flood plains into account. Areas of floodplain should be retained as part of the strategic green infrastructure providing wildlife corridors to other areas. The urbanisation of the area has the potential to increase surface water run-off elsewhere, through the loss of permeable surfaces. The inclusion of a sustainable urban drainage scheme approach for the entire development will ensure that there is no additional run-off from the site as a result of development. Sustainable urban drainage schemes usually involve the provision of ponds, swales and other soft areas which can serve as a dual use for public open space and can be incorporated into wildlife networks. A strategy for dealing with surface water must be prepared as part of the masterplanning of the site to determine the number, size and location of the required SUDS features. The role of landscaping and tree-planting in flood prevention and carbon reduction should also be recognised in the development.

3.108 The development of this site will have an impact on the character of the area. The incorporation of appropriate screening, landscaping and tree planting will act to mitigate this and should be designed to support high quality green infrastructure areas, wildlife corridors and noise attenuation. Two listed buildings are adjacent to the northern boundary of the site. The setting of these will need assessment and protection as part of the layout and design work associated with the masterplanning exercise, and subsequent planning applications.

## Policy CU10

### East Cullompton Community Facilities

**As part of the development of East Cullompton, the following community infrastructure will be provided at the expense of all new development within the site:**

- a) A serviced site of 2.5ha for a new 630 place primary school, or alternatively 3ha of serviced land in two parcels of 1.1ha and 1.9ha appropriately located for the delivery of two new primary schools, at no cost to the Local Education Authority;**
- b) A site of 2 hectares for a shopping and community centre, and the provision of a multi-purpose community building for youth, children and other community uses;**
- c) Construction costs for a primary school capacity of at least 630 places plus additional early years provision, including the requisite land to deliver these facilities. The required primary school capacity should be delivered through the provision of either one or two schools;**
- d) Contributions towards the expansion of secondary education facilities in the local area;**
- e) Contributions towards the expansion or improvement of local library services**
- f) Contribution towards sporting and leisure facilities; and**
- g) Contributions towards a new recycling centre to serve Cullompton.**

3.109 The creation of an urban extension requires that residents and workers have access to a range of community facilities within easy walking or cycling distance. This will discourage trips by car for essential local purposes. It is also important that, as far as is possible, the development of the site does not result in unacceptable pressure on existing services and facilities within Cullompton and the surrounding area. This policy sets out the requirements for provision of community facilities within the development site.

3.110 The provision of a new primary school in the urban extension will be required in order to provide local educational facilities for the resident school age children. The policy requires that the land and construction costs for the school are provided to the education authority, within the timing of provision set out in the phasing policy. The development of 2,600 dwellings is expected to give rise to 390 additional secondary school places and a contribution towards the expansion of Cullompton Community College will be required. The Masterplanning of the development will determine the phasing of secondary school contributions.

3.111 The level of community facilities in Cullompton has improved in recent years with the opening of the Hayridge Centre (incorporating the library), Cullompton Community Centre and The Walronds manor house and garden. 2,600 dwellings at East Cullompton will increase the use of these facilities and generate need for additional locally accessible community facilities east of the motorway. In addition to a neighbourhood centre which provides a range of shopping and community facilities, a contribution will be required towards the expansion or improvement of the town library. The need for additional health care provision could be accommodated within the community facilities.

## Policy CU11

### East Cullompton Carbon Reduction and Air Quality

**The development of East Cullompton will be required to implement a Carbon Reduction and Low Emissions Strategy at the expense of all new development in the site. This will propose measures to minimise the overall carbon footprint of the development, making provision for sources of decentralised onsite renewable or low-carbon energy and ensure that impact of the site on air quality is acceptable, such as:**

- a) **Renewable and low carbon energy to provide a proportion of the site's energy use;**
- b) **Measures to ensure that residents, employees and businesses are encouraged to travel in the most sustainable fashion, including travel plans, information, car clubs, lift-sharing and infrastructure for low emission vehicles;**
- c) **Measures to encourage the sustainable treatment of waste;**
- d) **Measures to manage the impacts of construction;**
- e) **Offsite tree planting where sufficient cannot be accommodated onsite;**
- f) **Energy improvements to existing buildings; and**
- g) **Other measures to capture or mitigate carbon emissions and air quality impacts from development.**

3.112 The construction and use of buildings has major implications for the use of non-renewable resources. Fifty percent of the UK's carbon emissions come from the construction and operation of the built environment. As the population increases and climate changes, there is a clear need to mitigate and adapt to climate change through effective carbon reduction and other methods.

3.113 Policy CU11 ensures that methods of carbon reduction are considered and incorporated into the development where appropriate, such as carbon offsetting, travel plans and design which encourages sustainable ways of living. The combination of planning and building control should ensure a sustainable development that minimises carbon

emissions from both housing and associated transport. Further detail will be required through the masterplanning exercise and subsequent planning applications.

3.114 Cullompton was declared an Air Quality Management Area (AQMA) in 2006 and an Air Quality Action Plan was published in 2010. In Cullompton, it is important to note that exceedances of pollutants are only along Fore Street, near the junction with the High Street and Tiverton Road. In the majority of other areas, pollutant concentrations have been monitored to be well below air quality objectives. An assessment of the air quality impact of the potential development proposed in the Local Plan was undertaken in 2014. Findings from this report indicate that the development of a new community at East Cullompton would not have a significant effect on the Cullompton AQMA. However during the masterplan design of the new community, the potential for air quality effects should be considered, in particular, the distance between the residential properties and the M5 should be selected to avoid adverse air quality impacts. Highway infrastructure improvements should also accompany the development to ensure capacity is increased to limit congestion on the local road network.

## Policy CU12

### East Cullompton Phasing

**A phasing strategy will be required for the development of East Cullompton to ensure that the development and infrastructure come forward in step, minimising the impact of development while ensuring that the development remains viable. The strategy should take account of the following requirements, variation of which will have to be carefully justified. Development shall be subject to the following:**

- a) Provision of affordable housing will be broadly in step with the market housing;**
- b) Provision of all serviced self-build plots after strategic highways infrastructure has been completed;**
- c) Provision of commercial development in step with housing, at a rate of at least 1 hectare per 500 occupied dwellings;**
- d) Provision of strategic green infrastructure broadly in step with development, with public open space provided at a rate of at least 1 hectare per 150 dwellings or phased to deliver a larger area of multi-functional public open space at a suitable stage in the development;**
- e) Implementation of bus service improvements in step with housing development, provided in appropriate instalments;**
- f) Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site; and**
- g) Transfer of serviced land together with right of access for primary school(s) at no cost to the Local Education Authority prior to the first occupation of residential development, with necessary funding to construct the facilities being paid to the Local Education Authority in appropriate instalments.**

3.115 The phasing of development will have an important impact on the surrounding area, but it will also impact on the economic viability of the development. The policy sets out the general approach to phasing. However, this will need to be supplemented by a phasing strategy prepared as part of the masterplanning exercise, which may justify different phasing arrangements following more detailed analysis of infrastructure needs and the viability of development. Legal obligations and planning conditions will be used to control these phasing requirements.

3.116 The provision of transport links and improvements is a key element of the development. In addition to the need to minimise traffic generation from new development, it will also be necessary to carry out improvements to existing infrastructure to ensure that there is sufficient capacity available in order to cope with increased usage.

Improved access onto the motorway will be required early in the development at substantial cost, which may cause some delay in the provision of other forms of infrastructure. Devon County Council's Strategic Highways Option Report (2014) sets out an initial assessment of the various elements phasing of transport infrastructure needed to service the site. A signalisation scheme at junction 28 of the M5 was undertaken in 2015. However this scheme does not produce junction capacity to accommodate this development. The Council has been working closely with statutory consultees to ensure emerging proposals for junction 28 M5 improvements are appropriately designed.

3.117 While East Cullompton developers will be expected to pay for most of the infrastructure associated with this development through a Section 106 legal agreement, the Town Centre Relief Road was allocated in the previous Local Plan and was required in response to other developments in and around Cullompton. With the allocation of East Cullompton, a larger area is available within which to locate the relief road as it is proposed as part of the transport mitigation in connection with this allocation. Dependent on the final route option, the relief road may be either east or west of the motorway. Development contributions are proposed via planning obligations on East Cullompton and NW Cullompton developments. In addition, the Council will seek external sources of funding to help bear the cost of highways works that are needed early in the East Cullompton development, as these are critical to the delivery of this strategic site.

3.118 The provision of public transport to connect the site to the rest of the town and the wider area is an important part of the strategy to improve the overall sustainability of the urban extension and the town generally. The North West and East Cullompton urban extensions together will generate a significant increase in potential users of public transport, including rail should the provider decide to reopen a station for the town. Enhancements to the bus service will need to be implemented at appropriate points in the development, phased according to the delivery of housing.

3.119 The development will generate the need for additional primary school provision, which may be in the form of one large school or two smaller primary schools delivered at different stages in the development. To ensure that a suitable location for the school is safeguarded early in the development and its construction phased according to arising need, the serviced land should together with right of access be transferred to the Local Education Authority before any dwellings are occupied and its construction costs paid in instalments.

3.120 Commercial development will be provided in step with housing to ensure that jobs and facilities for older people are delivered alongside the rising population of the town. Subject to viability, affordable housing will be provided at a rate of approximately 28%, in step with the market housing. Serviced plots for self-build should not come forward until after strategic highways infrastructure has been provided, as the sale of serviced plots will not generate sufficient funds to pay for new roads and it is important not to impede the ability of standard housing development to progress and deliver the roads at an early stage.

# Policy CU13

## Knowle Lane

A site of 9.8 hectares at Knowle Lane is allocated for residential development subject to the following:

- a) 296 dwellings with 35% affordable housing;
- b) Provision of 2.7 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space;
- c) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;
- d) Provision of access route up to and adjoining the existing development to the east of the site and the allocation to the south west (Policy CU14);
- e) Provision of at least two points of vehicular access to the site;
- f) Provision of cycle and pedestrian links within the development and linking to the wider transport network;
- g) Provision of a community building;
- h) Implementation of a Travel Plan and other measures to minimise carbon footprint and air quality impacts;
- i) The necessary sustainable urban drainage features, and linking pipe work is integrated and phased appropriately in step with development; and
- j) Provision of M5 access improvements before more than 266 dwellings are occupied.

3.121 Knowle Lane is a greenfield site located on the west of Cullompton and directly to the west of a development at Knowle Lane known as Kingfisher Reach. The site lies between the southern side of Tiverton Road and Ponsford Lane and the northern side of Knowle Lane. A water course (Crow Green Stream) runs west to east through the central part of the site. The land rises northwards and southwards from the watercourse. The existing boundary is made up of trees and hedges.

3.122 Planning permission has been granted for 266 dwellings on a large part of the site, with 35% affordable housing. Its delivery is not dependent upon further M5 access improvements. Any revised scheme will be subject to the same affordable housing criteria as previously applied. The remaining part of the site has been confirmed as available and is also likely to come forward in the plan period, a total site commitment of 296 dwellings. The consented site is considered the primary access route for the remaining part of the site and the adjoining allocation at Ware Park and Footlands (Policy CU14). Any planning applications will need to ensure suitable vehicular access arrangements are provided up to and adjoining the boundary with the adjacent sites in order to avoid the creation of any ransom strips.

3.123 The protection and enhancement of existing green infrastructure should be carried out where possible. This will entail the protection of existing watercourses, hedgerows and trees and the retention of the area of floodplain as an area of informal amenity open space.

# Policy CU14

## Ware Park and Footlands

**A site of 2.1 hectares at Ware Park and Footlands is allocated for residential development subject to the following:**

- a) 38 dwellings with 28% affordable housing;**
- b) No development until the road through the North West Cullompton site (Policy CU1) linking Tiverton Road to Willand Road is fully in operation for public use;**
- c) No development until the significant improvement works associated with the provision of access to the East Cullompton allocation have been implemented at M5 Junction 28;**
- d) Archaeological investigation and appropriate mitigation;**
- e) Access from adjoining development at Knowle Lane (Policy CU13); and**
- f) Transport assessment and implementation of a travel plan and other non-traditional transport measures to minimise carbon footprint and air quality impacts.**

3.124 This site is located to the west of Cullompton adjacent to the allocated site of Knowle Lane. The site is comprised of agricultural fields and Crow Green Stream runs along the northern boundary. The site is bounded by established hedge boundaries and is relatively flat. Access is only satisfactorily achievable through the Knowle Lane site (Policy CU13).

3.125 A geophysical survey undertaken in support of a planning application in this area identified anomalies within the proposed development site that may represent archaeological features, some of which may be indicative of industrial activity. In the light of the results of the geophysical survey and the presence of prehistoric as well as 18/19th century industrial activity recorded to the east in the adjacent development site, any groundworks associated with the development of this area have the potential to expose and destroy archaeological deposits associated with the known archaeological activity. Archaeological investigation and appropriate mitigation will be required.

3.126 Knowle Lane, by reason of its width and alignment, is unsuitable to accommodate additional traffic. Therefore, access to the site should instead be taken through the Knowle Lane allocation (Policy CU13) unless the road can be widened to the satisfaction of the Highway Authority. Development in this location will impact on Cullompton Air Quality Management Area and will require mitigation.

3.127 The site will also impact on the capacity of Junction 28 of the M5 motorway which at present cannot accommodate the additional trips generated by this development. Significant improvement works, including provision of a new overbridge, are proposed to provide additional junction capacity and access to the East Cullompton allocation (CU7- CU12). Once completed, these works should provide the additional capacity required. There are also issues with the capacity of Tiverton Road, and specifically the junction with the High Street to accommodate additional levels of traffic. The delivery of a new road through the North West Cullompton site (Policy CU1-CU6), linking Tiverton Road to Willand Road, will allow local traffic to be distributed more widely around the road network. To avoid an unacceptable impact on both the M5 and the local road network in the short term, this site should only come forward upon completion of both the M5 improvements and the North West Cullompton through road.

# Policy CU15

## Land at Exeter Road

**A site of 1.4 hectares at Exeter Road is allocated for residential development, subject to the following:**

- a) 24 dwellings with 28% affordable housing;**
- b) Transport assessment and implementation of a travel plan and other non-traditional measures to minimise carbon footprint and air quality impacts; and**
- c) Archaeological investigation and appropriate mitigation.**

3.128 The site consists of land to the south of the housing at the former Toad Hall, extending between the steep hillside to the west and Exeter road to the east. Two dwellings in large grounds make up a portion of the site, together with an area of underdeveloped open field between and behind them. A bowling club is located in the middle of and surrounded by the site. Planning permission has been granted for 24 dwellings, though potentially the site could accommodate more subject to sufficient capacity being available at J28 of the M5.

3.129 The site lies in an area of known prehistoric activity. Any planning application for development here should be supported by an appropriate programme of archaeological work to allow the significance of any below-ground heritage assets with an archaeological interest to be understood along with the potential impact of any development upon them.

# Policy CU16

## Cummings Nursery

**A site of 2.78 hectares at Cummings Nursery is allocated for residential development, subject to the following:**

- a) 100 dwellings with 30% affordable housing;**
- b) Retention of land in the floodplain as green infrastructure and informal amenity open space;**
- c) Appropriate noise mitigation and sound proofing to minimise the impact of the adjacent motorway;**
- d) Archaeological investigation and appropriate mitigation; and**
- e) Transport assessment and implementation of a travel plan and other non-traditional measures to minimise carbon footprint and air quality impacts.**

3.130 This site comprises a former horticultural nursery located on the edge of Cullompton on the eastern side of the motorway. The site is covered by disused greenhouses. The site has reserved matters permission for 100 dwellings including 30% affordable housing. Any revised scheme for the site will be required to achieve the same level of affordable housing as previously agreed, unless viability evidence proves that this is no longer possible. Any revised scheme proposing additional housing numbers will be subject to capacity at junction 28 of the M5.

3.131 The site lies between the flood plains of the River Culm (and the M5 corridor) and the Culm Lea/Riverside Drive housing estate with vehicular access direct from Honiton Road. The site is relatively level, falling away to the flood plain to the west. There is a mature native hedgerow along the western boundary that separates the site from an area of open space that drops down into the flood plain.

3.132 The dwellings are proposed to be erected following the demolition of the existing commercial greenhouse buildings on the site, clearance of other infrastructure and remediation of the site. The site has fallen into a state of dereliction as it has not been actively used for over 10 years. The new vehicular access is proposed from a position at the junction between Culm Lea and Riverside Drive.

3.133 The proposed development site lies in a landscape where prehistoric and Roman activity is recorded in the Historic Environment Record. The northern part of the site has probably been disturbed by the construction of the greenhouses, but the southern part still has potential for containing archaeological deposits. Archaeological investigation and mitigation will be required.

## Policy CU17

### Week Farm

**A site of 10.7 hectares is allocated for employment development, subject to the following:**

- a) 15,000 square metres of employment floorspace within use classes B2-B8;**
- b) Provision of a vehicular link from the Kingsmill employment area to Honiton Road;**
- c) Archaeological investigation and appropriate mitigation;**
- d) Protection and enhancement of the existing Public Right of Way;**
- e) Transport assessment and implementation of a travel plan and other non-traditional measures to minimise carbon footprint and air quality impacts;**
- f) Provision of 2 hectares of green infrastructure to include the retention of land in the floodplain, providing a landscape buffer to the west of the site as an area of informal open space; and**
- g) Capacity improvements at Junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site.**

3.134 The site is located east of the M5 motorway, adjacent to an existing area of significant employment development. The site could accommodate approximately 15,000 square metres of employment floor space. This is a lower density than would be expected for employment uses generally and is comparable to that anticipated on the consented adjacent site.

3.135 The site is allocated for B2-B8 use. However, the Council will consider proposals for alternative employment-generating uses on their merits. Development in this location will increase pressure on the motorway junction. Signalisation works at M5 Junction 28 were undertaken in 2015. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7. A transport assessment to accompany a planning application would need to consider the impacts on the local and strategic road network including Junction 28 of the M5.

3.136 This site lies within a landscape that has evidence of prehistoric and Roman activity recorded in the Devon County Historic Environment Record. To the west, recent archaeological work has demonstrated the presence of prehistoric and Roman settlement in and around Cullompton. There is potential for the site to contain archaeological deposits associated with the known prehistoric and Roman activity in the vicinity, so archaeological investigation and appropriate mitigation will be required.

3.137 In order to improve accessibility the site will enable the creation of an additional point of access linking the site itself, along with the wider Kingsmill employment area, to Honiton Road. This is seen as an important advantage of the development of the site that will help to relieve pressure on the existing access to the area.

3.138 The site is bounded to the west by the River Ken and its associated floodplain. Development of the area of floodplain should be avoided and retained as green infrastructure, which may be designed into the development as an informal recreational area for those working at the site.

## Policy CU18

### Venn Farm

**A site of 4.4 hectares is allocated for employment development, subject to the following:**

- a) 12,000 sqm of employment floorspace within use classes B1-B8;**
- b) Suitable vehicular access which directs traffic to and from the site via Saunders Way;**
- c) Archaeological investigation and appropriate mitigation;**
- d) Transport assessment and implementation of a travel plan and other non-traditional measures to minimise carbon footprint and air quality impacts;**
- e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;**
- f) Retention of areas within the floodplain as green infrastructure; and**
- g) Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site.**

3.139 Planning permission was granted in March 2015 for 12,000 sq m of B1, B2 and B8 floorspace. A reserved matters planning application has been submitted for part of the site. The site is located adjacent to the existing Kingsmill Industrial Estate on the east side of the M5 Motorway. The site is well contained by natural features comprising existing development to the south, the River Culm to the west and an existing track and road to the north and south east. The land to the north and east is low lying agricultural land and to the south is the remainder of the industrial estate. The western boundary is defined by the River Culm which is separated from the M5 motorway by low lying pasture which is predominantly within the river flood plain.

3.140 Signalisation works to Junction 28 were undertaken in 2015. Highways England has removed a holding direction that previously prevented the development from taking place. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7. Planning permission already granted does not include this requirement however it would apply to any new full or outline applications. Access is achievable via Saunders Way, avoiding increased use of Kingsmill Road.

3.141 This site lies in an area of archaeological potential and within a floodplain of the River Culm. Ground disturbance in this area may expose archaeological and palaeoenvironmental deposits, so archaeological investigation and appropriate mitigation will be required. Development should provide a habitat buffer in the floodplain and avoid any development within the floodplain unless the sequential test required by national policy has been met.

# Policy CU19

## Town Centre Relief Road

**A relief road, providing traffic relief to the town centre, will be provided subject to the following:**

- a) Public consultation exercise before the route of the road is determined;**
- b) Provision of replacement open space and sporting facilities elsewhere in Cullompton if these are affected;**
- c) Provision of a shared use foot and cycleway;**
- d) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network on the affected alignment and linking to the surrounding countryside. Appropriate noise measures to mitigate the effects from the relief road including the provision of landscaping and**
- e) Archaeological investigation and appropriate mitigation.**

3.142 The Town Centre Relief Road, previously known as the Eastern Relief Road, is an integral part of the development strategy for Cullompton, designed to relieve traffic through the town centre in conjunction with a road through the North West urban extension to link Tiverton Road to Willand Road. The evidence in 2010 concluded that a new road to the east of the town centre is essential if the objectives of traffic relief, air quality improvement and with it town centre enhancement, are to be achieved. It is also important since the town centre acts as a strategic relief route for the M5 during closures resulting in significant congestion. Careful consideration will need to be taken in finalising the route, which could be located either side of the motorway. The aim will be to cause minimum impact on the CCA fields and acceptability in terms of flood risk and flood flows. Devon County Council is producing a Flood Risk Assessment and will consult on the options for the exact route of the road should the final route impact on the loss of sports or open space, replacement provision will need to be made available in a suitable location. At the planning application stage, safety measures such as the closure of the relief road via an automated system prior to its flooding may need to be considered. The Council has been working closely with statutory consultees to ensure emerging proposals for junction 28 M5 improvements are appropriately designed.

3.143 Cullompton is facing the same traffic issues now as it was when the previous Local Plan was being prepared. Additional housing development has now taken place at Knowle Lane and Tiverton Road, contributing to the delivered Junction 28 improvements and funding for the Town Centre Relief Road, but work on the road has not yet commenced. The delivery of the road depends upon the delivery of the North West and East urban extensions and development elsewhere. The road is likely to be funded by either developer contributions or Community Infrastructure Levy as well as external sources of funding sought by the Council.

3.143a If the final route of the road is located on the western side of the motorway, there is the potential for impact on the settings of nearby listed buildings and the Cullompton conservation area. The extent of any impact will depend on the road's design and elevation above the flood plain, and therefore the final scheme will need to incorporate design solutions which mitigate such impacts. Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including the provision of appropriate ecological and biodiversity enhancements. The site also lies in an area known to have been occupied since at least the Roman era, the area potentially containing archaeological deposits from this period onwards. Archaeological investigation and mitigation will therefore be required.

# Policy CU20

## Cullompton Infrastructure

**The Council will promote the reopening of the Cullompton Railway Station. A site for a new railway station north of Station Road is allocated for this purpose. The Council will use developer funding via planning obligations and the Community Infrastructure Levy where appropriate, seek external sources of funding and work with partners to deliver the following infrastructure for Cullompton:**

- a) Provision of a Town Centre Relief Road and implementation of other measures in the Cullompton Air Quality Action Plan;**
- b) Mitigation to reduce traffic impacts on the Trunk and Local Road network in association with the East Cullompton Urban Extension and other Cullompton allocations;**
- c) Town centre regeneration and enhancement;**
- d) Extra care housing provision;**
- e) Expansion of library facilities;**
- f) Primary and secondary education facilities;**
- g) Public open space and green infrastructure;**
- h) Bus service enhancements;**
- i) Provision of railway and bus interchange;**
- j) Expansion of emergency fire and rescue services;**
- k) Provision of healthcare facilities;**
- l) Community facilities including sports and leisure facilities**
- m) Provision of works to reduce flood risk; and**
- n) Provision of a replacement recycling centre facility.**

3.144 Strategic Local Plan sites will be required to pay for specific items of infrastructure that are necessary to make the development acceptable via planning obligations. Other development (if eligible) will be charged the Community Infrastructure Levy (CIL) at a rate per square metre. CIL funds will be spent according to a prescribed list of infrastructure projects or types of infrastructure.

3.145 The Council's strategic infrastructure policy is set out earlier in the Local Plan under Policy S8, but there are infrastructure requirements specific to Cullompton that are listed under Policy CU20. The Council will use CIL, planning obligations for strategic sites and other sources of funding to deliver the infrastructure listed wherever possible. Where another organisation is responsible for delivering the infrastructure required as a result of new development, the Council will work in partnership with the relevant bodies to ensure that infrastructure needs associated with development are addressed appropriately.

3.146 The Local Transport Plan includes a long-term aspiration to reopen Cullompton Railway Station. The Local Plan allocates land north of Station Road as a possible site for the new station, including land for a car park. There is also an aspiration to provide a bus interchange for the town which could be provided in the same location. The Council will work with Devon County Council and other partners to achieve this objective.

# Policy CU21

## Land at Colebrook

**A site of 4.8 hectares at Colebrook is allocated for residential development, subject to the following:**

- a) 100 dwellings with 28% affordable housing;**
- b) Provision of two points of access from Siskin Chase;**
- c) Provision of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as informal amenity open space and for Sustainable Urban Drainage provision;**
- d) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;**
- e) Archaeological investigation and appropriate mitigation; and**
- f) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.**

3.147 The site is currently used for agricultural land and is adjacent to the Cullompton settlement limit. Colebrook Lane bisects the site, and the field boundaries and edging of the site are mainly comprised of hedgerows and trees. The site is fairly flat from Colebrook Lane to the south, but gently slopes towards the west, with land rising to the north.

3.149 Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no significant adverse impacts. The site is expected to contribute to the provision of off-site highways infrastructure. The development would also be expected to provide two points of access from Siskin Chase.

3.150 There is an area of floodplain on the southern edge of the site and it is proposed that this is incorporated into the 1.1 hectares of Green Infrastructure. Measures will also be necessary to protect existing environmental features including trees, hedgerows and the stream.

3.151 Archaeological investigations in the vicinity have demonstrated the presence of extensive and significant prehistoric and Romano-British sites. The Historic Environmental Record suggests areas of a prehistoric funerary monument occupying the valley floor. An archaeological assessment will need to be undertaken, the results of which should be taken into account during the detailed planning of the site to ensure protection where necessary.

3.152 The development strategy for Crediton is set out in Policy S12. The following table summarises Crediton's supply of housing and commercial development.

Use	Commitments at 31 March 2018	Completions from 1 April 2013 – 31 March 2018	Uncommitted Allocations	Total
Housing (dwellings)	295	136	548	979
Commercial (employment, retail and leisure) square metres floorspace)	6,863	2,045	5,429	14,337

Table 18: Development supply in Crediton

3.153 Nine housing sites are allocated in Crediton, including Wellparks and Cromwells Meadow which have planning permission. All housing sites are considered achievable in principle, corresponding to a Crediton map that accompanies this document. Sites without planning permission are shown in Table 19 below:

Site	Policy	Gross Site Area (ha)	Net site area (ha)	Local Plan allocations
Red Hill Cross	CRE2	3.1	1.86	135
The Woods Group	CRE4	0.17	0.17	8
Pedlerspool	CRE5	23.5	14.1	200
Sports Fields	CRE6	5.5	3.3	120
Stonewall Lane	CRE7	3.2	1.92	50
Land at Barn Park	CRE8	1.64	1.3	20
Land off Alexandra Close	CRE9	0.63	0.504	15
Total				548

Table 19: Housing land supply

3.154 Two sites in Crediton are expected to deliver commercial floorspace during the plan period. The amount of floorspace to be provided by commercial development depends on the use. For instance, office development on multiple floors provides a greater amount of floorspace per hectare than a single-storey warehouse, and some commercial uses require more land for parking than others. Floorspace assumptions for different uses are set out in the methodology for Strategic Commercial Land Availability Assessment (SCLAA), but the Council recognises that this is only a starting point and a higher or lower density of development may be justified depending on the nature of the proposal that comes forward.

Site	Policy	Gross site area (ha)	Net site area (ha)	Floorspace (sq.m)
Wellparks	CRE1	22.9	1.2	2,220
Land south of A377	CRE10	2.6	2.6	7,600
Total				9,820

Table 20: Allocated sites for commercial development

## Policy CRE1

### Wellparks

**A site of 22.9 hectares at Wellparks, A377 is allocated for residential and commercial development subject to the following:**

- a) 185 dwellings with 28% affordable housing on 7.9 hectares;**
- b) 2,220 square metres of commercial floorspace in the south east part of the site;**
- c) 15 hectares of Green Infrastructure on the upper slopes of the site;**
- d) Layout, design and landscaping that reflects the sloping, visible nature of the site, locally distinctive design and the need to protect the setting of Downes Historic Park and Garden and respect the character and setting of the listed buildings at Wellparks and Downes House; and**
- e) Improved pedestrian and cycle access to the town centre and facilities to the south of the A377**

3.155 This site is to the south east of Crediton and is adjacent to the new Crediton Link Road to the east and Crediton Conservation Area to the west. This prominent wooded hillside gives character and an attractive skyline to the eastern half of the town. The development of the site, even though it is on the lower southern edge of the hillside, would have an impact on the rural views to the south of the town, requiring careful design and mitigation.

3.156 Planning permission has been granted for 185 dwellings, including 27.5% affordable housing. The policy provides the criteria to be applied as a starting point, should any revised scheme be submitted.

3.157 Due to the constraints of the site in respect of the Local Historic Park and Garden, adjoining listed buildings and a number of large trees that are interspersed in the development, a lower than usual density is assumed. In respect of the impact on the landscape, this will require careful treatment.

3.158 A small watercourse runs along the boundary of the site. A flood risk assessment will need to consider the potential for flooding. An onsite Sustainable Urban Drainage Scheme will require implementation to negate any increase in flood risk and ensure that there is no additional run-off from the site as a result of development. Sustainable drainage is a standard requirement under Policy DM1.

## Policy CRE2

### Red Hill Cross, Exhibition Road

**A site of 3.1 hectares at Red Hill Cross is allocated for residential development subject to the following:**

- a) 135 dwellings with 28% affordable housing;**
- b) Layout, design and landscaping that reflect the local distinctiveness, the visibility of the site and its sloping nature;**
- c) Improved access to the town centre for pedestrians and cyclists; and**
- d) Land for a 0.4 hectare extension to Crediton cemetery.**

3.159 The site previously had outline planning permission for 135 dwellings with 22% affordable housing, however the permission lapsed in 2016. It is understood that delivery of the site is likely to take place after the Pedlerspool allocation has received permission with options for joint access being considered.

3.160 The site is in a prominent position, which is visible from historic Shobrooke Park to the east. Detailed design and development which respect local distinctiveness, including a generous landscape margin on the east facing side of the site will mitigate any potential impact.

3.161 The development will also be expected to provide improved access to the town centre for pedestrians and cyclists with scope for improvements along Exhibition Road. The development will need to contribute towards these and other improvements to the local pedestrian and cycle way network. A comprehensive approach to pedestrian and cycle route improvements should be taken in relation to allocations CRE2 Red Hill Cross, CRE5 Pedlerspool and CRE6 Sports Fields all on Exhibition Road. In addition, there is an identified need for an extension to Crediton cemetery which can be secured through the development of this site.

## Policy CRE3

### Cromwells Meadow

**A site of 1.3 hectares at Cromwells Meadow is allocated for residential development subject to the following:**

- a) 35 dwellings with 28% affordable housing; and**
- b) Archaeological investigations and appropriate mitigation measures.**

3.162 The site lies to the east of Crediton with residential development to the west and agricultural land to the east of the site. Vehicular access into the site can be achieved from Willow Walk. Appropriate landscaping will be required along the eastern boundary given the potential visibility of the site from historic Shobrooke Park.

3.163 There is an area of floodplain on the eastern boundary of the site. The layout of the development will need to take this into account. The urbanisation of the area would have the potential to increase surface water run-off elsewhere, through the loss of permeable surfaces. Sustainable drainage is a standard requirement for new development under Policy DM1. The site also lies in an area of archaeological potential on the western edge of the floodplain. Archaeological investigation and appropriate mitigation will be required.

## Policy CRE4

### Woods Group, Exeter Road

A site of 0.17 hectares at Woods Group is allocated for residential development subject to the following:

- a) 8 dwellings;
- b) Mitigation for potential onsite air quality issues with specific design to prevent worsening of air quality on Exeter Road and to avoid potential air quality issues for occupants; and
- c) Design which respects the character and setting of adjoining listed buildings and the Conservation Area.

3.164 This is a small brownfield site within the built up area of CREDITON and is suitable for redevelopment. It is located towards the south of CREDITON and is currently occupied by a number of structures and scrap.

3.165 The design of the site is important as the site lies in part within the Conservation Area and adjoins listed buildings, whilst the site contains a number of unlisted buildings of strong traditional local character. The retention and conversion of these buildings would enhance the character of the conservation area. The loss of these buildings would be considered unacceptable without special justification.

## Policy CRE5

### Pedlerspool, Exhibition Road

A site of 21 hectares at Pedlerspool, CREDITON, is allocated for residential development subject to the following:

- a) 200 dwellings with 28% affordable housing including at least five pitches for gypsies and travellers;
- b) A serviced site of 1.1 hectares for a new primary school with early years provision and children's centre service delivery base;
- c) A suitable site for the relocation of CREDITON Rugby Club;
- d) A phasing strategy which ensures that sites for the sports pitches, affordable housing and gypsy and traveller pitches are delivered broadly in step with the housing development, and the school is transferred to the local education authority at a timetable agreed with Devon County Council
- e) Layout, design and landscaping, including planting on the riverside that reflects the local distinctiveness and its sloping nature;
- f) The protection of the setting of Creedy Historic Park and Garden and the wider area, including the upper slopes to south and west for Green Infrastructure and landscaping;
- g) Facilitation of access to local bus routes via sustainable travel modes including possible extension of service;
- h) Provision of suitable access arrangements from the A3072 and appropriate highway improvements along Stonewall Lane and Old Tiverton Road;
- i) Improved access to the town centre for pedestrians and cyclists;
- j) Protection and enhancement of trees subject to Tree Preservation Orders within and adjoining the site; and
- k) An archaeological investigation and mitigation scheme.

3.166 This site falls within Sandford Parish, but will provide for the strategic growth of CREDITON as it adjoins the settlement boundary. This site forms a large agricultural holding to the north east of CREDITON and is bisected by a

road running roughly through the middle. The site is bounded on three sides by country roads to the east, south and west.

3.167 Devon County Council has identified that there is a need for a new primary school in Crediton. Both existing schools are on constrained sites and are being expanded to their maximum potential. This site is a suitable location for a new school, given that the north east part of the town is the focus of growth and provides the opportunity to balance the distribution of schools in Crediton, thereby reducing travel distances for future and existing residents of this part of the town. Given that the need for the school arises from the wider growth of Crediton, the Pedlerspool allocation will not be expected to meet the full costs of providing the facility. The actual cost to the development and the timing of the transfer will be subject to negotiation between the landowner/developer, Mid Devon District Council and Devon County Council as Local Education Authority. The school should be provided within the site in lieu of an employment use which was included in a previous Local Plan policy. Commercial uses would still be considered on this site in addition to the school should a proposal demonstrate a suitable relationship between housing, commercial and community uses.

3.168 This site will provide an alternative location and improved facilities for the Crediton Rugby Club, allowing for housing development on the site of existing sports fields to come forward (Policy CRE6).

3.169 The character of the local registered Historic Parkland at Creedy Park needs to be protected and the tree boundary protected and softened with native species. A buffer of trees should be provided around and within this site. Planting along the Park boundary should reflect the historic planting to extend and soften the transition into Green Infrastructure proposed on the floodplain area to the east.

3.170 Highway mitigation measures will need to be provided to offset the impact of developing the site. In particular there is the potential for cumulative highway impacts on the local road network arising from the development of this site and the nearby Stonewall Lane allocation. A Transport Assessment will need to be provided, which comprehensively assesses the transport issues related to development of the site, taking into account the potential cumulative impact of nearby allocations. A number of highway improvements are likely to be needed as a result. In particular there will need to be a realignment of the carriageways of Old Tiverton Road and the A3072 most likely requiring a roundabout design. Improvements will also be required at the junctions of Old Tiverton Road/Stonewall Lane and Pounds Hill/Stonewall Lane. Both Stonewall Lane and Old Tiverton Road are tree-lined in part, and therefore cannot be widened where they adjoin the site boundary without significant loss in tree cover. Instead, improvements to passing places along both Stonewall Lane and Old Tiverton Road should be provided. The development will also be required to provide improved access to the town centre for pedestrians and cyclists with scope for improvements along Exhibition Road. The development will need to contribute towards these and other improvements to the local pedestrian and cycle way network. A comprehensive approach to pedestrian and cycle route improvements should be taken in relation to allocations CRE2 Red Hill Cross, CRE5 Pedlerspool and CRE6 Sports Fields all on Exhibition Road.

3.171 The River Creedy flows to the east of the site. Hydrological and hydraulic assessment should be undertaken to verify the flood extent. The results of the modelling will inform the location of different uses on the site, directing residential development to areas of lowest flood risk. This will need to be set out in a Flood Risk Assessment and accompanying drainage strategy.

3.172 The site lies within an area of archaeological potential. Investigation and potential mitigation may be needed.

# Policy CRE6

## Sports fields, Exhibition Road

**A site of 5.5 hectares at the sports fields, north and south of Exhibition Road, is allocated for residential development, subject to the following:**

- a) 120 dwellings with 28% affordable housing;**
- b) Relocation of the rugby club and associated pitches to a suitable alternative site before development is commenced;**
- c) Provision of a Transport Assessment to assess the need for a right turn lane into the northern part of the site;**
- d) Improved access to the town centre for pedestrians and cyclists; and**
- e) Archaeological investigation and appropriate mitigation.**

3.173 The site comprises the club house, main pitch and a number of training pitches currently used by Crediton Rugby Club. A site for the relocation of the club has been identified within the Pedlerspool site (Policy CRE5), freeing up this site for residential development. However, should the Pedlerspool site not come forward, another suitable alternative site for the rugby club and training pitches will need to be found before this allocation can be developed. The replacement sports facilities should result in no net loss in provision.

3.174 The part of the site to the south of Exhibition Road is flat with good access from the A3072, whilst the area to the north is steep adjoining the road, which has implications for design, layout and access. A right turn lane may be required in order to access the northern part of the site, the need for which should be identified by a Transport Assessment to be submitted by the applicant. The provision of secondary points of access will be necessary for both parts of the allocation, though it is acknowledged that achieving this may result in the loss of some of the trees which currently adjoin the north side of Exhibition Road.

3.174a The development will also be required to provide improved access to the town centre for pedestrians and cyclists with scope for improvements along Exhibition Road. The development will need to contribute towards these and other improvements to the local pedestrian and cycle way network. A comprehensive approach to pedestrian and cycle route improvements should be taken in relation to allocations CRE2 Red Hill Cross, CRE5 Pedlerspool and CRE6 Sports Fields all on Exhibition Road.

3.175 The site lies within an area of archaeological potential. Investigation and potential mitigation may be needed.

## Stonewall Lane

**A site of 3.2 hectares at Stonewall Lane is allocated for residential development subject to the following:**

- a) 50 dwellings with 28% affordable housing;**
- b) Relocation of playing fields to a suitable alternative site before development is commenced;**
- c) Layout, design and landscaping which reflects the elevated, visible nature of the site;**
- d) Diversion of Stonewall Lane through the site to Jockey Hill and widening of Stonewall Lane along its frontage and replacement of boundary landscape;**
- e) Provision of pedestrian crossing facility from the site to existing footpath network on Jockey Hill; and**
- f) Archaeological investigation and appropriate mitigation.**

3.176 The site is located on the north side of Crediton, within the settlement limit. It is currently used as playing fields owned by the Queen Elizabeth Academy Trust, which runs the school in Crediton. The site comprises two football pitches which the school considers too remote for effective daily use. The school has stated an intention to use the proceeds from the sale of the site to substantially reinvest in their Barnfield campus which will result in an increase in playing field capacity at that site. The redevelopment of playing fields needs to be closely controlled to ensure there is no net loss in playing provision. As a result the delivery of adequate alternative sports provision would need to be secured before development is commenced on the existing sports fields. Any new provision would need to match or exceed the sports land being lost, whether in terms of quantity, quality or both.

3.177 The site is elevated and visually prominent, offering wide views to the south. Any scheme for the redevelopment of the site would need to ensure adequate landscaping is provided to mitigate any landscape or visual impacts, as well as any heritage impacts associated with the adjoining Creedy Park. High quality design will be required in accordance with Policy DM1. There is the potential for cumulative highway impacts on the local road network arising from the development of this site and the nearby Pedlerspool allocation. A Transport Assessment will need to be provided, which comprehensively assesses the transport issues related to development of the site, taking into account the potential cumulative impact of nearby allocations. Stonewall Lane, which runs along the northern boundary of the site is narrow, whilst the junction where it meets Jockey Hill is sub-standard and has limited visibility, being located close to the crest of the hill. Stonewall Lane would need to be diverted through the site enabling construction of a new junction with Jockey Hill, to the south of the existing junction and providing suitable visibility splays. Stonewall Lane will need to be widened to provide sufficient width for two vehicles along the site frontage. Any loss of Devon Bank arising from the highway realignment will need to be replaced. The site also lies within an area of archaeological potential and investigation and potential mitigation may be needed.

## Policy CRE8

### Land at Barn Park

**A site of 1.64 hectares at Barn Park is allocated for residential development subject to the following:**

- a) 20 dwellings with 28% affordable housing; and**
- b) Vehicular access from Barn Park.**

3.178 The site is located on the south of Crediton with residential development along the northern boundaries. The site is located relatively close to the town centre.

3.179 Access to the site will be through Barn Park as access is limited and the Highway Authority has advised that this is the maximum number of houses suitable for access through the existing housing estate.

## Policy CRE9

### Land at Alexandra Close

**A site of 0.63 hectares at Alexandra Close is allocated for residential development subject to the following:**

- a) 15 dwellings with 28% affordable housing.**

3.180 The site is a small field adjacent to modern housing on the north western side of Crediton.

## Policy CRE10

### Land south of A377

**A site of 2.6 hectares south of the A377 in Crediton is allocated for commercial development subject to the following:**

- a) 7,600 square metres of B1, B2 or B8 floorspace or other suitable commercial uses.**

3.181 This site adjoins the existing Tesco store and a restaurant, with access from the A377 on the east side of the town. The site was part of a larger allocation in a previous Local Plan, which subsequently had outline planning permission for mixed use development. This remaining part of the site is still available for commercial use, which may include B1-B8 uses such as offices, light industry or storage and distribution, or alternatively a suitable 'sui generis' use if appropriate.

3.182 A better understanding of the flows of the Rivers Yeo and Creedy, undertaken by the Environment Agency, has indicated that this area is at greater risk of flooding than indicated at the time of the original permissions which covered the wider Tesco site. They have indicated that some of the site may actually lie within an area of floodplain that would be highly functional in times of severe flood, and subsequently development previously considered acceptable could now exacerbate flood risk. A Flood Risk Assessment will therefore need to be submitted with any application on the site which will need to incorporate both a comprehensive level survey of the site's current arrangement, and additional modelling taking into account current levels. The purpose of such will be to determine the

risks so that fully informed decisions regarding the suitability, or otherwise, of the currently undeveloped plots that benefit from outline permission can be made. The layout, site and floor levels of any development will be heavily dictated by the flood risks. Appropriate landscaping and sensitive design and materials will be required given the position of the site to the south of the historic Downes park and garden and the listed complex at Wellparks.

## Policy CRE11

### Crediton Infrastructure

**The Council will use the Community Infrastructure Levy and planning obligations where appropriate, seek external sources of funding and work with partners to deliver the following infrastructure for Crediton:**

- a) Enhanced pedestrian and cycle facilities to serve development;**
- b) Bus service enhancements;**
- c) Air quality improvements;**
- d) Expansion and improvement of primary and secondary education facilities;**
- e) Public open space and green infrastructure;**
- f) Expansion of emergency fire and rescue services;**
- g) Library reconfiguration to provide Devon Centre;**
- h) Extra care housing;**
- i) Community facilities including provision for children/youth;**
- j) Potential highway improvements; and**
- k) Provision of works to reduce flood risk.**

3.183 Strategic Local Plan sites will be required to pay for specific items of infrastructure that are necessary to make the development acceptable. Other development (if eligible) will be charged the Community Infrastructure Levy (CIL) at a rate per square metre. CIL funds will be spent according to a prescribed list of infrastructure projects or types of infrastructure.

3.184 The Council's strategic infrastructure policy is set out earlier in the Local Plan under Policy S8, but there are infrastructure requirements specific to Crediton that are listed under Policy CRE11. The Council will use CIL, planning obligations for strategic sites and other sources of funding to deliver the infrastructure listed wherever possible. Where another organisation is responsible for delivering the infrastructure required as a result of new development, the Council will work in partnership with the relevant bodies to ensure that infrastructure needs associated with development are addressed appropriately.

# Land at Junction 27

## Policy J27

### Land at Junction 27 of the M5 Motorway

A site of approximately 71 hectares adjoining the south bound carriageway of the M5 motorway, adjacent to junction 27 is identified for major development. The land, which lies to the south of the A38, is allocated for the provision of a major high quality regional tourism, leisure and retail attraction supported by ancillary roadside services and supporting infrastructure including a pedestrian bridge across the M5 motorway linking the site to Tiverton Parkway railway station.

The site provides a prime location for delivery of a major leisure destination themed around agriculture and the agri-economy; the regional environment and tourism; outdoor land and water-based adventure activities and outlet-retailing. The site provides a major opportunity to deliver a unique leisure destination at the gateway to Devon and Cornwall which should be realised as a single cohesive and comprehensively masterplanned visitor attraction.

The allocation makes provision for the following elements:

- Travel Hub (7ha) – Motorway/roadside services; electric car hub; hotel.
- Agronomy Visitor Centre (9ha) – exhibition space and hall, gallery; research and education space; regional visitor centre and hotel. The Agronomy centre will include up to 1,000 square metres of ancillary retail.
- Outdoor Adventure Zone (6ha) – Surf lake/lagoon; beach; high ropes adventure area.
- Outlet Shopping Village (6ha) - Designer outlet shopping centre retailing controlled goods comprising discontinued/end-of-range lines, seconds and surplus/sample stock. The Outlet Shopping Village to include up to 14,000 square metres of controlled comparison goods and up to 2,000 square metres of A3 uses.

The development is subject to the following:

- a) Any planning application which includes a 'designer outlet shopping centre' should be accompanied by a full Retail and Leisure Impact Assessment to ensure that any potential adverse impacts identified are addressed and mitigated;
- b) Provision of supporting access roads, parking and infrastructure/landscaping (43ha);
- c) Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station;
- d) Environmental protection and enhancement including noise mitigation;
- e) A comprehensive phasing programme to ensure the tourist and leisure provisions are delivered at the same time as the retail and service elements of the development; and

Development of the site should be brought forward in accordance with the terms of a detailed development brief, comprehensive masterplanning including at least two stages of public consultation and adoption of the Masterplan as a Supplementary Planning Document before any planning application for any part of the site is determined.

3.184a A site of 71 hectares is allocated to the south and east of Junction 27 of the M5 motorway. The allocation identifies the land for tourism, leisure and retail development. The proposal seeks to significantly increase the tourism and leisure offer available in Mid Devon as identified in the Mid Devon Tourism Study 2014. The 2014 study identified that the M5 and the mainline railway provides an opportunity to develop Mid Devon's tourism infrastructure around

these key links. To encourage a greater proportion of people to break their journey in the area, for instance to visit a local attraction, market or retail facilities or to stay. It identifies that this opportunity builds on the District's location at the gateway location to Exmoor and the North Devon Coast; and on the route to Dartmoor, the South Devon Coast and Cornwall from much of the UK. Given the volume of tourists who pass through Mid Devon on route to other destinations, such as North and South Devon and Cornwall, the study identified that more could be done to encourage these tourists to stop en-route and increase the length of time (and money) tourists spend in Mid Devon.

3.184b The study identified six potential strands to assist the growth of tourism in Mid Devon offering opportunities for visitors to stop and stay when travelling through to destinations further south and west. The allocation at J27 makes provision to directly address three of the recommended strategies by setting a policy which can provide a major tourist, leisure and retail facility which caters for all age groups and which encourages visitors passing through to stop and spend time in Mid Devon.

3.184c The allocation includes associated outlet/discounted retail floorspace to meet a regional comparison need and deliver the tourist and leisure elements of the allocation. Existing town centres will be safeguarded through planning controls. There is a clear synergy between the Designer Outlet Village proposal and the tourism and leisure aspects of the proposed allocation. It is not considered viable to disaggregate this proposed allocation given the nature and interdependency of the uses. Therefore it needs to be in a location which can accommodate this scale of development and has appropriate links to the strategic highway and rail networks. A number of sites were considered both within and outside of Mid Devon. These sites included Cullompton, Tiverton, Taunton and Exeter. None could provide the site area required to accommodate the proposal as a single development nor could they provide the accessibility of the allocation site. The J27 site provides sufficient land to accommodate the proposal as a whole, adjacent to the strategic road and rail network and one which is served by local bus services. The site lies adjacent to the main road and rail tourist routes into the West Country and is also ideally situated to serve the wider catchment area. The site already has planning permission for a roadside service area. The allocation site lies within easy reach of Exeter Airport and on route to the southwest European ferry terminal. The site is adjacent to one of the larger M5 motorway junctions south of Bristol which can readily be improved to accommodate the proposal.

3.184d The proposals for a major facility of this nature needs to be considered carefully in terms of its impacts and the policy makes provision for detailed transport assessments, environmental protection and green infrastructure, energy conservation, provision of improved public transport, pollution and drainage considerations, phasing and importantly master planning with full public consultation prior to any planning applications being approved. Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including provision of appropriate ecological and biodiversity enhancement. Controls using legal agreements will be required to control the extent and types of use that take place on the site, particularly in respect of retailing which will be tightly controlled. Section 106 planning obligations will also make provision for any necessary infrastructure and public transport improvements. Priority habitats exist within the site and in line with criterion d) of Policy J27 should be protected and enhanced.

# Rural Areas

3.185 Strategy for rural areas is set out in Policy S13. The following table summarises the supply of housing and commercial development outside the three main towns.

Use	Commitments at 31 March 2018	Completions from 1 April 2013 to 31 March 2018	Uncommitted Allocations	Total
Housing (dwellings)	796	571	260	1,627
Commercial (employment, retail and leisure) square metres floorspace	48,476	30,977	0	79,453

Table 21: Development supply in rural areas

3.186 Twenty-five housing sites are allocated in rural areas and are considered achievable in principle, corresponding to rural settlement maps that accompany this document. Most housing allocations in rural areas are expected to deliver around 20 dwellings per hectare due to the low density character of existing village development, but in some cases a higher or lower density is justified.

Parish/location	Policy	Site	Gross Site Area (ha)	Net site area (ha)	Uncommitted Local Plan allocations
Bampton	BA1	Newton Square	0.25	0.25	5
Bow	BO1	Hollywell	1.2	0.96	20
Bradninch	BR1	Hele Road	0.3	0.3	7
Chawleigh	CH1	Barton	1.25	1	20
Cheriton Bishop	CB1	Land off Church Lane	1.4	1	20
Cheriton Fitzpaine	CF1	Barnshill Close	0.3	0.3	7
Culmstock	CL1	Linhay Close	0.23	0.23	6
Halberton	HA1	Land adj Fishers Way	0.6	0.48	10
Morchard Bishop	MO1	Greenaway	1.2	0.96	20
Sampfords Peverell	SP1	Former Tiverton Parkway Hotel	0.45	0.36	10
Sampfords Peverell	SP2	Higher Town	6	3.6	60
Sandford	SA1	Fanny's Lane	1.5	1.2	8
Silverton	SI1	Old Butterleigh Road	0.35	0.35	8
Silverton	SI2	The Garage	0.11	0.11	5
Thorverton	TH1	South of Broadlands	0.7	0.56	12
Willand	WI1	Land east of M5	2.9	1.74	42
Total					260

Table 22: Housing allocations in rural areas (excluding sites with planning permission)

3.187 The nine allocated housing sites not listed in the table above already have planning approval or have recently been implemented. Seven of these sites have existing planning permissions and are set out in the table below. The figures for these sites are based on the position as at 31st March 2018. Development of the remaining two sites (Ashleigh Park BA3 and West of Godfreys Gardens BO2) has recently been completed so these sites are not included in the table below. In addition, the site at Fanny's Lane, Sandford (SA1) has been partially completed; the remainder of the allocation is shown in table 22 above.

Site	Policy	Site area	Dwellings with planning permission
Stone crushing works (Scott's Quarry), Bampton	BA2	0.45	18
School Close, Bampton	BA4	0.7	26
Land adjacent school, Cheriton Fitzpaine	CF2	1.1	28
The Old Abattoir, Coppleshone	CO1	1.5	40
Hunter's Hill, Culmstock	CL2	0.4	13
Court Orchard, Newton St Cyres	NE1	2.7	25
West of Uffculme, Uffculme	UF1	3.49	60
Total			210

Table 23: Allocated housing sites with planning permission in rural areas

3.188 Evidence shows that employment in rural areas is more likely to come forward on unallocated sites, permissible under development management policies where planning permission is required at all. This is discussed further under Policy S6.

3.189 Only two rural sites are considered suitable for allocation for commercial development. Willand Industrial Estate has been allocated in previous Local Plans, Phase 1 having been commenced within recent years. The remaining land (Phase 2) now has outline planning permission and is subject to a reserved matters application. Land at Scott's Quarry is the remaining undeveloped part of a previous Local Plan allocation and now has planning permission for mixed housing and commercial use.

Parish/location	Site	Gross site area (ha)	Net site area (ha)	Floorspace (sq.m)
Bampton	Stone crushing works (Scott's Quarry), Bampton	0.45	0.36	355
Willand	Willand Industrial Estate	9.2	5.52	22,000
Total				22,355

Table 24: Allocated commercial sites in rural areas

# Policy BA1

## Newton Square, Bampton

**A site of 0.25 hectares to the rear of Newton Square, Bampton is allocated for residential development, subject to the following:**

- a) 5 dwellings;**
- b) Provision is made on site for the parking of delivery vehicles serving the convenience store at 4-6 Newton Square;**
- c) Design which respects and enhances the character and appearance of the Conservation Area; and**
- d) Archaeological investigation and appropriate mitigation measures.**

3.190 The site comprises land to the rear of the existing convenience store. It is suitable being a brownfield site, lying partially within the existing settlement limit. The majority of the site lies within the Conservation Area where development should preserve or enhance the character and setting of the area. Access is likely to be obtainable only through the existing access off Newton Court which serves the convenience store and through which deliveries are made. Due to the width of the access, Newton Court is not suitable for the regular parking of delivery vehicles and provision should be made within the development site for this activity.

3.191 The site lies in an area of archaeological potential within the historic core of Bampton, so a programme of archaeological investigation will be required, with mitigation measures if necessary.

## Policy BA2

### Stone Crushing Works (Scott's Quarry), Bampton

**A site of 0.45 hectares at Scott's Quarry, Bampton is allocated for mixed-use development, subject to the following:**

- a) 18 dwellings with 30% affordable housing;**
- b) 355 square metres of commercial floor space;**
- c) Protection of mature trees within the site;**
- d) Removal of spoil heap;**
- e) Site contamination assessment and remediation where appropriate; and**
- f) Provision of a drainage strategy and sustainable urban drainage scheme to deal with all surface water from the development and arrangements for future maintenance.**

3.192 The site is the remaining part of a previous allocation. The site is bounded by mature trees on two sides (north and west) and currently contains a large spoil heap within the middle of the site. There is existing access which serves Woodland Close. An appeal decision has allowed mixed use development on the remaining employment part of the site, comprising 18 dwellings (including four affordable dwellings) and 6 B1 units (with a floorspace of 355 square metres). Should a revised scheme for the site be submitted, the current target of 30% affordable housing would apply as the starting point for negotiation.

3.193 The history of quarrying at the site highlights the possibility of the presence of contaminated land. Developing the site would require removal of the large spoil heap. Groundwater flooding maps show a 20-25% chance of groundwater emergence within the site boundary. Any planning application on the site will need to be accompanied by a drainage strategy which takes account of the potential for groundwater flooding in addition to considering surface water runoff. The subsequent design of the Sustainable Urban Drainage Scheme will need to be appropriate to the conditions identified. Suitable drainage is a standard requirement of Policies S9 and DM1 but the requirement is reiterated in Policy BA2 for clarity due to the specific potential of this site for groundwater flooding.

## Policy BA3

### Ashleigh Park, Bampton

**A site of 0.3 hectares at Ashleigh Park, Bampton is allocated for residential development, subject to the following:**

- a) 7 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location;**
- b) Access is obtained off the existing estate road; and**
- c) Provision is made to replace any loss of allocated parking for existing dwellings in Ashleigh Park.**

3.194 The site comprises agricultural land at the end of the existing cul-de-sac development of Ashleigh Park. The site slopes downwards from south to north, with the northern part of the site the flattest and the southern extent the steepest part of the site. Access is likely to involve the demolition of the garage serving 33 Ashleigh Park and this loss of allocated parking provision should be replaced to ensure adequate allocated parking provision is retained.

# Policy BA4

## School Close, Bampton

**A site of 0.7 hectares at School Close, Bampton is allocated for residential development subject to the following:**

- a) 26 dwellings with 30% affordable housing;**
- b) Access to be achieved off West Street;**
- c) Traffic calming measures along West Street;**
- d) Provision of a pedestrian footpath along West Street to link with the entrance to the site on West Street; and**
- e) Provision of a Drainage Strategy and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.**

3.194a This greenfield site is located towards the south of the former primary school and forms the remaining part of a previous allocation. It slopes upwards from north to south with the higher ground of the former school site on approximately the same level as that of the lower portions of the site.

3.194b An application for 26 dwellings and associated vehicular and pedestrian accesses was granted outline permission by the Council in April 2013 subject to conditions. The permission includes 7 affordable units and consequently, the policy provides the criteria to be applied as a starting point, should any revised scheme be submitted.

3.194c Parts of West Street are narrow and it is a Devon County Council Highways requirement that improvements, in the form of traffic calming measures, shall be made to the section immediately to the east of the access point and include the provision of a pedestrian path to link with an existing path further along West Street.

# Policy BO1

## Land adjacent to Hollywell, Bow

**A site of 1.2 hectares at land adjacent Hollywell, Bow is allocated for residential development, subject to the following:**

- a) 20 dwellings with 30% affordable housing;**
- b) Site access to come off Station Road via north west corner through the 'Hollywell' building; and**
- c) Archaeological investigation and appropriate mitigation measures.**

3.195 The site is located within the village of Bow, along its southern border adjoining farmland and the open countryside. It is a flat agricultural field surrounded by hedging. The site is to the rear of a small number of detached bungalows, set in low density plots immediately to the west. Due to the large number of existing accesses further south along Station Road, advice from the Highway Authority states that a suitable access can only be achieved into the site via the north west corner where the boundary abuts Station Road. The existing house, 'Hollywell', will therefore need to be demolished to deliver the required access. However, an alternative access option will be considered if a suitable scheme can be demonstrated to the satisfaction of the Highway Authority.

3.196 This site lies in an area of archaeological potential, with prehistoric settlement and funerary activity recorded in the vicinity. Therefore, investigation of archaeology on the site will be required, with mitigation if necessary.

## Policy BO2

### West of Godfreys Gardens, Bow

**A site of 0.23 hectares West of Godfreys Gardens is allocated for affordable housing, subject to the following:**

- a) 6 dwellings with 100% affordable housing;**
- b) Provision of a pedestrian route linking Godfreys Gardens with Bow Mill Lane;**
- c) Archaeological investigations and appropriate mitigation measures; and**
- d) Access from Godfrey Gardens.**

3.197 This greenfield site lies to the west of a residential area within Bow. It slopes generally from east to west with borders of hedgerow and trees and the retention of those features would ensure that landscape impact is minimal. An application for 6 affordable units and associated access road, parking and drainage was granted permission by the Council in April 2014 subject to conditions. Provision of a pedestrian through route linking Bow Mill Lane to the west ensures pedestrian and cycling access for existing and new residents to the village shop.

3.198 This site lies in an area of archaeological potential, with prehistoric settlement and funerary activity recorded in the vicinity. Therefore, archaeological investigation of the site will be required, and mitigation if necessary.

## Policy BR1

### Hele Road, Bradninch

**A site of 0.3 hectares at Hele Road is allocated for residential development, subject to the following:**

- a) 7 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide affordable dwellings in another location;**
- b) Access point to be located on the northern part of the site frontage on to Hele Road; and**
- c) Archaeological investigations and appropriate mitigation measures.**

3.199 This site is located on the edge of the settlement of Bradninch; it is immediately adjacent to the settlement boundary and also has a boundary with the highway. There is housing to the western side of the site on the opposite side of the road. Services and shops are located in the village centre which is in close proximity. A bus stop is positioned adjacent to the site, and there are large trees surrounding the site. The site is located on a fairly busy road, and the bus stop may need to be moved from its current position if the site is developed. An adequate access is achievable to the north of the site.

3.200 The site lies in an area of archaeological potential demonstrated by the presence of prehistoric sites identified through aerial photography. Therefore, archaeological investigation of the site will be required, and mitigation if necessary.

## Policy CH1

### Barton, Chawleigh

**A site of 1.25 hectares at the Barton is allocated for residential development, subject to the following:**

- a) **20 dwellings with 30% affordable housing;**
- b) **Access to be achieved off School Close;**
- c) **Design solution which respects the setting of the conservation area and listed buildings; and**
- d) **Archaeological investigation and appropriate mitigation measures.**

3.201 The site comprises part of an agricultural field to the north of the village of Chawleigh. The south western corner of the field contains a completed rural exception site named School Close. Access can be achieved off the exception site but road capacity should limit development to a maximum of 20 dwellings. The site is located in an area of archaeological potential and records indicate the presence of a prehistoric burial site. Therefore, archaeological investigation of the site will be required, and mitigation if necessary. Appropriate landscaping will be required to mitigate any potential impacts on the conservation area and listed buildings, including the grade I church which lies to the south east.

## Policy CB1

### Land off Church Lane, Cheriton Bishop

**A site of 1.4 hectares at Land off Church Lane, Cheriton Bishop is allocated for residential development, subject to the following:**

- a) **20 dwellings with 30% affordable housing, subject to Transport Assessment;**
- b) **Assessment of the capacity of the junction of Church Lane and the main road (C50);**
- c) **Widening of Church Lane and provision of a footpath along site frontage; and**
- d) **Provision of a landscape buffer along the northern boundary of the site.**

3.202 This site comprises part of a field located on the east side of Church Lane and to the north of Hescane Park. The site is located between the older part of the village to the north, and the more modern development to the south known as Cheriton Cross. There is the opportunity to integrate more closely the two elements of the village by developing this site. The land gently undulates, dropping away further to the east. Landscape impacts are likely to be low as there is existing housing along the southern and western boundaries, which will mitigate some of the impact.

3.203 The junction of Church Lane with the main road to the south of the site may place a limitation on the number of dwellings that can be achieved. Any planning application should be accompanied by a Transport Assessment which should assess the capacity of the junction to accommodate additional vehicles. Improvements may be required to the junction as a result. The widening of Church Lane along the site frontage will be necessary and a footpath will also be needed along the site frontage linking up with the existing provision to the south. A design solution which provides the footpath on the inside of replacement planting to offset the loss of the hedgerow will be looked upon favourably at the planning application stage.

3.204 A small watercourse runs along the southern boundary of the site. A flood risk assessment will need to consider the potential for flooding. An onsite Sustainable Urban Drainage Scheme will require implementation to negate any increase in flood risk. Suitable drainage is a standard requirement of Policies S9 and DM1.

## Policy CF1

### Barnshill Close, Cheriton Fitzpaine

**A site of 0.3 hectares at Barnshill Close, Cheriton Fitzpaine is allocated for residential development, subject to the following:**

- a) **7 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location.**

3.205 This site forms a rectangular block of land lying between the new school to the east and Barnhill Close to the west. It is a natural infill site which already has an existing access point to the south. The site is on higher ground than the road to the south, though any visual impact is likely to be minimal given the neighbouring uses. The site lies outside but relatively close to the edge of the conservation area. Appropriate design and choice of materials should ensure that there is no detrimental impact on the character and appearance of the historic environment.

## Policy CF2

### Land adjacent school, Cheriton Fitzpaine

**A site of 1.1 hectares adjacent to the school, Cheriton Fitzpaine is allocated for residential development, subject to the following:**

- a) **22 dwellings with 30% affordable housing.**

3.206 This site forms an elongated and roughly triangular-shaped block of land lying on the eastern side of the village. It sits adjacent to the new primary school to the west. Developing the site will connect the White Cross area to the east with the remainder of the village. The local landscape is undulating, however the site is relatively flat. The adjacent school, and housing at White Cross will mitigate some of the visual impact.

## Policy CO1

### The Old Abattoir, Coplestone

**A site of 1.5 hectares at The Old Abattoir, Coplestone is allocated for residential development and a car park subject to the following:**

- a) **30 dwellings with 30% affordable housing, subject to viability;**
- b) **100 space railway station car park in the eastern part of the site;**
- c) **The existing access point off Shambles Drive to serve both the housing and the car park; and**
- d) **Assessment of land contamination and appropriate remediation.**

3.207 This site is located on the northern boundary of the village of Coplestone. It comprises a field with a number of dilapidated outbuildings. A small slaughterhouse once stood in the north east corner, though little trace of this now remains. It is not anticipated that there will be any harmful visual impact associated with developing this site.

3.208 Devon County Council has highlighted the need for a railway station car park at Coplestone. The eastern portion of the site, equating to approximately 0.25 hectares is allocated for provision of a 100 space car park. There is an existing access point off Shambles Drive which can service both the housing and the car park. It is anticipated that the car parking provision can also be used by residents. Should the cost of providing the car park make the development financially unviable, the Council will consider a reduced affordable housing provision subject to submission of robust viability evidence from the developer which justifies such a reduction.

3.209 There is the potential for land contamination associated with the slaughterhouse. Any planning application must be accompanied by a contaminated land report, and appropriate remediation will be required if necessary.

# Policy CL1

## Linhay Close, Culmstock

**A site of 0.23 hectares at Linhay Close, Culmstock is allocated for residential development subject to the following:**

- a) 6 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location; and**
- b) Design and layout to respect the character of the Conservation Area.**

3.210 This greenfield site forms part of a rectangular shaped field adjoining the village. Previously, there was an allocated site in this location with a requirement for 10 affordable dwellings. Part of the site was subsequently developed for six houses. The remaining site area has been combined with an adjacent piece of land to provide a small allocation for another six dwellings.

# Policy CL2

## Hunter's Hill, Culmstock

**A site of 0.4 hectares at Hunter's Hill, Culmstock is allocated for residential development subject to the following:**

- a) 10 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location;**
- b) Landscaping and design which protect the setting of the Blackdown Hills Area of Outstanding Natural Beauty; and**
- c) Archaeological investigation and mitigation.**

3.211 This is a greenfield site consisting of the south west corner of a field at the northern end of the village. The site was allocated for 100% affordable housing in 2010 but has not come forward. It is now allocated for a mixture of market and affordable housing, which is considered more likely to deliver the site whilst providing some housing for local needs. Given the sloping nature of the field and the location on the edge of Culmstock, the development should be sensitively designed with landscaping which protects the setting of the Blackdown Hills Area of Outstanding Natural Beauty.

# Policy HA1

## Land Adjacent Fishers Way, Halberton

**A site of 0.6 hectares at land adjacent Fishers Way, Halberton is allocated for residential development, subject to the following:**

- a) 10 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location; and**
- b) Provision of a Drainage Strategy and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.**

3.212 The site comprises part of a field to the south western edge of Halberton and sits adjacent to modern housing. The south eastern corner of the field was granted planning permission in 2006 and has been built out as a rural exception site. Groundwater flooding maps show a 25-50% chance of groundwater emergence within the site boundary. Any planning application on the site will need to be accompanied by a Drainage Strategy which takes account of the potential for groundwater flooding in addition to considering surface water runoff. The subsequent design of the Sustainable Urban Drainage Scheme will need to be appropriate to the conditions identified. Suitable drainage is a standard requirement of Policies S9 and DM1 but this is reiterated in Policy HA1 for clarity due to the specific potential for groundwater flooding on this site. The site lies a short distance from the edge of the conservation area. Appropriate design, choice of materials and landscaping should ensure that there is no detrimental impact on the character and appearance of the historic environment.

## Policy MO1

### Greenaway, Morchard Bishop

**A site of 1.2 hectares at Greenaway, Morchard Bishop is allocated for residential development, subject to the following:**

- a) 20 dwellings with 30% affordable housing;**
- b) Mitigation of any wildlife impact including protection of hedgerows;**
- c) Archaeological investigation and appropriate mitigation measures;**
- d) Road widening across the site frontage, provision of appropriate visibility splays and replacement provision of any lost Devon Bank; and**
- e) Provision of a footpath link into the estate to the east.**

3.217 The site comprises agricultural land to the west of Morchard Bishop. It is bounded by allotment to the west of the site, residential development to the east and by a highway and farmstead to the south. The south east corner of the site was previously allocated for 10 affordable dwellings but is now proposed for a mixture of market and affordable housing.

3.218 There may be some wildlife interest from hedgerows which bound the site, so this should be investigated and mitigation measures proposed where appropriate. The site lies to the west of a possible prehistoric funerary monument. Any development here has the potential to expose archaeological and artefactual deposits associated with this, so any application will need to be accompanied by appropriate investigations.

3.219 To enable appropriate access to the site the policy requires road widening across the site frontage and a secondary pedestrian link to the estate to the east. Replacement of the Devon Bank should be incorporated into the design of the access point to mitigate for any loss.

## Policy NE1

### Court Orchard, Newton St Cyres

**A site of 2.7 hectares at Court Orchard, Newton St Cyres is allocated for residential development and a new primary school, subject to the following:**

- a) 25 dwellings with 30% affordable housing, subject to viability;**
- b) A site of 1.1 hectares for a new primary school at no cost to the Local Education Authority;**

- c) **Design which respects the setting of the conservation area;**
- d) **Archaeological investigations and appropriate mitigation measures;**
- e) **School sports provision only within flood zones 2 and 3 to the east of the site; and**
- f) **Widening of Station Road to reduce congestion.**

3.220 The site lies on the northern edge of the village of Newton St Cyres adjacent to an existing housing estate. It is currently an apple orchard bounded by hedgerows on all sides which are occasionally interspersed by trees.

3.221 The site has been identified by Devon County Council as an appropriate site for the relocation of the existing primary school. The policy therefore requires the provision of a site for the new primary school as part of this development. Areas in flood zones 2 and 3 of the site should be used for school sports provision only. Should the cost of providing the school site make the development financially unviable, the Council will consider a reduced affordable housing provision subject to submission of robust viability evidence from the developer which justifies such a reduction.

3.222 The widening of Station Road to reduce congestion is also required by the policy. There may be some wildlife interest from hedgerows which bound the site and trees within the site, so the impact on protected species should be assessed and mitigation measures included where appropriate. The conservation area boundary was revised in 2015 and now extends up to the south western boundary of the site. Careful design will be required to ensure the development can be sensitively accommodated. The site lies in an area of archaeological potential and therefore any application will need to be accompanied by appropriate investigations.

## Policy SP1

### Former Tiverton Parkway Hotel, Sampford Peverell

**A site of 0.45 hectares at the former Tiverton Parkway Hotel, Sampford Peverell is allocated for residential development and a doctors' surgery, subject to the following:**

- a) **10 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location, subject to viability;**
- b) **Provision of a doctors' surgery;**
- c) **Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance; and**
- d) **Mitigation of any wildlife impact including protection of hedgerows.**

3.223 This site is located on the eastern edge of Sampford Peverell. It was the location of the Tiverton Parkway Hotel, which has since been demolished. The site received planning permission in 2008 for a care home. An updated application in 2012 was consented for a 58 bed scheme and adjoining GP surgery. The applicants have since stated that they will no longer be pursuing this development and the site is available for housing. Any housing development should include the provision for a GP surgery. Should the cost of providing the GP surgery make the development unviable, the Council will consider a reduced affordable housing provision subject to submission of robust viability evidence from the developer which justifies such a reduction.

3.224 Groundwater flooding maps show a 0-25% chance of groundwater emergence within the site boundary. Any planning application on the site will need to be accompanied by a Drainage Strategy which takes account of the potential for groundwater flooding in addition to considering surface water runoff. The subsequent design of the Sustainable Urban Drainage Scheme will need to be appropriate to the conditions identified. Suitable drainage is a standard requirement of Policies S9 and DM1 but the requirement is reiterated in Policy SP1 for clarity due to the specific potential for groundwater emergence on this site. There may also be some wildlife interest from hedgerows which bound the site, so the potential impact on protected species should be assessed and mitigation measures included if appropriate.

## Policy SP2

### Higher Town, Sampford Peverell

**A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, subject to the following:**

- a) No more than 60 dwellings with 30% affordable housing;**
- b) Landscaping and design which respect the setting and character of the area, conservation area and listed building;**
- c) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;**
- d) Mitigation of any wildlife impact including protection of hedgerows;**
- e) Archaeological investigation and appropriate mitigation**
- f) 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and**
- g) Improved access to the village for pedestrians and cyclists.**

3.224a The site is on the edge of Sampford Peverell, outside the main built up part of the village. The site is elevated and will require careful landscaping and mitigation measures. Development of the highest ground should remain as undeveloped green infrastructure. Low density and good design will be required to respect the existing character of edge-of village housing, conservation area and listed building. The site is currently bounded by hedgerow. Some loss of hedgerow would be required to enable access however, careful design should be considered to minimise this impact including incorporating new hedgerow into the design of the development.

3.224b This site lies in an area of archaeological potential with the Historic Environment Record recording prehistoric activity. Any application will need to be accompanied by archaeological investigation and appropriate mitigation.

## Policy SA1

### Fanny's Lane, Sandford

**A site of 1.5 hectares at Fanny's Lane, Sandford is allocated for residential development, subject to the following:**

- a) 27 dwellings with 30% affordable housing;**
- b) Buffer strip of planting or open space to protect the setting of the listed Park House and Sandford Conservation area; and**
- c) Careful design and landscaping to protect views towards Sandford and the historic core around St Swithun's Church.**

3.225 The site comprises mainly greenfield land which is located within the village of Sandford. Part of the site was previously allocated and planning permission was granted for 19 dwellings on the northern part of the site in 2013. The site size has been enlarged from that which has planning permission to accommodate a limited number of additional dwellings. As such the number of houses required by the policy of 27 includes the 19 which are currently consented, resulting in a net gain of 8 dwellings.

3.226 The site lies adjacent to the conservation area and the western boundary of the site abuts the curtilage of a listed building. A buffer strip of planting or open space should be provided to protect the setting of this listed building.

Careful design and landscaping is also required to avoid the development dominating views towards Sandford from the south east and to retain the emphasis on the historic core of St Swithun's Church and to protect the setting of the conservation area.

## Policy SI1

### Land at Old Butterleigh Road, Silverton

**A site of 0.35 hectares at Old Butterleigh Road is allocated for residential development subject to the following:**

- a) 8 dwellings with 30% affordable housing which may be in the form of a financial contribution to provide the affordable dwellings in another location;**
- b) No development on the floodplain to the east of the site;**
- c) Widening of carriageway over site frontage and provision of grass verge; and**
- d) Design and layout to respect the character of the Conservation Area.**

3.227 The site falls on the northern boundary of the village of Silverton and is on the eastern side of Old Butterleigh Road. The site is shielded to the north and west by high hedges which limit inward views.

3.228 A small watercourse runs along the eastern boundary of the site and the small area of floodplain associated with this should not be developed.

3.229 The carriageway will need to be widened across the site frontage to accommodate two passing vehicles. The footpath network terminates some distance to the south of the site. Rather than provide a new footway which does not connect with existing provision, a grass verge along the site frontage should be provided as defensible space for pedestrians.

## Policy SI2

### The Garage, Silverton

**A site of 0.11 hectares at The Garage, Silverton is allocated for residential development subject to the following:**

- a) 5 dwellings;**
- b) Design and layout which respects the character of the Conservation Area;**
- c) Suitable design and layout of access arrangements; and**
- d) Site contamination and remediation where appropriate.**

3.230 This is a small brownfield site which is located adjacent to a complex of residential dwellings, which is separated from and to the south of the main body of the village of Silverton. The site currently comprises an industrial unit which is used for storage and maintenance of vehicles.

3.231 The design of the site is important as it lies at the edge of the village's Conservation Area, being the first complex of buildings encountered when approaching Silverton along Newcourt Road. Design of the access to serve the five dwellings will need to be provided having specific regard to the neighbouring access serving the adjacent barn conversions and detailing appropriate visibility splays.

3.232 There is also the potential for land contamination as a result of the history of vehicle repair and fuel storage on the site. Assessment will therefore be required and remediation to take place where appropriate.

## Policy TH1

### South of Broadlands, Thorverton

**A site of 0.7 hectares at South of Broadlands in Thorverton is allocated for residential development subject to the following:**

- a) 12 dwellings with 30% affordable housing;**
- b) Archaeological investigation and appropriate mitigation; and**
- c) Road widening and provision of footpath along site frontage extending northwards to connect with the existing network at the entrance to the Broadlands estate.**

3.233 The site to the south of the village on the edge of the settlement. There is limited highway frontage to the C23. Road widening and a footpath north into the village, connecting to the existing provision at the entrance to the Broadlands estate will be required. The land required for the footpath is in the ownership of Devon County Council who currently maintain it as a grass verge.

3.234 The site is to the north of a large prehistoric enclosure and development will need to be supported by an appropriate level of archaeological works to allow the significance of the heritage asset to be understood.

3.235 As the site is partially located within a groundwater Source Protection Zone appropriate forms of sustainable urban drainage should be used.

## Policy UF1

### Land west of Uffculme, Uffculme

**A site of 3.49 hectares at land west of Uffculme, Uffculme, is allocated for residential development subject to the following:**

- a) 60 dwellings with 35% affordable housing;**
- b) Archaeological investigation and appropriate mitigation; and**
- c) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance.**

3.238 The site is located to the west of Uffculme, adjacent to Uffculme Road. It comprises an agricultural field together with part of the rear garden belonging to the property known as Harvesters. The field has a frontage onto Uffculme Road from which access would be taken. An appeal decision has granted outline planning permission on the site for 60 dwellings with 35% affordable housing. The policy provides the criteria to be applied as a starting point, should any revised scheme be submitted. The site occupies an area where prehistoric activity is recorded in the wider landscape. Archaeological investigation and appropriate mitigation will therefore be required.

## Policy WI1

### Land east of M5, Willand

**A site of 2.9 hectares at land east of M5, Willand, is allocated for residential development subject to the following:**

- a) 42 dwellings with 30% affordable housing;**
- b) Provision of buffer zone and appropriate planting to mitigate noise from the adjacent motorway;**
- c) Mitigation of any wildlife impact including protection of trees;**
- d) Transport assessment of capacity at the junction of Silver Street and Meadow Park; and**
- e) Retention and enhancement of the public right of way.**

3.236 The site is located to the south of Willand, adjacent to modern housing to the north and the M5 to the west. Noise from the M5 should be mitigated by a buffer zone and planting along the boundary to ensure residential amenity is not adversely affected. The site has a number of mature trees on the eastern boundary and established woodland along the north east boundary. Mitigation measures should be taken to ensure there are no adverse impacts on any of the surrounding biodiversity.

3.237 A Transport Assessment of the capacity of the junction of Silver Street and Meadow Park may result in a different number of dwellings from the number allocated. The current public footpath across the northern boundary of the site should be retained and enhanced.

## Policy WI2

### **Willand Industrial Estate, Willand**

**A site of 9.2 hectares is allocated for commercial uses subject to the following:**

- a) 22,000 square metres of commercial floorspace within use classes B1, B2 and B8; and**
- b) Archaeological investigation and appropriate mitigation.**

3.238 This site comprises level land within and adjoining the existing Willand Industrial Estate. It is part of a larger site allocated in the previous Local Plan which has partly been developed. Access has now been secured to Phase 2 and an application for nearly 13,000 sqm of employment units has been submitted. This application would facilitate the relocation of Pallex from the neighbouring industrial estate to a purpose built Regional Distribution Centre within Phase 2 whilst providing a range of different sized units to meet market demand. It is anticipated that any remaining unconsented parts of the site could come forward over the plan period.

## 4.0 Managing Development

# Sustainable development principles

## Policy DM1

### High quality design

Designs of new development must be of high quality, based upon and demonstrating the following principles:

- a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;
- b) Efficient and effective use of the site, having regard to criterion (a);
- c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;
- d) Creation of safe and accessible places that also encourage and enable sustainable modes of travel such as walking and cycling;
- e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
  - i) Architecture
  - ii) Siting, layout, scale and massing
  - iii) Orientation and fenestration
  - iv) Materials, landscaping and green infrastructure
- f) Appropriate drainage including sustainable drainage systems (SUDS), including arrangements for future maintenance, and connection of foul drainage to a mains sewer where available;
- g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;
- h) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and
- i) On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'.

4.1 National policy recognises that good design is a key aspect of sustainable development, is indivisible from good planning, and ensures that new development contributes positively to making places better for people. Policies S1 and S9 set out the Council's strategic objectives for locally distinctive, high quality development, including design which reinforces the character and legibility of the built environment and creates attractive places. Policy DM1 builds on this by setting out detailed criteria to guide high quality design on individual development sites.

4.2 The Mid Devon Town and Village Character Assessment identifies and evaluates the settlement character of the district, including patterns and similarities, distribution of land use, materials and key features of interest. The Devon and Mid Devon Landscape Character Assessments provide the equivalent information pertaining to landscape in the district. While the level of information expected to accompany a planning application will vary depending on the development being proposed, applications for new buildings within or adjacent to towns and villages should demonstrate an understanding of the surrounding built environment. Where available, Conservation Area Appraisals will also provide an essential source of information for proposals within conservation areas. In addition to an understanding of local character and heritage, development proposals must respect the needs of neighbouring residents and the community, through the design of safe, accessible and attractive places that preserve general quality of life.

4.3 In creating visually attractive places that incorporate landscaping and green infrastructure, applicants are advised to consult Biodiversity by Design, published by the Town and Country Planning Association for examples of how green infrastructure has been used to enhance the quality of development.

4.4 Designs should maximise opportunities for the use of sustainable transport modes for the movement of goods or people. National policy states that developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies; prioritise pedestrian and cycle movements; have access to public transport; deliver safe and secure layouts that minimise conflicts between cars and pedestrians/cyclists; incorporate facilities for plug-in and other ultra-low emission vehicles; and consider the needs of people with disabilities by all modes of transport. Walking and cycling routes should be high quality, attractive and direct.

4.5 Development proposals must also accord with sustainable waste management principles, the requirements for which are set out in Policy W4 'Waste Prevention' within the Devon Waste Plan. The Devon County Council Waste Management and Infrastructure SPD should also be a material consideration. Development proposals should demonstrate compliance with this policy as part of the Design and Access Statement, where applicable. This is an essential step in the district's transition to more sustainable resource management, with the long-term aim of zero-waste or resource-neutral construction.

4.5a Soft landscaped SuDs are best placed to provide water quantity, water quality, public amenity and biodiversity benefits. When considering SuDs there is a preference for 'soft' landscaped solutions which should be sought in the first instance where possible and appropriate. Robust evidence should be provided where no soft landscaped solutions are used.

4.5b National policy states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is particularly important for the design of the homes that people live in and the spaces that surround those homes. The aim in Mid Devon is to deliver high quality buildings and spaces that meet the needs of users, taking account of an aging population whilst ensuring compatibility with surrounding development and uses. Though compliance is delivered through building regulations, criterion i) will be implemented through a condition attached to the planning permission.

## Policy DM2

### Renewable and low carbon energy

**The benefits of renewable and low carbon energy development will be weighed against its impact. Proposals will be permitted where they do not have significant adverse impacts on the character, amenity and visual quality of the area, including cumulative impacts of such developments within the parish or adjoining parishes. Proposals must demonstrate that impacts are or can be made acceptable in relation to:**

- a) Landscape character and the character and setting of heritage assets;**
- b) Environmental amenity of nearby properties and the wider locality;**
- c) Quality and productivity of the best and most versatile agricultural land (grades 1, 2 and 3a); and**
- d) Biodiversity (avoiding habitat fragmentation).**

4.6 Policy DM2 seeks to maximise renewable and low carbon energy while ensuring that adverse impacts are addressed satisfactorily, including cumulative impacts. Examples of development considered under this policy include hydropower, solar installations, and energy systems associated with other development such as combined heat and power (CHP) or district heating. Any wind turbine proposals will be considered in the context of national policy which requires planning applications for such development to only be granted if the development site is in an area identified as suitable for wind energy development in Local or Neighbourhood Plans. Following consideration of the evidence commissioned, the Council has concluded that it does not propose to identify such areas at a district level. This does not preclude suitable areas for wind energy development to come forward in Neighbourhood Plans.

4.7 These developments, especially when they are of a commercial scale, have the potential to cause significant harm through degradation of landscape character or heritage, impact to local residents and loss of productive agricultural land and biodiversity. Development proposals will be required to demonstrate that impacts are or can be made acceptable, through supporting studies and surveys as appropriate. As a starting point, development proposals should have reference to the Mid Devon Landscape Character Assessment (2011), the Landscape Sensitivity Study (2013) and the Government's Planning Practice Guidance for Renewable and Low Carbon Energy (July 2013). Depending on the proposal, Policies DM4 (pollution), DM25 (heritage assets), DM27 (protected landscapes) and DM28 (other protected sites) may also have a bearing on whether planning permission is granted.

4.8 In some cases, Devon County Council will act as the Local Planning Authority in dealing with an application for planning permission. For instance, renewable and low carbon energy proposals that use waste materials originating from outside the site as the fuel will normally be determined by Devon County Council as the waste planning authority.

## Policy DM3

### Transport and air quality

**Development must ensure safe access to the transport network. Development proposals that would give rise to significant levels of vehicular movement must be accompanied by an integrated Transport Assessment, Travel Plan, traffic pollution assessment and Low Emission Assessment. The traffic pollution assessment must consider the impact of traffic-generated nitrogen oxides on environmental assets including protected sites listed in Policy DM28, and propose mitigation measures where appropriate. The Low Emission Assessment shall include the following:**

- a) Assessment of the impact on existing Air Quality Management Areas, or an impact likely to result in the declaration of an additional Air Quality Management Area, in cases where a demonstrable negative impact on ambient concentrations of air pollutants is considered likely;**
- b) Modelling of local residual road transport emissions from the development without mitigation measures; and**
- c) Onsite mitigation measures to reduce negative impacts on local air quality.**

4.9 A Transport Assessment is a comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies what measures will be required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport and what measures should be taken to deal with the anticipated transport impacts of the development.

4.9a A Transport Statement is similar to a Transport Assessment but is less detailed and can be used in some cases where transport issues arising from the development proposals do not require a full Transport Assessment. Where a Transport Statement in lieu of a Transport Assessment is considered acceptable this will be agreed by the planning authority in consultation with Devon County Council as the highway authority. All major applications will require a Transport Assessment unless advised by the planning authority.

4.10 A Travel Plan is a long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives. Travel plans should encourage the use of alternatives to single-occupancy car use by prioritising pedestrian and cycle movements through the site, providing appropriate facilities, and implementing initiatives that encourage sustainable travel. Clear outcomes should be set out that link to an appropriate package of measures which should where suitable, include the promotion of:

- Walking and cycling
- Rail services
- Public transport
- Car sharing

- Eco-driving such as low emission vehicles
- Car clubs
- Motorcycle safety
- Flexible working practices

Travel plans should include details of how the progress of the travel plan will be monitored and reported.

4.11 Applicants are advised to engage in pre-application discussions with the Council and Devon County Council as Highway Authority if the development is likely to generate significant levels of vehicular movement, to discuss the scope and detail of the information required. Whether or not an application's traffic impact is considered 'significant' will depend on a range of factors such as the location of the development, its relationship to an Air Quality Management Area, its intended use and the capacity of the road network. The requirement will not usually apply to small-scale development, but occasionally a development not classed as 'major' may still have a significant impact. Where an integrated assessment is required, the Council will usually require an analysis of traffic flows at key periods and the 'mass emissions' or total emission footprint to be expected from the development. Where criterion (a) of the policy applies, the assessment should also focus on key road links. The Council will require development proposals to demonstrate that they will not cause significant harm to people or the environment through an increase in traffic-related pollutants. A traffic pollution assessment should consider the effects that additional emissions from vehicles will have on any environmental assets, including important wildlife habitats. This may be combined with an assessment under Policy DM4, if appropriate. In particular, development that increases traffic along the A361 may have an impact on the Special Area of Conservation at Rackenford, which adjoins the Mid Devon boundary. Where a development would cause significant harm to this site and adequate mitigation would not be possible, planning permission will be refused.

4.12 Developments affecting the Special Area of Conservation could include:

- Intensive farming
- Commercial riding stables
- Employment development
- Tourism
- Gypsy and traveller sites
- Any other developments that increase cross-traffic along the A361

4.13 The Transport Assessment should identify the boundaries of the Low Emission Assessment, which evaluates the effect of the development on local air quality. The main routes of travel will be assessed for their residual road transport emissions after development, with and without mitigating measures to reduce emissions. The Low Emission Assessment must also take account of existing Air Quality Management Areas (Cullompton and Crediton), and include air quality exposure modelling for specified residential properties or other sensitive properties either within or adjoining an Air Quality Management Area or in a location at risk of being designated as one if a demonstrable harm has been identified. There are a number of standard models used for air quality exposure modelling, which should be carried out by a suitably qualified person. Procedural guidance for carrying out a Low Emission Assessment is contained in Annex 2.

4.14 Tiverton is at risk of being designated an Air Quality Management Area. Any relevant development proposal in or adjoining Tiverton, Cullompton and Crediton should consider the significance of its impact on the most congested routes within the town and the properties most directly affected by the development. Where mitigation measures are necessary, these should be designed to reduce both the direct impacts to nearby properties and an Air Quality Management Area, and indirect impacts to local road transport.

4.15 Mitigation measures might include:

- Use of low-emission vehicles and fuels during construction
- Onsite infrastructure for charging and fuelling low emission vehicles
- Parking management (differential rates, priority or dedicated parking for low emission vehicles)
- Low emission vehicle or bicycle rental/purchase schemes

- Car clubs
- High quality public transport services

4.16 Some measures to reduce emissions and encourage sustainable modes of travel may be designed and built into the development. Other measures are less straightforward and refer to activities and choices made by residents. To ensure that the measures included in a Low Emission Assessment and Travel Plan are implemented and continued in the long-term, the Council may require the applicant to enter into a planning obligation under Section 106 of The Town and County Planning Act 1990. The obligation would require the establishment of a management company which would administrate differential charging levies, rental/purchase schemes or car clubs, as appropriate.

## Policy DM4

### Pollution

**Applications for development that risks negatively impacting on the quality of the environment through noise, odour, light, air, water, land and other forms of pollution must be accompanied by a pollution impact assessment and mitigation scheme where necessary. Development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health, the natural environment and general amenity.**

4.17 When the location or characteristics of a proposed development give rise to concern that the development would cause pollution or nuisance to surrounding people, properties or the environment, the Council will require an appropriate impact assessment to be undertaken by a suitably qualified person so that the potential effects can be properly understood. This may include cases where the site is already unstable or contaminated due to its former use, requiring mitigation or remediation to be carried out so as not to harm the health and wellbeing of future occupiers of the development. The Council will also have regard to the River Basin Management Plan (RBMP) and, where appropriate, seek to achieve measures which will achieve the objectives of the RBMP and the Water Framework Directive (WFD). Under the WFD there should be no deterioration in the status of a water body. If planning permission is granted, a planning condition should be used to ensure that any mitigation measures set out in the assessment are implemented.

4.18 The subject and scope of assessments will vary depending on the scale and type of development being proposed. For instance, where there is concern regarding the effect of additional traffic emissions on nearby residential properties, a Low Emission Assessment should include air quality exposure modelling for affected properties, and any mitigating measures that would reduce the impact. In this case the Council would discuss with the applicant or agent the level of information required and the methodology to be used.

- Assessments required under this policy include:
- Contamination and subsidence reports
- Noise assessments
- Low Emission Assessments
- Hydrological or drainage reports
- Any other technical assessment required to enable sustainable development

# Policy DM5

## Parking

Development must provide an appropriate level of parking, taking into account:

- a) The accessibility of the site, including the availability of public transport; and
- b) The type, mix and use of development.

Design must enable and encourage the maximum use of sustainable modes of transport, including provision for cyclists and low-emission vehicles. Within the towns of Tiverton, Cullompton and Crediton, infrastructure for electric vehicles should be built into development. The Council will seek parking provision and electric vehicle infrastructure according to the following standards, the variation of which must be justified on a case-by-case basis.

Residential					
Use class	Description	Location	Minimum car parking standard	Minimum cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
C3, C4	Dwellings	General	1.7 per dwelling	1 or 2 beds – 2 per dwelling 3+ beds – 4 per dwelling	1 charging point per 10 units
Non-residential					
Use class	Description	Location	Minimum car parking standard	Minimum cycle parking standard	Electric vehicle infrastructure (Tiverton, Cullompton, Crediton)
			Per sqm gross floor area unless otherwise stated		
A1	Non-food retail	General	1 per 20	1 per 200	2 charging points per 200
A1	Food retail	General	1 per 14	1 per 140	2 charging points per 200
A2	Financial and professional	Within Tiverton, Cullompton & Crediton	1 per 30	1 per 300	2 charging points per 200
		Elsewhere	1 per 20	1 per 200	N/A
Non-residential					
A3	Restaurants	General	1 per 5.5sqm of eating	1 per 55sqm of eating	2 charging points per 200

			area	area	
A4	Public houses	General	1 per 3sqm of drinking area	1 per 20sqm of drinking area	2 charging points per 200
B1, B2	Business and general industry	General	1 per 30	1 per 300	2 charging points per 200
B8	Warehousing and distribution	General	1 per 46.5	1 per 46.5	2 charging points per 10 parking spaces (employees/visitors)
C1	Tourist accommodation	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
C2	Residential institutions	General	1 per bedroom	1 per 10 bedrooms	2 charging points per 30 rooms or per 10 parking spaces
D1	Non-residential institutions (exc. Schools and health facilities)	General	1 per 40	1 per 400	2 charging points per 200
D2	Indoor and outdoor sports	General	1 per 2 players and 1 per 10 spectator seats	1 per 20 players and 1 per 100 spectator seats	2 charging points per 200
	Indoor entertainment	General	1 per 5 seats	1 per 50 seats	2 charging points per 200

4.19 Road transport accounts for over a third of end-user carbon emissions in Mid Devon, at a time when European and national policies set increasingly challenging targets for reduction of carbon emissions. However, research by the RAC in 2009 showed that, while car usage is reducing, this does not correspond to a reduction in car ownership. Research carried out on behalf of the Department of Communities and Local Government in 2007 forecast an increase of approximately 18% in car ownership between 2001 and 2026. In view of local levels of car ownership and the rural nature of the district, there is clearly a need for development in Mid Devon to provide sufficient parking.

4.19a Policy DM5 applies a minimum residential parking standard of 1.7 spaces per dwelling based on car ownership levels in Mid Devon. This figure will be used to calculate the minimum number of parking spaces for the whole development site, with a minimum of one parking space to be allocated for the sole use of each property. The remaining parking provision (and more if preferred) should be distributed appropriately throughout the development, in accordance with principles set out in the Council's Supplementary Planning Document (SPD) on the provision of parking in new development. Other principles in the SPD should also be adhered to when drawing up development proposals, including the allocation of appropriately located motorcycle, visitor and disabled spaces with sufficient manoeuvring space. For developments comprising one or two dwellings the standard will be rounded up to two spaces per dwelling. It is always preferential to locate the parking in close proximity to the property it services. For houses, car parking should ideally be provided adjacent to the property, either within the residential curtilage or in well-designed on-street parking. Spaces within parking courts are much less frequently used, and can be perceived to be inconvenient and insecure. Large, isolated and rear parking courts should be avoided. For non-residential

development, parking should be provided in accordance with Policy DM5 except where alternative provision can be justified on the basis of existing parking provision or other factors.

4.20 Accepting that people will continue to own cars, there is a need to make the transition to a low carbon economy through the promotion of low emission transport. Policy DM3 also refers to transport and low emissions.

# Residential development

## Policy DM6

### Rural exceptions sites

**The development of a site for predominantly affordable or low-cost housing, including self-build housing, to meet proven local need in rural areas will be permitted where:**

- a) There is up-to-date evidence of housing need secured through a housing need survey or, in the case of a self-build proposal, evidence of eligibility for shared ownership housing through 'Help to Buy' or an equivalent scheme;**
- b) Each house will be occupied by at least one person with a strong local connection to the parish;**
- c) The site adjoins a settlement and is in a suitable location which takes account of the potential for any visual impact and other relevant planning issues;**
- d) The type and scale of affordable or low-cost housing is appropriate to the proven need;**
- e) The affordable or low-cost housing will remain affordable for and available to local people in perpetuity, limited to no more than 80% of its market value upon resale.**

**The inclusion of a proportion of market housing within exception sites will be permitted where the proportion of market housing will be less than the provision of affordable or low-cost housing and the market housing will be at the lowest level necessary to ensure that the development is deliverable.**

4.22 To encourage the delivery of affordable and low-cost housing in rural areas, exceptions can be made to the normal restrictions on housing development outside defined settlements. Exception sites must adjoin a settlement, which for the purposes of this policy will usually mean one of the settlements defined as suitable for limited development in Policy S13. However, some parishes do not contain a defined settlement but may have an affordable housing need, in which case a broader interpretation of 'settlement' will be appropriate, as long as there would be reasonable access to local services and infrastructure. Isolated sites in the countryside are not considered sustainable locations for new housing even under the exceptions policy.

4.23 Affordable and low-cost housing is reserved for those who cannot afford open market housing and have a connection to the local area. The definition of a 'local connection' is kept under review and as such it is appropriate that is contained in supporting guidance rather than determined through a Local Plan policy. In broad terms there should be a long-term residential, family or employment connection to the parish where the housing will be located. The criteria will be operated in a cascade, approved by Mid Devon District Council to ensure those with the strongest connection are considered first. A planning obligation will be required to ensure that the affordable or low-cost housing remains available for local people in perpetuity.

4.24 Self-build housing will be permitted under this policy where at least one of the occupiers has an established housing need, assessed against appropriate officially published criteria. The Government's Help to Buy scheme applies eligibility criteria. Successful applicants:

- Cannot afford to purchase a home suitable for their housing needs within a reasonable travelling distance of their work place and have a household income not exceeding £60,000;
- Have savings or sufficient funds to pay, if required, a deposit (which may be 5% or more of the purchase price), legal fees, stamp duty and other costs of moving;
- Can sustain home ownership in the longer term;
- Are not already a home owner or named on a home mortgage;
- Have a good credit history.

4.25 Self-build housing will constitute low-cost housing rather than affordable housing, as it will not be rented or part-owned by a housing association. In the event that the Help to Buy scheme is discontinued or the Council identifies a more appropriate way of assessing eligibility, the Council will consider whether suitable criteria for assessing housing need exist elsewhere that can be applied to self-build proposals. Whilst low-cost housing does not meet the definition of affordable housing in terms of tenure, the Council will require the same controls over the housing to ensure that it remains available for people with a local connection who cannot afford open market housing in their area.

4.26 Affordable and low-cost housing must be appropriate to the needs of the people occupying it. For instance, if a housing need survey identifies a need for one or two bedroom dwellings, this is what should be provided. Self-build proposals will be tailored to the needs of the applicant, but will be expected to be of a modest size that reflects the principles of affordability for those in housing need.

4.27 National policy allows for some 'cross-subsidy' of affordable housing by market housing. This allows for sites which would not otherwise be viable for affordable housing to come forward, with market housing limited to the minimum level necessary to ensure delivery. Consistent with the overall principle of exception sites, the proportion of affordable housing must always be greater than that of market housing, and developers will be expected to submit evidence to demonstrate that the level of market housing proposed is the lowest level needed to deliver significant affordable housing. Evidence of local need for affordable housing will be required, as for any rural exception scheme. The Council will have regard to any up-to-date local housing need surveys and information from Devon Home Choice.

## Policy DM7

### Traveller sites

#### 1. Planning applications for Pitches and Plots

**Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:**

- a) **Suitable onsite facilities will be provided including space for children's play;**
- b) **The proposal will have suitable environmental quality for residents including non-isolating boundary treatments; and**
- c) **The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;**
- d) **Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople or their dependents; and**
- e) **Safe and convenient access to local facilities is provided.**

**Sites with associated employment or storage elements will be permitted where there is specific justification and the location, scale, and nature of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.**

#### 2. Provision on allocated sites

**Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve an acceptable outcome for Gypsies and Travellers taking into account:**

- i) **Pitch numbers**
- ii) **Site facilities;**
- iii) **Accessibility to services, including health and education;**
- iv) **Early delivery of serviced pitches or plots which are available for occupation; and**
- v) **The provision of an effective mechanism for delivery.**

**Such sites must also meet the requirements of Part 1 of Policy DM7 above.**

4.28 To ensure that sites will meet the needs of the travelling communities and the settled community a criteria based policy will be operated as set out above to determine applications for traveller sites. In order to ensure that users of sites will have access to facilities, national policy indicates that local planning authorities should very strictly limit new traveller site development in countryside that is away from existing settlements or outside allocations in the development plan. Sites will therefore only be permitted where facilities will be accessible without recourse to a car either by walking, cycling or utilising public transport. However, sites must also be in locations where the local environment is of satisfactory quality, so locations adjacent to noisy or polluting land uses or in areas of floodplain will not be suitable.

4.29 There is a need for 35 new pitches for gypsies and travellers for the period 2014-34, and 11 plots for travelling showpeople for the period 2014-34. The majority of this need is proposed to be met on the largest allocated developments at Tiverton Eastern Urban Extension, North-West and East Cullompton, and Pedlerspool in Crediton. Pitches must be provided on-site unless the acceptable outcome described by Policy DM7 is demonstrated. Any proposals for acceptable off-site provision must identify and provide serviced sites in accordance with Policy DM7. A clear mechanism to ensure that pitches or plots are delivered in such a way as to achieve an acceptable outcome for the travelling community must be identified. This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where gypsy and traveller pitches are provided on- or off-site on housing allocations, these are to be counted against the affordable housing targets for that site.

## Policy DM8

### Rural workers' dwellings

**Applications for rural workers' dwellings will be permitted where:**

- a) **It can be demonstrated that the nature and demands of an existing rural business are such that a full time worker has an essential need to be permanently resident at or near their place of work so they are available at most times;**
- b) **The need cannot be met within a nearby settlement, or by existing housing at or near the site or through the conversion of a suitable redundant or disused rural building at the site;**
- c) **The size and scale of rural workers dwellings will be commensurate with the scale of the operation and designed to reflect the location and setting of the proposed site; and**

- d) The rural enterprise has been established for at least three years, is currently financially sound, and has a clear prospect of remaining so.**

**Where a rural business is not yet established a mobile home may be permitted for a temporary period, on the basis of criteria b) and c) above, and evidence of:**

- (i) An essential need for one or more workers to be readily available at most times**
- (ii) A firm intention and ability to develop the enterprise**
- (iii) Sound financial planning**

**Permissions for rural workers dwellings will be subject to an occupancy condition. Removal of such a condition will only be permitted where there is clear evidence that there is no need for the condition to remain in place.**

4.30 With the majority of Mid Devon's population living outside its main towns the contribution of rural areas is a very important part of the district's overall economy. Therefore, it is important that the Council's planning policies support rural enterprises. To promote sustainable patterns of development rural workers will usually be expected to find housing in existing rural communities. However, an exception to this approach can be justified where it can be shown that a rural worker has an essential need to be available at most times as part of the operation of a rural business in accord with national policy. Essential need means a specific management activity or combination of activities which require the ready presence of a worker at most times if the proper functioning of an enterprise is not to be prejudiced and which cannot be achieved by any other practical means such as electronic surveillance. Such need would relate to any particular event or combination of events that could lead to adverse animal welfare, crop or product quality, or health and safety consequences which might threaten the stability and economic well-being of an enterprise. In all cases, these would be events which could not be properly managed within normal working hours. Security concerns on their own will not be sufficient to justify a new dwelling. On working family farms, the Council recognises that retired farmers may continue to live on the farm and there could be a need for additional accommodation to meet the needs of the next generation. In these cases the existing dwelling will not be treated as available alternative accommodation pursuant to criterion b) of the policy, though the Council may require a Section 106 Agreement (planning obligation) to ensure the existing dwelling remains occupied by agricultural workers.

4.31 Applications for rural workers' dwellings will need to be accompanied by evidence which conclusively demonstrates the essential nature of the need and that suitable accommodation can only be provided through the construction of a new dwelling. In order for such dwellings to remain affordable for rural workers and to protect the intrinsic beauty of the countryside proposed dwellings will need to be of a size which matches the scale of the operation and other buildings on the site. As such development will take place in areas where the development of new houses would not normally be permitted, it will also be important to ensure that its design reflects its immediate context and its wider rural setting. Permitted development rights may be removed to prevent further enlargement of the dwelling without planning permission, to keep the dwelling at a size and value that will be affordable for rural workers.

4.32 Where a rural business is not yet established, the Council will consider granting a temporary mobile home, subject to appropriate evidence of essential need, a firm intention to develop the enterprise and sound financial planning. A 'firm intention' and sound financial planning might be demonstrated by a combination of measures such as the construction of new buildings; the purchase of stock needed to operate a rural business; appropriate agricultural or rural business training and qualifications; work experience; and evidence of sufficient finances to establish the enterprise.

4.33 Consent is granted for rural workers' dwellings as an exception to normal policy to support the rural economy. Therefore such planning permissions will be made subject to an occupancy condition which ensures the dwelling remains tied to the agricultural or other appropriate occupational use and is not sold or rented to unsuitable occupants. To prevent abuse of the exception for rural workers dwellings the removal of such conditions will need strong evidence to show that the occupancy by a rural worker is no longer justified, such as evidence of marketing at an appropriate price for a period of at least 18 months and an assessment of the demand for rural dwellings in the area.

4.34 In appropriate circumstances the Council will also seek Section 106 Agreements to ensure that a temporary dwelling is not put in place until associated development or infrastructure has been completed, and to tie the rural workers' dwelling to the operation and associated land which has the essential need to prevent the splitting of the dwelling from the operation.

## Policy DM9

### Conversion of rural buildings

**The conversion of redundant or disused rural buildings of substantial and permanent construction which positively contribute to an area's rural character for residential, tourism or employment uses will be permitted where:**

- a) A suitable access to the building is in place or can be created without damaging the surrounding area's rural character and the road network can support the proposed use;**
- b) The building can be converted without significant alteration, extension or rebuilding;**
- c) The design will retain the original character of the building and its surroundings; and**
- d) The development will retain any nature conservation interest associated with the site or building, and provide net gains in biodiversity where possible.**

4.35 The buildings within Mid Devon's countryside are an essential part of its character and when they become redundant or disused they can provide a useful resource to allow the delivery of sustainable economic or residential development. In many cases the conversion of a rural building to an alternative use will be permitted development, requiring only a prior notification to the Local Planning Authority rather than a full planning application. However, if the relevant criteria for permitted development do not apply, planning permission is still required and it is important to ensure that such conversions take into account their rural setting and the need to deliver good design.

4.36 National policy supports the sustainable re-use of rural buildings for economic and residential uses, requiring development to be sustainable and recognise the intrinsic beauty of the countryside. Development must be well designed and achieve a good standard of amenity for all existing and future occupants of land and buildings. Specifically in relation to residential conversions national policy states that they should lead to an enhancement to the immediate setting.

4.37 To ensure a conversion does not have a detrimental impact on the countryside and is sustainable, it is important that its development does not involve works that will have a harmful impact. The building should retain its original character in order that the converted building continues to positively contribute to the area's rural character. It is therefore important that any changes to the buildings are kept to a minimum, as reflected in the policy. Negative impacts could include the creation of a new access across an open field or light pollution in areas away from existing development. In order to ensure highway safety it is also important that a suitable access can be provided and the road network can support the proposed use. The rural nature of Mid Devon's highway network means that traffic intensive uses such as distribution or the movement of heavy and or bulky goods will not be appropriate in many locations. Further, rural buildings' role in the character of the countryside means that buildings in a ruinous state should not be re-used, the visual impact of the converted building should be no greater than that of the original building and local vernacular architecture should be retained. The Council will require a structural survey to be submitted to demonstrate that the building can be converted without significant alteration, extension or rebuilding, and may impose a planning condition which restricts permitted development rights for subsequent extensions and alterations.

4.38 Redundant rural buildings often serve as bat roosts or habitats for other protected species. The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives designate 'protected species' with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or

disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species' habitat. The Council will require a habitat survey to accompany any planning application for the conversion of a rural building, to identify protected species within the application site, set out any mitigation measures where appropriate and include recommendations for the enhancement of biodiversity.

4.38a Policy DM9 refers to the conversion of existing buildings to a residential, tourism or employment use. Proposals for new-build employment and expansion of existing businesses will be assessed against DM18. Other policies in the Local Plan will also be applied as appropriate.

## Policy DM10

### Replacement dwellings in rural areas

**The construction of replacement dwellings outside defined settlement limits will be permitted where the replacement dwelling's floorspace will be no greater in size than the existing dwelling, taking into account any unspent permitted development rights.**

4.39 Situations can arise where a replacement dwelling is sought because the cost of repairing or altering an existing building exceeds the cost of its total replacement. As the principle of development is established by the existing dwelling its replacement will generally be acceptable. However, to ensure that the character and amenity of the area are not harmed, and the rural dwelling stock remains affordable for local residents, the size of the new dwelling should be restricted to that of the previous dwelling except where there are any unspent permitted development rights. In all circumstances, the permitted development rights for the replacement dwelling will be removed. The relocation of a building within a plot will generally be acceptable provided it is in keeping with the placement of nearby houses in their plot. Policy DM10 refers to the replacement of existing dwellings, the use of which has not been abandoned.

## Policy DM11

### Residential extensions and ancillary development

**Extensions to existing dwellings and other ancillary development will be permitted provided that they:**

- a) Respect the character, scale, setting and design of existing dwellings;**
- b) Will not result in over-development of the dwelling curtilage; and**
- c) Will not have a significantly adverse impact on the living conditions of occupants of neighbouring properties.**

4.40 Rather than moving house to gain extra space many people extend their existing property and permitted development rights allow many extensions to be built without the need to apply for planning permission. However, there are still situations where planning permission is required and where extensions needing planning permission are proposed. It is important that the design of the extension is suitable for the building it will extend and for its immediate surroundings. For example it would not be acceptable for an extension to dominate the existing dwelling or to block

light into principal rooms in an adjacent dwelling. The living conditions of neighbours should not be significantly harmed, and the Council will have regard to a number of factors affecting living conditions, such as light, privacy and overbearing or over-dominating effects. However, there is no right to a view across someone else's land, so the loss of a view will not in itself be a reason for refusal of planning permission. There are also occasions where ancillary development to a dwelling may need planning permission and in such cases it will also be important to ensure that the design and location of ancillary development is acceptable.

# Retail, business and tourism

## Policy DM14

### Town centre development

**The Council will promote the sustainable growth and regeneration of Tiverton, Cullompton and Crediton. Within defined town centres, development proposals for main town centre uses, community and residential development will be supported where they:**

- a) Retain or enhance the town centre's historic character and appearance, vitality and viability;**
- b) Sustain or enhance diverse town centre uses and customer choice, incorporating residential accommodation above ground floor level where possible; and**
- c) Are readily accessible by public transport, walking and cycling.**

**Within defined primary shopping areas, the shopping function will be safeguarded and enhanced. Development and change of use of ground floor premises to alternative uses will not be permitted where:**

- i) The primary retail role and character is undermined, causing unacceptable fragmentation and isolation of the remaining shops;**
- ii) The proposed use would harm the vitality and viability of the primary shopping area; and**
- iii) There would be a detrimental effect on the visual character and amenities of the surrounding area.**

**Within primary shopping frontages, at ground floor level the proportion of A1, A2 and A3 uses will not be permitted to fall below 85% of all units.**

4.44 The town centre is at the heart of a market town's community. The Local Plan distributes development according to the location, role and function of the towns of Tiverton, Cullompton and Crediton, with Cullompton expected to expand considerably over the plan period. Other Local Plan policies will also apply as appropriate, such as Policy DM1 on high quality design.

4.45 Retail markets change quickly and it is important that local planning policies are flexible enough to respond to rapid change. For this reason, Policy DM14 sets out a wide range of permissible uses in town centres, seeking to diversify customer choice while protecting and enhancing the viability of the town centre, its historic character and its accessibility by the most sustainable modes of transport. This applies to change of use applications as well as new-build development.

4.46 Primary shopping frontages have been defined within Tiverton and Crediton town centres, showing where retail development is concentrated. The primary shopping frontage (identified on the Policies Map) should include a high proportion of retail uses which may include food, drinks, clothing and household goods. These are the core town centre retail uses and should be protected, while other uses such as takeaways and professional services may be located elsewhere in the town centre.

4.47 Planning applications within the primary shopping areas will be not be permitted if any of criteria i-iii of Policy DM14 apply. The assessment of such applications will include consideration of:

- The location and prominence of the premises within the shopping frontage
- The floorspace and length of frontage of the premises

- The number, distribution and proximity to other premises within use classes A2-A5, or within planning permissions for such use
- The particular nature and character of the use proposed, including the level of pedestrian activity associated with it
- The level of vacancies in ground floor properties
- Whether the proposed use would give rise to noise, smell or other environmental problems

## Policy DM15

### Development outside town centres

**Within Tiverton, Cullompton and Crediton, the Council will apply a sequential approach to planning applications for main town centre uses, according to the following descending order of preference:**

- Town centre**
- Edge of town centre**
- Out of town centre**

**Edge of centre and other out of centre proposals must be well related to the town centre and accessible by public transport, walking or cycling. Proposals in these locations must also demonstrate that no suitable sites are available in a more sustainable location according to the order of preference given above.**

**The Council will require an impact assessment to be submitted for any proposals for retail, leisure and office development outside of town centres, where the total gross floorspace would exceed 500 square metres. The impact assessment must include an assessment of:**

- The impact of the proposal on existing, committed and planned public and private investment in the town or other centres in the catchment area of the proposal; and**
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made, or ten years in the case of major development, taking into account the cumulative impact of recently completed developments, planning permissions and development plan allocations.**

4.48 National policy requires local authorities to apply a sequential approach to main town centre uses, to ensure the vitality and viability of town centres are not harmed by out-of-centre development. A proportionate, locally set threshold may be applied to retail, leisure and office floorspace proposed outside of town centres, over which an impact assessment should be required. The Mid Devon Retail Study recommends a threshold of 500 square metres gross floorspace. The need for an impact assessment will be considered in the context of each application and will be required where the development will result in total gross floorspace of over 500 square metres, either itself or cumulatively with other existing or proposed development of a similar type.

4.49 In considering development proposals in edge of centre or out of centre locations, the Council will assess whether there are suitable sites in a more sustainable location according to the order of preference and apply a flexible approach where justified. The nature, scale, car parking requirements and market demands of the proposal will be taken into account.

4.50 National policy defines 'edge of centre' as follows:

*For retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes*

*locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.*

4.51 A retail impact assessment submitted in accordance with Policy DM15 should have regard to the findings of the Retail Study 2012. The assessment should consider the effect on existing stores and centres of committed and allocated developments and the development being proposed, based on:

- (i) the turnover of existing facilities in the catchment area (including any completed since the Retail Study 2012)
- (ii) the expected trade diversion from these facilities to any retail sites under construction, with planning permission or allocated for development
- (iii) the trade diversion resulting from the proposed development

Applications for leisure development over 500 square metres floorspace should use a similar approach based on the Tourism Study and any other appropriate evidence.

4.51a Where specific allocations of this plan contain proposals for uses which are subject to the sequential test, a proportionate approach to the application of the test will be required, reflecting the strategic decisions already made through the local plan process. However, the local planning authority will still fully consider the potential impact on town centre vitality and viability to ensure that the primary role of the town centres in meeting such development needs is maintained.

4.51b Where proposals are predicted to have a likely adverse impact (including cumulative) on town centre health, planning permission should be refused. The Mid Devon Retail and Tourism Studies are available on the Mid Devon District Council website.

## Policy DM16

### Fronts of shops and business premises

**Proposals for the alteration, replacement or construction of fronts for shops or business premises must be well proportioned and suited to the character of the building, adjacent buildings and the surrounding street scene. Where security measures such as grilles or shutters are proposed, these should be designed as an integral part of the building's front, maintaining the visibility of the building's interior and minimising visual impact. Independent ground floor access to the upper floors must be retained.**

4.52 The fronts of shops and business premises visually dominate town centres and have a considerable impact on the town centre's character and appearance. Attractive shop fronts that respect their surroundings have a positive effect on the overall quality and attractiveness of a town centre. This policy should be read in conjunction with Policy DM1 on high quality design and Policy DM25 on heritage assets.

4.53 National policy emphasises the importance of residential development in bolstering the vitality of town centres. Policy DM14 therefore promotes residential development in town centres where possible, and Policy DM16 supports this further by ensuring that access to accommodation above ground floor commercial units is not lost through redevelopment of the building's ground floor front.

4.54 Advertisements including fascia and projecting signs often go hand-in-hand with the design of shop fronts and other business premises. Applications for Advertisement Consent are determined outside of the Development Plan, under the 'Control of Advertisements' regulations. Such applications are determined on the basis of public amenity and highway safety. National policy provides additional guidance.

# Policy DM17

## Rural shopping

**Retail development will be permitted within defined villages, where it will meet local needs and is accessible by a range of transport modes. Adjacent to defined villages and elsewhere in the open countryside, proposals for retail development must demonstrate that:**

- a) The location and scale of the development would not harm the vitality and viability of town centre or village shopping facilities;**
- b) The development would not lead to an unacceptable impact on the local road network; and**
- c) There would not be an unacceptable adverse impact to the character and appearance of the countryside.**

4.55 Policy S13 defines the villages in Mid Devon that are considered suitable for limited growth, due to their physical characteristics and the availability of a range of facilities and services. The Council supports the sustainable growth and expansion of business and enterprise in rural areas, while protecting the predominance of town centres for meeting the district's retail needs. Policy DM17 refers only to retail development, while Policy DM18 will be applied to non-retail business development. Policy DM1 (high quality design) also applies.

# Policy DM18

## Rural employment development

**In countryside locations, planning permission will be granted for new-build employment development or expansion of existing businesses, provided that the development is of an appropriate use and scale for its location. Proposals must demonstrate that:**

- a) The development would not lead to an unacceptable impact on the local road network;**
- b) There would not be an unacceptable adverse impact to the character and appearance of the countryside; and**
- c) There are insufficient suitable sites or premises in the immediate area to meet the needs of the proposal.**

4.56 The Council recognises the importance of retaining and providing rural employment opportunities outside settlement limits as a means of ensuring a diverse and healthy rural economy. There is a range of employment activities, particularly those associated with tourism, recreation and rural diversification that can be accommodated in countryside locations, without any adverse effects upon the character of Mid Devon's rural areas or existing development. It is important that the various indirect consequences of employment development such as security fencing, lighting, advertising material, open storage and vehicle parking and manoeuvring provisions do not harm the visual environment. It is also important that development outside settlement limits only occurs where there are insufficient alternatives available otherwise such development would not be sustainable. The policy is not intended to relate to large scale strategic development which would be contrary to Policy S2.

4.57 Policy DM18 refers to new-build developments and expansion of existing businesses. Proposals for conversion of existing buildings to an employment use will be assessed against Policy DM9. Other policies in the Local Plan will also be applied as appropriate.

# Policy DM19

## Protection of employment land

**Non-employment use or development of employment land or buildings, including sites that are established, allocated or have planning permission, will be permitted where it can be demonstrated that there is no reasonable prospect of the site being used for employment purposes. Alternative uses will be permitted where it is demonstrated that:**

- a) Firstly, there is a sufficient range of suitable and available employment sites in the local area; then**
- b) There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months.**

4.58 One of the Council's five key objectives is a thriving economy. The Local Plan allocates commercial land sufficient to meet the district's future needs to 2033, but many people in the district will continue to commute to other areas and it is important to protect the sites that are currently providing jobs in Mid Devon. Employment land is a scarce and valuable resource which needs to be retained to ensure that the Council can deliver one of its key objectives.

4.59 National planning policy discourages the long-term protection of allocated employment sites where there is no reasonable prospect of a site being used for that purpose, and requires local planning authorities to have regard to market signals. Policy DM19 sets out local requirements that help to establish whether individual sites can provide employment. In assessing the range of suitable and available alternative employment sites in the local area (criterion a), the Council will have regard to the specific and wider conclusions of the Employment Land Review (2013), which describes a shortage in small employment allocations in Mid Devon. For the purposes of Policy DM19, the 'local area' means the Mid Devon district and, if an application site is in a parish adjacent to the district's boundary, a neighbouring district.

4.60 Applicants will also be required to demonstrate that there is no commercial interest in the re-use of the site for employment purposes. In view of the on-going fluctuations in the national economy, an 18 month marketing period is considered appropriate and will be kept under review in subsequent local plans. In relation to the appropriate price referred to in criterion (c) the price should reflect the price of similar employment sites or buildings which have been marketed within the previous two years or result from an independent assessment of the value of the land or buildings where this is not feasible.

# Policy DM20

## Agricultural development

**Agricultural development will be permitted where:**

- a) The development is reasonably necessary to support farming activity on that farm or in the immediate agricultural community;**

- b) **The development is sensitively located to limit any adverse effects on the living conditions of local residents and is well-designed, respecting the character and appearance of the area;**
- c) **The development will not have an unacceptable adverse impact on the environment; and**
- d) **The development will not have an unacceptable traffic impact on the local road network.**

4.61 Agriculture is an important element of the Mid Devon economy. Agricultural development is essential to support modern farming and ensure a sustainable rural economy. This policy permits new agricultural development outside of the defined settlements, whilst seeking to balance the needs of modern farming with protecting the countryside and residential amenity.

4.62 Proposals for the development of new buildings for livestock need to take account of waste product storage or removal, and the effect this can have on the amenity of local residents and the environment. Such proposals will need to be accompanied by a Waste Management Plan, which sets out how the development limits any adverse effects. Where the development is likely to cause demonstrable harm to the environment, for instance where drainage from the site threatens the ecological integrity of a water body, a hydrological or drainage report will be required in accordance with Policy DM4 (pollution). A planning condition may be imposed to ensure that appropriate mitigation measures are implemented.

## Policy DM21

### Equestrian development

**Horse-related facilities and equestrian enterprises in the countryside will be permitted where they are well integrated with their surroundings, being of appropriate location, scale, design and materials so as not to harm the character and landscape of the rural area or the amenity of nearby residents.**

**Equestrian development must not result in an unacceptable increase in traffic on the local highway network.**

4.63 The use of land for horse keeping is a common feature of the Mid Devon landscape. Equine activities are an established part of the rural economy, providing opportunities for recreation and employment. Equestrian activities are typically located in the open countryside, away from settlements, where most forms of development are restricted.

4.64 New equine facilities can have a negative impact on the rural nature of an area, adversely affecting landscape character and natural beauty, by their appearance, scale, materials or design. Individually, equestrian developments may seem inconsequential, but cumulatively they may, over time, significantly alter the character of an area. It is therefore important that any new developments are designed and located as to minimise their impact, taking account of local character and landscape. Where proposals are part of an existing agricultural development, any new facilities should be integrated with, or located near to existing farm buildings or structures.

4.65 Commercial establishments or large scale domestic operations including racing stables, horse riding centres and liverys will have a greater impact on a local area, through their size, associated traffic generation and greater use of local roads for exercising of horses. Such establishments should demonstrate how they will not result in an unacceptable increase in traffic on local roads.

# Policy DM22

## Tourism and leisure development

**Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:**

- a) Respect the character and appearance of the location;**
- b) Where appropriate, involve conversion or replacement of existing buildings; and**
- c) Demonstrate that the need is not met by existing provision within nearby settlements.**

4.66 Tourism plays an important role in generating income for local residents. Devon is a very popular tourist destination, providing leisure and recreation activities for its own residents and those visiting the county. Despite a number of small scale attractions and places to stay across Mid Devon, tourism is less developed than within other parts of the county, partly reflecting the district's inland location and distance to the coast.

4.67 Tourism and leisure development is generally welcomed, providing employment and a means of supplementing rural incomes. However, it can have negative impacts on the surrounding area if located insensitively, being out of scale with its context or by failing to take account of local character and appearance. The policy seeks to locate most development within or close to defined settlements, where local shops and facilities are most accessible and stand to benefit the most. Sustainable development will be approved in accordance with Policy S1.

4.68 Applications for tourism and leisure development in the countryside will need to be justified by the applicant. The Council will require a marketing strategy and business plan to be submitted, to explain how the development will achieve a high quality tourism product that meets demand. Proposals must demonstrate that their benefits outweigh any harm and that they do not cause an unacceptable impact to traffic on the local road network. Tourism and leisure development should benefit local businesses, the environment, communities and visitors in the long-term, so the Council will seek the right form of development in the right location, with evidence that the need is not already being met by existing provision. In demonstrating unmet need for tourism proposals outside settlement limits, applicants should have regard to the Council's Tourism Study, available on the Mid Devon District Council website.

4.69 Evidence supporting a countryside location should be proportionate to the scale and nature of the tourism proposal being considered. For instance, the conversion of a barn to tourist accommodation is permissible in principle under Policy DM9 (conversion of rural buildings) and is often dependent on an agricultural character which would not be found in a nearby town or village. Larger tourism attractions such as animal sanctuaries, museums, outdoor activity centres or hotels may have a significant impact on the countryside and the local road network, so in these cases more comprehensive supporting evidence will be required.

# Community facilities

## Policy DM23

### Community facilities

**The development of new community facilities providing a local community benefit or environmental enhancement will be permitted where they are easily accessible by the local community and well related to a settlement. Proposals for the redevelopment of existing community facilities that enables them to modernise, remain viable and continue to be retained for the benefit of the community will be supported.**

**Proposals involving the loss of community facilities such as local shops, public houses, allotments, cultural and recreational facilities and other important local services will not be permitted where this would damage the settlement's ability to meet its day to day needs or result in the total loss of such services to the community. Only in circumstances where the facility is proven to be no longer economically viable, including for alternative community uses, will applications for alternative use be considered acceptable.**

4.70 Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They include pubs, post offices, shops, village halls, allotments, places of worship and various recreational facilities. National policy seeks to retain and develop local services and community facilities and guard against their unnecessary loss, while the vision for this Local Plan recognises the importance of providing safe, healthy and crime free neighbourhoods. Policy DM23 therefore builds on this guidance and seeks to protect those existing services whilst permitting some redevelopment where it is necessary to ensure viability.

4.71 The Council will guard against the unnecessary loss of valued community facilities and services. In circumstances where a community facility is proved to be no longer economically viable in a particular location, the Council will consider an alternative use. Assessment of viability will require the submission of detailed evidence relating to trading accounts, valuation considerations and the marketing of the business or property at a reasonable price for a minimum of 12 months.

4.72 Local communities can nominate buildings as 'assets of community value' to be added to a register held by the Council. Once on the register the owners of a facility will need to notify the Council if they intend to sell the asset, at which point the community will be offered the opportunity to purchase it. Mid Devon District Council will compile this list as community assets are brought forward. Applicants should contact the Council for further advice should they wish to apply for planning permission or change of use on a community facility that has been included on the register. The Council cannot refuse planning permission purely on the basis that a community asset is on the register.

# Policy DM24

## Protection of Local Green Space and recreational land/buildings

**Open space, sports and recreational buildings and land, including playing fields, will be protected from alternative development unless:**

- a) An assessment has been undertaken which demonstrates that the site is surplus to requirements, including requirements within the parish for alternative forms of open space, sports or recreational use; or**
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, prior to the commencement of the development; or**
- c) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.**

**Designated areas of Local Green Space will be protected from development unless the development meets the criteria set out in national policy for the protection of Green Belts.**

4.73 This policy aims to protect open space, sport and recreational land or buildings from redevelopment, with the exception of any sites allocated for alternative use.

4.74 The Open Space and Play Area Strategy (2014) identifies sites of public open space, sports and recreational land in the district. Where the strategy shows a surplus of play areas or other open space according to the standards set out in Policy S5, the Council will consider which open spaces are most important for long-term maintenance and retention. Those which include a flexible mix of uses such as equipped play space, sports and informal recreation land will normally be considered a priority for retention, and also those which are an integral and well-functioning part of an existing housing estate. Proposals for redevelopment of surplus open space must demonstrate that the site is less preferable for public recreational use than the alternative open spaces within an accessible distance of the development. If this is not the case, criteria b) or c) of the policy apply.

4.75 Sites which are particularly important to local communities may be designated as Local Green Space, through the preparation of local or neighbourhood plans. The Local Plan designates Local Green Space at the following locations:

- Millennium Green, Bampton
- Joan's Orchard, Bickleigh
- Recreation Ground, Bickleigh
- Nick's Farm Field, Bradninch
- Millennium Green, Sandford
- Millennium Green, Thorverton
- Sports Field, Witheridge

4.76 Neighbourhood plans produced by local communities may designate further areas in addition to the above list. Local Green Space must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character and not cover an extensive tract of land. National policy applies a level of protection equivalent to Green Belts.

# Environment

## Policy DM25

### Development affecting heritage assets

Heritage assets and their settings are an irreplaceable resource. Accordingly the Council will:

- a) **Apply a presumption in favour of preserving or enhancing all designated heritage assets and their settings;**
- b) **Require development proposals likely to affect the significance of heritage assets, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;**
- c) **Only approve proposals that would lead to substantial harm or total loss of significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the requirements of the National Planning Policy Framework are met;**
- d) **Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use; and**
- e) **Require developers to make a proportionate but systematic assessment of any impact on the setting and thereby the significance of heritage asset(s).**

4.77 The historic environment is an asset of great cultural, social, economic and environmental value. It is a non-renewable resource that contributes significantly to our quality of life and to the character of the district. Heritage assets are defined as those parts of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest over and above their functional utility and covers both designated and non-designated assets.

4.78 A heritage asset is defined as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions because of its heritage interest. This includes designated heritage assets such as listed buildings, scheduled monuments, registered parks and gardens and conservation areas, and undesignated sites that can include archaeological sites, locally listed assets and any asset included on the Devon County Historic Environment Record.

4.79 Where proposed development will have the potential to impact upon a heritage asset or its setting, the Council will require the applicant to submit sufficient information to enable a description of a heritage asset affected and a consideration of the impact of the development upon it. This may take the form of an appropriately detailed desk-based assessment and, where necessary, a field evaluation. The level of detail required should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on its significance. If physical preservation of a heritage asset in situ is not appropriate or feasible, "preservation by record" may be acceptable and implementation required by a condition attached to planning permission. Non-designated heritage assets of archaeological interest that are of equivalent significance to a scheduled monument, will be considered subject to the policies for designated heritage assets.

4.80 Proposed development that would lead to substantial harm or total loss of significance of a designated heritage asset will be assessed against national policy, which requires that such proposals should be refused unless there are substantial public benefits that outweigh the harm, or all of the following considerations apply:

- The nature of the heritage asset prevents all reasonable uses of the site

- No suitable viable use of the heritage asset can be found in the medium term through appropriate marketing
- There is no possibility of conservation as a result of grant-funding or charitable or public ownership
- The harm or loss would be outweighed by the benefit of bringing the site back into use

4.81 Balancing the importance of conservation with the challenge of tackling climate change represents a priority for the district. Proposals for measures to mitigate the effects of climate change that affect listed buildings or buildings in a conservation area can sometimes conflict negatively with the principles of conservation. Therefore prior to determination, the Council will work with applicants to identify feasible solutions that deliver climate change mitigation with less or no harm to the significance or setting of the heritage asset. Where conflict is unavoidable, the public benefit of mitigating the effects of climate change will be weighed against any harm to the significance of the heritage assets affected.

4.82 Further background information in relation to Mid Devon's historic environment can be found within the Town and Village Character Assessment and Conservation Area Appraisals. Where these are available, applications should make reference to how the proposed development contributes towards the priorities set out in these documents. Specific studies may also be relevant to development proposals depending on their location. For instance, where development would affect the setting of Knightshayes Court or Killerton Park, the Council will have regard to The Setting of Knightshayes Park and Garden: A Historic Landscape Assessment (The Parks Agency; Sept 2007), or the Killerton Park Setting Study (Land Use Consultants; final report, April 2013), as appropriate. These documents are available on the Council's website and will be a material consideration when planning applications are determined. Applicants are encouraged to contact the Council to check if their site falls within the setting study areas surrounding Knightshayes or Killerton, and consider the implications of this at the design stage. It should also be noted that the areas covered by setting studies do not represent a finite limit of setting.

4.83 Details of Mid Devon's non-designated heritage assets are on the register of heritage assets, which is available on the Council's website. Further details of heritage assets are available from Historic England and the Historic Environment Service at Devon County Council, which holds the Devon County Historic Environment Record. The Council will publish a local register of non-designated heritage assets.

4.84 Existing registers of heritage assets are not an exhaustive list of heritage assets. The Mid Devon local list is regularly reviewed to take account of new information. A development proposal might draw attention to a heritage asset that had not previously been identified or assessed. The absence of an asset from the heritage asset register at the time an application is submitted does not indicate that the asset has no heritage value.

## Policy DM26

### Green infrastructure in major development

**Major development proposals must demonstrate that green infrastructure will be incorporated within the site as follows:**

- Biodiversity mitigation, resulting in a net gain in biodiversity;**
- Flood and water resource management;**
- Green corridors and public rights of way to link the site to the wider GI network, provide walking and cycling opportunities and avoid habitat fragmentation; and**
- New green infrastructure such as the creation of native woodland where possible.**

**Where evidence demonstrates that meeting these criteria in full would render the development unachievable, the Council will balance the benefits of the development against the objectives of this**

**policy. Where appropriate, the Council will seek contributions toward off-site green infrastructure where on-site green infrastructure is unfavourable.**

4.85 Green infrastructure is a network of multi-functional green space with recreational, visual and ecological value. It includes:

- Natural and semi-natural green spaces such as grassland and nature reserves
- Green corridors such as hedgerows, verges and public rights of way, or 'blue infrastructure' such as watercourses and other water bodies
- Public or private spaces such as gardens, parks, village greens and allotments

4.86 Biodiversity is in long-term decline, with habitats becoming increasingly fragmented and degraded as a result of changing land use and agricultural practices. National policy seeks to reverse this trend, halting overall biodiversity loss and reintroducing well-functioning and coherent ecological networks for the benefit of all. There is an opportunity for development in Mid Devon to play its part in improving the quality and connectivity of green infrastructure. Green infrastructure in some cases can also serve the purpose of protecting or enhancing heritage assets.

4.87 Major applications (defined in the glossary) should be accompanied by a habitat survey describing what flora and fauna are present on the site, with particular regard to protected species. In permitting the development, the Council must be satisfied that onsite biodiversity mitigation, where required, is sufficient to make the development acceptable in planning terms.

4.88 Green infrastructure provided within major development sites should normally serve a variety of purposes such as flood attenuation, leisure and recreation, provision of natural habitats, and shading and cooling of buildings and public areas. Green infrastructure functions can co-exist in one place, so the land coverage does not have to be extensive in every case, although developments should recognise that floodplain cannot necessarily provide year-round amenity access. Green infrastructure within the site should be achieved as part of the broader objectives for high quality design set out in Policy DM1 (high quality design). Applicants should have regard to the Town and Country Planning Association document, Biodiversity by Design, and should explore opportunities for green infrastructure to deliver wider environmental measures, such as those set out in the SW River Basin Management Plan. Development incorporating green infrastructure will be required to submit management and maintenance details for the proposed green infrastructure.

4.89 This policy should be considered alongside Policy S5, which sets local standards for the provision of public open space in new development.

## Policy DM27

### Protected landscapes

**Development proposals affecting the Blackdown Hills Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:**

- a) **Cultural heritage and the character, appearance, setting and other special qualities of the landscape will be conserved or, where possible, enhanced; and**
- b) **Biodiversity will be conserved and enhanced where possible through improved linking of habitats, appropriate landscaping and habitat creation.**

**Major developments within or adjoining the Area of Outstanding Natural Beauty and Dartmoor or Exmoor National Parks will only be permitted in exceptional cases.**

4.90 National policy accords the highest status of protection to the landscape and scenic beauty of Areas of Outstanding Natural Beauty (AONB) and National Parks. The Mid Devon district incorporates a very small part of Dartmoor National Park in the Cheriton Bishop parish, for which Dartmoor National Park Authority is the Local Planning Authority. The district shares boundaries with both Dartmoor and Exmoor National Parks.

4.91 The Blackdown Hills Area of Outstanding Natural Beauty (AONB) is a nationally important landscape designation, aiming to preserve and enhance the natural and historic landscape features, flora and fauna of the AONB. The Blackdown Hills Management Plan outlines measures for the protection and management of this landscape. Development should not in any way undermine the special qualities that led to the designation of this landscape as AONB.

4.92 Part of the western side of the district falls within the transition area for the North Devon Biosphere Reserve. Biosphere Reserves are areas nominated by national governments and designated under UNESCO's 'Man and Biosphere Programme.' These areas are recognised for their high biodiversity value combined with sustainable use of natural resources for the benefit of local communities. The purpose of the biosphere reserve is to reconcile the conservation of biodiversity with human development needs. The part of the reserve within Mid Devon is known as a 'transition area'. This does not benefit from the very high level of environmental protection found in the 'core area' at Braunton Burrows, but contains agricultural activities and local communities that are recognised for their progress towards achieving this environmental and economic balance.

4.93 Further information on the cultural heritage, character, appearance and setting of the district's landscapes may be found in the Mid Devon Landscape Character Assessment, the Devon Landscape Character Assessment and Devon County Council's Historic Environment Record, which the Council may use as a background to decision-making. Where a development proposal would have potentially significant landscape impact, a Landscape and Visual Impact Assessment and ecological report will be required. For applications not supported by specific studies, such as small-scale proposals with no likely significant effects on the landscape or biodiversity, the requirements of the policy should be met through the Design and Access Statement where one is required.

4.94 Where major developments are proposed within protected landscapes or within the setting of protected landscapes or National Parks, it must be demonstrated that they are sufficiently in the public interest to overcome any detriment to the landscape in question. National policy criteria will be applied, including an assessment of the need for the development, consequences of approval or refusal, opportunities for an alternative location and the extent to which any detrimental effects on the environment could be mitigated. The impact of light pollution should also be considered with particular regard provided for the Dark Sky Reserve status of Exmoor National Park.

## Policy DM28

### Other protected sites

**Where development proposals would lead to an individual or cumulative adverse impact on Sites of Special Scientific Interest, ancient woodland, ancient trees, Regionally Important Geological Sites, County Wildlife Sites, Local Nature Reserves or priority habitats defined under the UK and Devon Biodiversity Action Plans, the Council will balance the overall benefits of the proposal against the impact. Sufficient information must be provided for the Council to assess the significance of the impact against the importance of the protected site and the species which depend upon it. Planning permission will be granted where:**

- a) **The benefits of and need for the development clearly outweigh the direct and indirect impact to the protected site and the ecosystem services it provides;**
- b) **The development could not be located in an alternative, less harmful location; and**

- c) Appropriate mitigation measures have been put in place. Where mitigation measures are not possible compensatory measures in some cases may be considered appropriate.**

**Where development proposals are likely (leaving aside mitigation measures) to have a significant effect on a European site (as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017), an appropriate assessment will be required. In such cases, planning permission will be refused unless it has been ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site.**

4.95 European Sites include habitats protected under European Legislation, such as Special Areas of Conservation and Special Protection Areas for birds. There are no sites in Mid Devon that are designated at European level for wildlife protection or special conservation. However, there is a European-designated Special Area of Conservation (SAC) adjacent to the district's boundary on the A361 road near Rackenford, within North Devon district. While the policies in this plan incorporate counter-acting measures to reduce effects on SACs, the protection of European sites is of the utmost importance. Development that would adversely affect a European site will not normally be permitted, given the stringent tests applied in Policy DM28 and the National Planning Policy Framework.

4.96 Within the Mid Devon district, the Council accords the highest degree of importance to Sites of Special Scientific Interest, as these are sites of national importance with regard to flora, fauna, geological and physiographical (landform) features. They are statutorily protected from harmful operations under the Wildlife and Countryside Act 1981. Proposed development that has an adverse effect on a Site of Special Scientific Interest, whether individually or in combination with other developments, will not normally be permitted. Paragraph 118 of the National Planning Policy Framework will be applied.

4.97 Ancient woodland will be accorded the same level of importance as Sites of Special Scientific Interest, as it comprises a number of woodland habitats that are a national priority for improvement under the UK Biodiversity Action Plan. Ancient woodland and trees are irreplaceable. As such, the opportunities for mitigation under criterion c) of the policy are limited, and planning permission is likely to be refused for development that would result in the loss of ancient woodland or trees unless the need for, and benefits of, the development in that location clearly outweigh the loss. Where the Council becomes aware of ancient trees not previously identified and under threat from development, a Tree Preservation Order will be considered.

4.98 Regionally Important Geological Sites, being of regional significance, are also accorded a high degree of importance. Mid Devon only has six such sites, within the parishes of Crediton, Crediton Hamlets, Zeal Monachorum, Kentisbeare and Uffculme. More information is available in the glossary. Any development proposal that impacts upon one of these sites would need to be extremely well justified.

4.99 County Wildlife Sites are undesignated sites selected because of the presence of important habitats or species. There are over 200 such sites in Mid Devon, representing a variety of habitats. Development proposals adversely affecting a County Wildlife Site will be considered on a case-by-case basis, according to the amount of information available about the site and its significance, relative to the type, scale and benefits of the development being proposed. The same position will be taken on proposals that impact on Local Nature Reserves and priority habitats (other than ancient woodland) defined in the UK and Devon Biodiversity Action Plans.

4.100 Priority habitats include certain classifications of grassland, heathland, woodland or marsh. While the loss of irreplaceable habitats will not normally be permitted, the Council will seek the replacement of a priority habitat where it is significantly affected and its replacement can be achieved, through a planning obligation as appropriate.

4.101 The Countryside and Rights of Way Act 2000, the UK Biodiversity Action Plan and a number of other Regulations and Directives also designate particular 'protected species' with legal protection. It is an offence recklessly or deliberately to kill, injure, capture or disturb protected species, which includes carrying out works which obstruct, damage or destroy access to that species' habitat. These provisions are set out in law and apply in addition to relevant policies in the Local Plan. The Council will require a protected species survey to be carried out in support

of any relevant planning application, including when the application site is not a protected site under Policy DM29 but may affect protected species such as bats and birds.

4.102 Policy DM28 affords protection to sites of significant wildlife or geological importance. Where adverse impacts are likely, planning permission will be refused unless there is particular justification that clearly outweighs the impact in that case. The Council will consider the wider implications of any adverse impact to a protected site, such as its role in providing a vital wildlife corridor, attenuating flood risk or ensuring good water quality in a catchment. National policy criteria will be applied. Where development is permitted and would lead to an adverse impact, appropriate mitigation measures should be put in place. Compensatory measures in some cases, where mitigation measures are not possible, may be considered appropriate. Compensatory measures are not possible in cases and will depend on the context of the protected site. In the case of European sites, where the risk of harm to the integrity of a site has not been ruled out in an appropriate assessment planning permission may be granted for the development only if there is no alternative solution and the development must be carried out for imperative reasons of overriding public interest. In such cases, any necessary compensatory measures must be secured.

4.103 The protected sites listed in Policy DM28 are identified on the Policies Map where they are within or adjoining a defined settlement. Larger sites are also identified on the district-scale map. Up-to-date mapping and information for County Wildlife Sites are held by Devon Biodiversity Record Centre (DBRC). Applicants are advised to contact DBRC when the full extent of a County Wildlife Site is in question.

# Enforcement

## Policy DM29

### Planning enforcement

**The Council will investigate unauthorised development, acting proportionately to the scale of the suspected breach of planning control. Enforcement action will be taken where it is appropriate to do so and in the public interest.**

4.104 Investigating suspected breaches of planning control is an important function of a Local Planning Authority. Unauthorised development can be detrimental to the local environment and be a source of social tension. Failure to enforce planning conditions or address unauthorised development can reduce the effectiveness of a Local Planning Authority and undermine public confidence in the planning system.

4.105 When undertaking investigations, the Council will act in proportion to the scale of the suspected breach to which it relates. The Council will then take enforcement action where it deems such action to be appropriate, having regard to the scale of the breach and the impact on public amenity.

4.106 To ensure that enforcement is managed proactively and in a way that is appropriate to Mid Devon the Council has published a Local Enforcement Plan. This document sets out the Council's approach to enforcement, including timescales for action and states in detail how the Council will respond to suspected breaches of planning control.

## 5.0 Monitoring

5.1 Monitoring is important to understand the characteristics of the local area, assess the impact of policies and whether the strategy is delivering sustainable development so that the policies can be reviewed as appropriate. The Council is required to produce a Monitoring Report at least annually to provide information on the following matters:

- Progress of local plans including the timetable for completion, stage reached and reasons for any delays;
- Any local plans or supplementary planning documents that have been approved or adopted, including relevant dates;
- Decisions not to implement any Local Plan policy including reasons and steps to implement the policy in the future;
- The number of market and affordable dwellings built in the reporting period and since the relevant Local Plan policy target was introduced;
- Any neighbourhood plans or development orders made in the district;
- Progress on the implementation of the Community Infrastructure Levy, if any; and
- Actions taken to ensure cooperation with other local authorities and prescribed organisations under the 'duty to cooperate'.

5.2 The Local Plan contains local indicators and targets where appropriate to inform this process and to measure the Council's performance against relevant policies and legislation.

Indicator	Relevant Policies	Target	Implementation Agencies	Comments
<b>Housing</b>				
Housing trajectory showing net additional dwellings from 2013-2033	S2; S3; S4; S10; S11; S12; S13	Annual completions of <b>393</b> dwellings	Development industry, MDDC	
Affordable housing completions; number of dwellings	S1; S3	Annual average completions <b>124</b> per year.	MDDC, development industry, registered providers, Housing and Communities Agency	
Affordable housing on rural exception sites	S3; DM6	>50% affordable housing	MDDC, development industry, registered providers, Housing and Communities Agency	Proportion of market housing on rural exception sites should be lower than that of affordable housing.
Net additional gypsy and traveller pitches	S3; DM7		MDDC	
Self-build completions	S3	5% on sites of 20+ dwellings	MDDC, development industry	
Sizes and types of dwellings completed	S1; S3; DM13	No target	MDDC, development industry	
Net density of new residential development	S9; DM1	None	MDDC, development industry	Policies do not set minimum housing densities but promote the efficient and effective use of land.

Indicator	Relevant Policies	Target	Implementation Agencies	Comments
<b>Housing</b>				
Availability of land for housing	S3; S4	>105% housing supply against requirement	MDDC, development industry	Target applied to whole district. Target will be revised to >120% if persistent under-delivery of housing is proven.
Development of housing on allocated sites	S3; S4 All housing allocations	>50% of completions	MDDC, development industry	
Total amount and percentage of housing development (including conversions) on previously developed land.	S1	No target	MDDC, development industry	
Number of parking spaces provided in new residential developments	DM5	≥1.7 car parking per dwelling	MDDC, development industry	
<b>Commercial</b>				
Indicator	Relevant Policies	Target	Implementation Agencies	Comments
Total amount of additional commercial floorspace for the whole district and individually for Tiverton, Cullompton, Crediton and rural areas	S2; S6; S10; S11; S12; S13; DM14; DM15, DM18	Average annual completions (square metres) Mid Devon <b>7350</b> Tiverton <b>1470</b> Cullompton <b>3675</b> Crediton <b>735</b> Rural Areas <b>1470</b>	MDDC, development industry	Monitoring reports will break down the provision of use classes A1-A5, B1-B8, C1-C2, D1-D2 and sui generis uses.
Development of employment on allocated sites	S6; All commercial allocations	>50% of completions	MDDC, development industry	
Losses of commercial land in local authority area	S6; DM14; DM15; DM19	No Target	Mid Devon District Council, development industry, businesses	Loss of commercial land will be broken down according to use class.
Number of active businesses	S1; S2; S6	Maintain or increase number of active businesses.	MDDC, Heart of the South West Local Enterprise Partnership, private sector	
Job Seekers Allowance as a proportion of	S1; S6	Remain below regional average	MDDC, development industry, business sector	Gives indicator for deprivation and employment.

working age population each April				
Total amount of floorspace for town centre uses, in total and within town centres (Classes A1, A2, B1a and D2)	S6; S7	No target	MDDC, development industry, retail business sector, leisure industry.	
Total amount of floorspace for town centre uses out of town centres (Classes A1, A2, B1a and D2)	S6; DM14; DM15	No target	Mid Devon District Council, development industry, retail business sector, leisure industry.	To monitor edge-of-centre and out-of-centre development, mainly retail.
A1 shops in primary shopping frontages.	S7; DM14	>65%	Mid Devon District Council, development industry, retailers	
Total amount and percentage of commercial floorspace on previously developed land.	S1	No target	MDDC, development industry	
<b>Infrastructure</b>				
Indicator	Relevant Policies	Target	Implementation Agencies	Comments
Community Infrastructure Levy. Monitor annual receipt of CIL.	S8	No target.	MDDC, development industry	
Public open space provision and accessibility. Applications complying/failing to comply with quantity and access standards in Policy S5	S1; S5; S8	No target	MDDC, development industry, town and parish councils, Sport England, private and voluntary organisations.	Policy S5 sets out standards for open space provision. Smaller sites may provide financial contributions in lieu of onsite open space, with these funds being directed to the provision or improvement of public open space elsewhere.
Strategic Housing and Commercial Land Availability Assessment	S3; S4; S6	To review SHLAA/SCLAA when the Local Plan is reviewed	MDDC, development industry, infrastructure providers	
Services available in towns and rural areas	S8; S10; S11, S12; S13; S14	No reduction in services	MDDC, Devon County Council, other organisations	Services include: Public transport, educational facilities, convenience stores, community halls

Loss of community facilities	S1; DM23	No total loss in settlement	MDDC, development industry	
<b>Environment</b>				
Number of Conservation Area Appraisals and Conservation Area Management Plans	S9	1 new or updated CAA/MP per year	MDDC	
Habitat surveys (where applicable) for consented developments demonstrate no loss in biodiversity.	S1; S9	100%	Natural England, MDDC, development industry	No loss may be achieved through avoidance, mitigation and compensation of impacts.
Developments permitted on protected sites (habitats)	S1; S9; DM28	No target	MDDC, Natural England, development industry	Policy directs development away from protected sites subject to criteria, so the number of consents should be low.
Ecological status of water bodies	S1; S9; DM4	No target	MDDC, development industry, Environment Agency.	Target in South West River Basin Management Plan is to achieve good ecological status for water bodies and protected areas by 2015. The Environment Agency monitors water quality.
Consented renewable energy development by type and megawatts.	S1; S9 DM2	No target	Mid Devon District Council, development industry.	
Number of heritage assets added to the local register	DM25	No target	Mid Devon District Council, development industry, English Heritage	
Air Quality Management Areas	S1; S11; S12; DM3; DM4	Reduction in air pollutants within AQMAs	MDDC, development industry, Devon County Council, Highways Agency	
<b>Enforcement</b>				
Number of planning enforcement cases, notices and prosecutions	DM29	No target	MDDC	

# Annex 1

## Glossary

### **Adopted Policies Map (Proposals Map):**

A map showing the areas or sites to which local plan policies and proposals apply. It will contain Inset Maps, showing particular areas in more detail.

### **Affordable Housing:**

Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

Social rented housing is owned by local authorities and private registered providers (as defined in section 80 of the Housing and Regeneration Act 2008), for which guideline target rents are determined through the national rent regime. It may also be owned by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency.

Affordable rented housing is let by local authorities or private registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is subject to rent controls that require a rent of no more than 80% of the local market rent (including service charges, where applicable).

Intermediate housing is homes for sale and rent provided at a cost above social rent, but below market levels subject to the criteria in the Affordable Housing definition above. These can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent, but not affordable rented housing.

Homes that do not meet the above definition of affordable housing, such as "low cost market" housing, may not be considered as affordable housing for planning purposes.

### **Allocations:**

Proposals that a certain site or area of land should be developed for particular uses and/or buildings. They are shown on a Policies Map, contained within the Local Plan or Local Development Framework. There will be a related policy setting out any parameters and criteria for the site, contained within the local plan.

### **Assets of Community Value:**

A property or place that has been nominated by the local community and included on the Council's list of Assets of Community Value. If a registered property is to be sold, the local community is given the opportunity to bid for it before it is released for sale on the open market.

### **Building Research Establishment Environmental Assessment Method (BREEAM):**

An environmental assessment method and rating system for buildings, to evaluate a building's specification, design, construction and use.

### **Car Club:**

An organisation that owns cars that are shared by its members. People arrange in advance when they want to use a car, and pay to use it. The advantage is that members do not have to pay the whole cost of owning a car, but are able to use one when they need to.

**Community Facilities:**

Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. They include pubs, post offices, shops, village halls, allotments, places of worship and various recreational facilities.

**Community Infrastructure Levy:**

A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

**Curtilage:**

The extent of the land around a property (particularly a dwelling) that often, but not always, delineates the amount of land associated with the property. For larger, particularly country properties, the curtilage may often only refer to an immediate cultivated garden and associated forecourt, rather than any other land included within the overall 'planning use'.

**Devon Biodiversity Record Centre (DBRC):**

An online database of over two million wildlife records, hosted by the Devon Wildlife Trust.

**Ecosystem services:**

The products of natural systems from which people derive benefits, including goods and services, some of which can be valued economically and others which have a non-economic value. Ecosystem services include: provisioning services (products from land and water); regulating services (processes such as pollination; water purification and climate regulation); cultural services (heritage, recreation, health and wellbeing); and supporting services (essential functions such as soil formation and nutrient cycling).

**Embodied carbon:**

The amount of CO<sub>2</sub> emitted during a product's entire lifecycle, including raw material extraction, transport, manufacture, assembly, installation, maintenance, disassembly or demolition and decomposition. A complete assessment of embodied carbon is often termed 'cradle to grave', while an assessment limited to the early phases (up to the point the product leaves the factory) is called 'cradle to gate'.

**Green Infrastructure:**

A network of multi-functional green space with recreational, visual and ecological value.

**Local Development Scheme:**

A project plan for the preparation of local plans.

**Local Green Space:**

The designation of locally important land for special protection, ruling out development other than in exceptional cases. Local Green Space is designated when a local or neighbourhood plan is prepared or reviewed. It must be reasonably close to the community it serves; have demonstrable local significance and interest; be local in character and not cover an extensive tract of land.

**Low Carbon technologies:**

Includes energy for heating and cooling as well as generating electricity. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

**Main Town Centre uses:**

Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreational uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotel and conference facilities).

**Major development:**

Applications for residential development with a minimum of 10 dwellings or a 0.5 hectare site area, and planning applications for non-residential development with a minimum of 1000 square metres gross floor area, or a 1 hectare site area.

**Minor development:**

Planning applications which are not any of the following types: a major application, a change of use application or a householder application.

**Neighbourhood plans:**

Plans and Development Orders produced by parish councils or other designated neighbourhood forums with the support of the local community, including Community Right to Build Orders.

**Planning obligation:**

A legal agreement or undertaking under Section 106 of The Town and Country Planning Act 1990. Planning obligations provide a means of ensuring that developers contribute towards the infrastructure and services that are necessary to facilitate proposed development. The use of Section 106 Agreements is affected by the Community Infrastructure Levy Regulations.

**Primary shopping area:**

Defined area where retail development is concentrated (generally comprising the primary and secondary shopping frontages which are adjoining and closely related to the primary shopping frontage).

**Primary and secondary frontages:**

Primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods. Secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses. Mid Devon towns do not have defined secondary frontages but these are generally located within the primary shopping area, outside of the primary shopping frontage (see Policies Maps).

**Priority habitat/species:**

Priority species and habitats are those that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan.

**Public Rights of Way (PRoW):**

Give you the right to walk, ride a horse or cycle along certain routes and are legally protected in the same way as roads.

**Recreational Trail:**

A corridor, route or pathway, generally land or water based, primarily intended for recreational purposes, including walking, hiking, cycling, canoeing and horse-riding.

**Regionally Important Geological Sites (RIGS):**

These are the most important sites for geology and geomorphology outside of statutorily protected land such as Sites of Special Scientific Interest. They are designated according to criteria set at regional or county level. The following table details the six Mid Devon RIGS:

Grid_Ref	Parish	Description
SS789022	Crediton Hamlets	Quarry with exposures of Permian volcanic lava
SS714032	Zeal Monachorum	Quarry with exposure of Upper Carboniferous Bude formation
SS820005	Crediton	Road cutting with exposure of Crediton Breccia
SS817002	Crediton Hamlets	Exposure of Newton St.Cyres Breccia on the sides of a deeply sunken lane
ST096090	Kentisbeare/Uffculme	Scarp hillside covered in bracken & woodland
SX823985	Crediton Hamlets	Quarry with volcanic lava resting on soft reddish Knowle sandstone

#### **Renewable energy:**

Includes energy for heating and cooling and electricity generation. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat.

#### **River Basin Management Plan (RBMP):**

A plan produced by the Environment Agency in order to meet the requirements of the EU Water Framework Directive. Each plan sets out the environmental objectives for all water bodies in the region and how they will be achieved. The South West RBMP can be downloaded from the Department for Environment, Food & Rural Affairs and Environment Agency website.

#### **Rural workers:**

Are people whose place of work is located within the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprises.

#### **Self-Build and Custom Housebuilding:**

Homes built by individuals, associations of individuals or developers working with or for those individuals, to be occupied by those individuals. Homes that are built wholly or mainly to plans or specifications decided or offered by a developer/seller are excluded.

#### **Sites of Special Scientific Interest (SSSI):**

SSSIs are the country's very best wildlife and geological sites. SSSIs are important as they support plants and animals that find it more difficult to survive in the wider countryside. The protection of SSSIs is a shared responsibility between landowners, local authorities and Natural England.

#### **Statement of Community Involvement:**

a statement within the Local Development Framework that sets out the Council's policies for the public involvement in the preparation of Local Development Documents and planning applications.

#### **Supplementary Planning Document:**

a document within the Local Development Framework that sets out more detailed policies in support of those contained in a local plan. It does not form part of the Development Plan, but is a material consideration on planning applications.

#### **Sustainable Development:**

is development which meets the needs of the present while not preventing future generations meeting their own needs. The sustainability of local plans must be assessed through Sustainability Appraisals and Strategic Environmental Assessment (SA/SEA).

**Telecommunications development:**

Operational development and change of use of land to provide buildings, instrumentation and other equipment necessary for telecommunications (telegraph, cable, telephone, radio, or television). The National Planning Policy Framework sets out the requirements for decision-making on telecommunications proposals.

**Water Framework Directive (WFD):**

European Union legislation that requires all countries throughout the EU to manage the water environment to consistent standards.

**Zero carbon:**

A set of standards prepared by the Government for the construction of new homes which are intended to ensure zero net carbon emissions from on-going use and maintenance from the building. Regulated emissions such as a building's energy efficiency and onsite renewable or low carbon heat and power supply will be controlled through the Building Regulations, while any remaining emissions may be offset through 'allowable solutions' (to be determined by Government).

## Annex 2

# Low Emission Assessments (LEA): Procedural guidance

Steps	Information required	Notes
<b>Step 1</b>	<ul style="list-style-type: none"> <li>• Overview of development proposal.</li> <li>• Summary of pre-application discussions.</li> <li>• Identify boundaries of the assessment according to the proximity to an Air Quality Management Area, expected routes of travel, properties most affected and years of interest, to determine whether a concentrations-based air quality assessment is required under Policy DM6 criterion a).</li> <li>• Set out the assessment methodology used to comply with criterion a) of Policy DM6 if necessary, including sources of data and assumptions used.</li> </ul>	<p>Years of interest will be influenced by the anticipated operational commencement and lifespan of the development; the timescale to achieve specified national targets for emissions; and the availability of robust emissions data projected forward to 2020 or beyond.</p>
<b>Step 2</b>	<ul style="list-style-type: none"> <li>• Using the Low Emission Toolkit (or equivalent), calculate the baseline residual road transport emissions from the development, for the first operational year and specified future years after development trips have been reduced as far as possible. The calculation should be based on a 'without measures' scenario, i.e. not including any low emission mitigation measures.</li> <li>• If an air quality assessment has been identified as necessary under Step 1, summarise: all impacts (during and post-construction) on identified properties or other local receptor locations; any exceedances of the air quality objectives resulting from the development; any effect on the delivery of the relevant Air Quality Action Plan; the significance of the results; and the options for measures</li> </ul>	<p>Display data as annual emissions.</p>

Steps	Information required	Notes
	<p>to reduce, mitigate or compensate an air quality impact.</p>	
<b>Step 3</b>	<ul style="list-style-type: none"> <li>• Consider whether additional trip reduction measures can be incorporated.</li> <li>• Using the Low Emission Toolkit (or equivalent), evaluate the impact on residual road transport emissions of applying low emission mitigation measures, both on and offsite, against 'business as usual' baseline levels, for the specified years of interest.</li> <li>• Evaluate any trade-offs that occur as a result of mitigation measures, for instance where one pollutant would decrease but another increase, or where there is a net increase in the road traffic emissions in Mid Devon but a decrease within the Air Quality Management Area.</li> <li>• If an air quality assessment is included (see Step 1), summarise the effect that mitigation measures will have on: identified properties or other local receptor locations; any exceedances of the air quality objectives resulting from the development; and any effect on the delivery of the relevant Air Quality Action Plan.</li> </ul>	<p>Steps 2 and 3 may be combined as a site emissions mitigation plan, with clear links to the Travel Plan.</p>
<b>Step 4</b>	<ul style="list-style-type: none"> <li>• Calculate the remaining residual road transport emissions after mitigation measures have been incorporated, using a 'mass emissions' approach (Low Emissions Toolkit) and in addition a concentrations-based approach in cases where criterion a) of Policy DM6 applies (see Step 1).</li> </ul>	<p>The Local Planning Authority may wish to negotiate further/alternative mitigation measures, requiring a revised LEA to be submitted.</p>
<b>Step 5</b>	<ul style="list-style-type: none"> <li>• Translate the calculated remaining residual road transport emissions into damage costs for the pollutants of concern. (Information on calculating damage costs is available from DEFRA:</li> </ul>	<p>If damage costs are significant, the Local Planning Authority will consider whether a Section 106 Agreement</p>

Steps	Information required	Notes
	<a href="http://www.defra.gov.uk/environment/quality/air/air-quality/economic/damage/">http://www.defra.gov.uk/environment/quality/air/air-quality/economic/damage/</a>	<p>is required and feasible to make the development acceptable in planning terms, to deliver a cost-equivalent air quality improvement identified in the relevant Air Quality Action Plan. In this case the identified project would be excluded from the Council's list of infrastructure funded by the Community Infrastructure Levy (CIL). CIL would remain payable for all other generic offsite infrastructure. The Council may take legal advice before deciding on this approach, where a Section 106 Agreement would deliver off-site infrastructure.</p>

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## Appendix 2

Mid Devon Local Plan Review 2013 – 2033 Policies Map with any changes needed to this through main modifications and additional (minor) modifications

**Bampton Map:**

<https://www.middevon.gov.uk/media/342685/bampton-january-2017.pdf>

**Bickleigh Map:**

<https://www.middevon.gov.uk/media/342686/bickleigh-january-2017.pdf>

**Cheriton Bishop Map:**

<https://www.middevon.gov.uk/media/342687/cheriton-bishop-january-2017.pdf>

**Crediton Map:**

<https://www.middevon.gov.uk/media/342688/crediton-january-2017.pdf>

**Cullompton Map:**

<https://www.middevon.gov.uk/media/342689/cullompton-january-2017.pdf>

This will be updated through Plan MM35 to show the settlement limit at CU21 Land at Colebrook (**Appendix 9**)

**Hemyock Map:**

<https://www.middevon.gov.uk/media/342690/hemyock-january-2017.pdf>

**Junction 27 Map:**

<https://www.middevon.gov.uk/media/342691/j27-january-2017.pdf>

**Sampford Peverell Map:**

<https://www.middevon.gov.uk/media/342692/sampford-peverell-january-2017.pdf>

This will be replaced by Plan MM45 (**Appendix 10**) and updated through additional (minor) modification AM86 by placing the policy code SP2 on the map (**Appendix 4**, page 34)

**Sandford Map:**

<https://www.middevon.gov.uk/media/342693/sandford-january-2017.pdf>

**Thorverton Map:**

<https://www.middevon.gov.uk/media/342694/thorverton-january-2017.pdf>

**Tiverton Map:**

<https://www.middevon.gov.uk/media/342695/tiverton-january-2017.pdf>

This will be updated through additional (minor) modification AM83 to replace the Policy code AL/TIV/9 with TIV16 (**Appendix 4**, page 31)

**Uffculme Map:**

<https://www.middevon.gov.uk/media/342697/uffculme-january-2017.pdf>

This will be updated through additional (minor) modification AM85 to place the Policy code UF1 on the map and the settlement limit to include UF1 proposal (**Appendix 4**, page 33)

**Willand Map:**

<https://www.middevon.gov.uk/media/342698/willand-january-2017.pdf>

**East of the District Map:**

[https://www.middevon.gov.uk/media/113897/district\\_map\\_east.pdf](https://www.middevon.gov.uk/media/113897/district_map_east.pdf)

**West of the District Map:**

[https://www.middevon.gov.uk/media/113952/district\\_map\\_west-small.pdf](https://www.middevon.gov.uk/media/113952/district_map_west-small.pdf)

**Tiverton Central Area Map:**

[https://www.middevon.gov.uk/media/113899/tiverton\\_central\\_area.pdf](https://www.middevon.gov.uk/media/113899/tiverton_central_area.pdf)

**Ashill Map:**

<https://www.middevon.gov.uk/media/113902/ashill.pdf>

**Bolham Map:**

<https://www.middevon.gov.uk/media/113905/bolham.pdf>

**Bow Map:**

<https://www.middevon.gov.uk/media/113906/bow.pdf>

This will be updated through additional (minor) modification AM84 to extend the settlement limit to include BO2 (**Appendix 4**, page 32)

**Bradninch Map:**

<https://www.middevon.gov.uk/media/113907/bradninch.pdf>

**Burlescombe Map:**

<https://www.middevon.gov.uk/media/113908/burlescombe.pdf>

**Cadeleigh Map:**

<https://www.middevon.gov.uk/media/113909/cadeleigh.pdf>

**Chawleigh Map:**

<https://www.middevon.gov.uk/media/113910/chawleigh.pdf>

**Cheriton Fitzpaine Map:**

[https://www.middevon.gov.uk/media/113912/cheriton\\_fitzpaine.pdf](https://www.middevon.gov.uk/media/113912/cheriton_fitzpaine.pdf)

**Chettiscombe Map:**

<https://www.middevon.gov.uk/media/113913/chettiscombe.pdf>

**Chevithorne Map:**

<https://www.middevon.gov.uk/media/113914/chevithorne.pdf>

**Coldridge Map:**

<https://www.middevon.gov.uk/media/113915/coldridge.pdf>

**Colebrook Map:**

<https://www.middevon.gov.uk/media/113916/colebrooke.pdf>

**Coleford Map:**

<https://www.middevon.gov.uk/media/113917/coleford.pdf>

**Copplestone Map:**

<https://www.middevon.gov.uk/media/113918/copplestone.pdf>

**Cove Map:**

<https://www.middevon.gov.uk/media/113919/cove.pdf>

**Cove Hill Map:**

[https://www.middevon.gov.uk/media/113920/cove\\_hill.pdf](https://www.middevon.gov.uk/media/113920/cove_hill.pdf)

**Craddock Map:**

<https://www.middevon.gov.uk/media/113921/craddock.pdf>

**Culmstock Map:**

<https://www.middevon.gov.uk/media/113922/culmstock.pdf>

**Down St Mary Map:**

[https://www.middevon.gov.uk/media/113923/down\\_st\\_mary.pdf](https://www.middevon.gov.uk/media/113923/down_st_mary.pdf)

**Halberton Map:**

<https://www.middevon.gov.uk/media/113924/halberton.pdf>

**Hockworthy Map:**

<https://www.middevon.gov.uk/media/113926/hockworthy.pdf>

**Holcombe Rogus Map:**

[https://www.middevon.gov.uk/media/113927/holcombe\\_rogus.pdf](https://www.middevon.gov.uk/media/113927/holcombe_rogus.pdf)

**Huntsham Map:**

<https://www.middevon.gov.uk/media/113928/huntsham.pdf>

**Kennerleigh Map:**

<https://www.middevon.gov.uk/media/113929/kennerleigh.pdf>

**Kentisbeare Map:**

<https://www.middevon.gov.uk/media/113930/kentisbeare.pdf>

**Knowle Map:**

<https://www.middevon.gov.uk/media/113931/knowle.pdf>

**Lapford Map:**

<https://www.middevon.gov.uk/media/113932/lapford.pdf>

**Morchard Bishop Map:**

[https://www.middevon.gov.uk/media/113933/morchard\\_bishop.pdf](https://www.middevon.gov.uk/media/113933/morchard_bishop.pdf)

**Newton St Cyres Map:**

[https://www.middevon.gov.uk/media/113934/newton\\_st\\_cyres.pdf](https://www.middevon.gov.uk/media/113934/newton_st_cyres.pdf)

**Oakford Map:**

<https://www.middevon.gov.uk/media/113935/oakford.pdf>

**Oakfordbridge Map:**

<https://www.middevon.gov.uk/media/113936/oakfordbridge.pdf>

**Puddington Map:**

<https://www.middevon.gov.uk/media/113937/puddington.pdf>

**Silverton Map:**

<https://www.middevon.gov.uk/media/113940/silverton.pdf>

**Stockleigh English Map:**

[https://www.middevon.gov.uk/media/113941/stockleigh\\_english.pdf](https://www.middevon.gov.uk/media/113941/stockleigh_english.pdf)

**Stockleigh Pomeroy Map:**

[https://www.middevon.gov.uk/media/113942/stockleigh\\_pomeroy.pdf](https://www.middevon.gov.uk/media/113942/stockleigh_pomeroy.pdf)

**Stoodleigh Map:**

<https://www.middevon.gov.uk/media/113943/stoodleigh.pdf>

**Upton Hellions Map:**

[https://www.middevon.gov.uk/media/113946/upton\\_hellions.pdf](https://www.middevon.gov.uk/media/113946/upton_hellions.pdf)

**Westleigh Map:**

<https://www.middevon.gov.uk/media/113947/westleigh.pdf>

**Witheridge Map:**

<https://www.middevon.gov.uk/media/113949/witheridge.pdf>

**Yeoford Map:**

<https://www.middevon.gov.uk/media/113950/yeoford.pdf>

**Zeal Monachorum Map:**

[https://www.middevon.gov.uk/media/113951/zeal\\_monachorum.pdf](https://www.middevon.gov.uk/media/113951/zeal_monachorum.pdf)

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# Report to Mid Devon District Council

**by Paul Griffiths BSc(Hons) BArch IHBC**  
**an Inspector appointed by the Secretary of State**

**Date: 26 June 2020**

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

## **Report on the Examination of the Mid Devon Local Plan Review 2013-2033**

The Plan was submitted for examination on 31 March 2017

The examination hearings were held on 20 and 21 September 2018, and 14, 15, 19 and 20 February 2019

File Ref: PINS/Y1138/429/12

## **Abbreviations used in this report**

AONB	Area of Outstanding Natural Beauty
CTCRR	Cullompton Town Centre Relief Road
DPA	Dwellings per Annum
DtC	Duty to Co-operate
The Framework	National Planning Policy Framework (2012)
HRA	Habitats Regulations Assessment
MM	Main Modification
OAN	Objectively Assessed Need
The Plan	Mid Devon Local Plan Review 2013-2033
PPG	Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SHMA	Strategic Housing Market Assessment

## **Non-Technical Summary**

This report concludes that the Mid Devon Local Plan Review 2013-2033 (the Plan) provides an appropriate basis for the planning of the District, provided that a number of main modifications (MMs) are made to it. Mid Devon District Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared a schedule of the proposed modifications and carried out sustainability appraisal (SA) of them alongside revisiting the Habitats Regulations Assessment (HRA), and the Equalities Impact Assessment. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The MMs can be summarised as follows:

- MMs to establish a proper link between the development of housing and related infrastructure and to provide for a trajectory that should ensure a rolling five-year supply of deliverable housing sites;
- A group of MMs necessary to allow the Plan to properly provide for the needs of Gypsies and Travellers and Travelling Show-People;
- MMs to ensure the major development proposed at Junction 27 of the M5 is brought forward in an acceptable way;
- MMs to deal with constraints relating to the allocation under Policy SP2; and
- Various MMs to ensure that development management policies are effective and consistent with national policy.

## Introduction

1. This report contains my assessment of the Mid Devon Local Plan Review 2013-2033 (the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate (DtC). It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework 2012 (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised National Planning Policy Framework was published in July 2018 and further revised in February 2019. It includes a transitional arrangement in paragraph 214 which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Plan, as submitted in March 2017, is the basis for my examination. It is the document that was published for consultation in January 2017.
4. Having established that, for the purposes of clarity, it is worth outlining the various stages of progress of the Plan. The first iteration was published for consultation as far back as 2015. In response to that consultation process, the Council made significant changes to it. The consultation exercise was then re-run and it is that second iteration of the Plan: The Mid Devon Local Plan Review 2013-2033 Proposed Submission (incorporating proposed modifications) of January 2017 (to give it its full title) that was submitted for examination in March 2017.
5. Preliminary hearings were originally scheduled for 26 and 27 September 2017 but these were postponed, at the Council's behest, to allow for an independent review of the SA underpinning the Plan by an outside consultant<sup>1</sup>. The findings and consequent (relatively minor) changes to the SA were consulted upon between 28 February and 11 April 2018. While the results of that process were being considered, I had cause to ask the Council to review the submitted HRA<sup>2</sup>. The Council undertook this task<sup>3</sup> and it was concluded that the HRA as submitted remained robust.
6. Preliminary hearings then took place over two days in September 2018. After that, I issued a letter dated 29 October 2018 setting out some brief conclusions that allowed main hearings to take place in February 2019.

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<sup>1</sup> Land Use Consultants (LUC)

<sup>2</sup> In the light of the judgment in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17)

<sup>3</sup> Again through LUC

7. Those hearings exposed concerns about the housing trajectory in the light of assumptions made about the progress of the Cullompton Town Centre Relief Road (CTCRR), in particular. The Council undertook some further work on this matter and after that, I indicated to the Council that consultation on the MMs could then take place. This process took place between 6 January and 17 February 2020.

### **Main Modifications**

8. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM01**, **MM02** etc, and are set out in full in the attached Appendix.
9. As outlined above, on my direction, after the main examination hearings, the Council prepared a schedule of proposed MMs and carried out SA of them, alongside revisiting the HRA, and the Equalities Impact Assessment. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the MMs and added consequential modifications (in red) where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. Where necessary I have highlighted these amendments in the report.

### **Policies Map**

10. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan.
11. In this case, the submission policies map comprises the comprehensive set of maps/plans attached to the Mid Devon Local Plan Review 2013-2033 Proposed Submission (incorporating proposed modifications) of January 2017.
12. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, two of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further changes to the policies map were published for consultation alongside the MMs (as Plan MM35 and Plan MM45). I refer to these in the body of the report.
13. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed, incorporating any necessary amendments identified in this report.

## Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. The manner in which the Council has engaged with other local authorities and organisations in relation to strategic matters raised by the Plan has been set out<sup>4</sup>.
15. In terms of the provision of housing, the Council has sought to deal with its own needs in full and has required no assistance in doing so from other authorities. Similarly, while discussions between authorities in the Housing Market Area have taken place, no neighbouring authority has asked the Council to assist in meeting some of its housing needs.
16. The Council has taken a similar approach in providing to meet its own needs for commercial development. No neighbouring authority has sought the Council's assistance in meeting its own commercial needs.
17. However, the Plan does propose a major allocation adjacent to J27 of the M5 motorway for a major tourism, leisure and retail attraction that would be a strategic intervention in the region. Some of the initial objections to it from neighbouring authorities were couched in terms of a failure in terms of the DtC. I did not see them as such but in any event, as part of continued discussions after the date of submission, the concerns initially expressed have developed and they now relate more to the potential impact of the retail element of the proposed allocation on existing centres, and similar shopping facilities, rather than matters around the DtC.
18. In its reliance on improvements to J27 and J28 of the M5 motorway, and in bringing forward the Cullompton Town Centre Relief Road, alongside the provision of a new railway station in Cullompton, the Plan does raise strategic issues around transport. However, it is very clear that the Council engaged constructively with the Highway Authority and the Highways Agency in particular in dealing with these issues up to the point of submission, and indeed beyond.
19. Taking all those points together, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan, and that the DtC has therefore been met.

## Assessment of Soundness

### Main Issues

20. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified a series of main issues upon which the soundness of this plan depends. This report deals with those main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

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<sup>4</sup> In the Council's DtC Statement

**Issue 1: Are the vision and spatial strategy of the Plan positively prepared, justified, effective and consistent with national policy?**

21. Adopting the central tenet of the Framework in relation to sustainable development, the vision of the Plan is to bring benefits to local communities by promoting community well-being; supporting economic success; conserving and enhancing the area; and respecting environmental limits.
22. In order to bring that vision to fruition, the intention through the Plan is to create a prosperous economy with increased inward investment; meet objectively assessed needs for development in locations best suited to accommodate it, with a suitable balance of housing, employment and other facilities within towns, smaller settlements, and rural areas; reduce the use of the private car and encourage more use of public transport, walking and cycling; reduce carbon emissions; and promote social inclusion and reduce inequality by providing better access to jobs, services, and housing.
23. As a vision for the District, that is clearly positive and consistent with national policy that seeks to marry economic growth with sustainable forms of development and environmental improvement.
24. The spatial strategy of the Plan, in the medium to long term, is to make the market town of Cullompton the strategic focus of new development, reflective of its existing status as one of the larger settlements in the District as well as its accessibility, economic potential, and environmental capacity. The market towns of Tiverton and Crediton are treated as secondary focal points for development; a reflection of their infrastructures, economies, characters, and constraints. Below that, limited development is envisaged for some of the larger and better-served villages commensurate with their scale while development in smaller settlements, lower in the hierarchy, and the countryside, will be limited to forms of development that bring benefit to the rural economy.
25. In parallel with all that, a major development is proposed adjacent to J27 of the M5 motorway to bring a high-quality tourist, leisure and retail attraction to the District, attracting visitors to the District, thereby generating economic activity and jobs, and acting as a gateway to the South-West.
26. The prominence given to Cullompton as the primary focus for development, and the scale of what is proposed at J27 bring challenges in terms of infrastructure and road capacity in particular. However, other approaches, such as using Tiverton as the primary location for development rather than Cullompton, have significant challenges too – in that case landscape impact. Overall, I am satisfied that what the Council has put forward as a strategy in the Plan is positive, justified, likely to be most effective, and consistent with national policy. I am left in no doubt that it is the best strategy available to deliver the vision for the District that the Council has set out.

27. The Plan relies on the relevant SHMA<sup>5</sup>, Employment Land Review<sup>6</sup>, and Retail Study<sup>7</sup> as the bases for overall provision in the Plan for housing and employment development.
28. In terms of housing provision, the SHMA sets out the OAN for Mid Devon as falling within the range of 359-381 dwellings per annum (DPA). While the SHMA is clear in its conclusion that there is no need for any uplift to that range to reflect market signals or other factors, the Plan sets a housing target of 393 DPA (or a total of 7,860 over the Plan period). This takes the maximum figure set out in the SHMA and adds an uplift of 12 DPA to cater for additional need arising from the jobs that would be created as a result of the major development proposed adjacent to J27 of the M5 motorway. In my view that is a reasonable approach given that the SHMA took no account of the proposal adjacent to J27 in its calculations, and in my view the figure of 393 DPA in the Plan is sound in its derivation and has been justified.
29. As far as commercial development is concerned, the Employment Land Review recommended that the Council should plan to provide 30-40ha of employment land. That is roughly equivalent to 140,000 square metres of actual floorspace. Alongside that, the Retail Study identified a need for non-food retail of around 7,000 square metres. In that overall context and having regard to the retail floorspace proposed as part of the J27 allocation, the Plan proceeds on the basis of a need for 147,000 square metres of commercial floorspace. Again, having regard to the evidence underpinning the calculation, that figure has been justified and is a reasonable one.
30. However, to comply with national policy in the Framework, the figures for housing and commercial floorspace need to be expressed as minima which as submitted, Policy S2 which deals with the amount and distribution of development, and Policy S3 which deals with housing specifically, fail to do. Both use the term 'approximately' which is unsuitable, in that it is imprecise and would allow for the figures to be undercut, as well as overshot. MMs are necessary to both policies [**MM03, MM04**] to correct this matter and to make the policies, and thereby the Plan, positive, effective, and compliant with national policy in this regard.
31. As one would expect, the Plan includes a series of allocations that seek to bring this housing and commercial development forward. I deal with detailed matters relating to the housing allocations below but in spatial terms, they closely follow the strategy set out above.
32. To provide for the largest part of the Plan's overall housing provision in accordance with the Spatial Strategy outlined above, significant allocations are proposed to the north-west of Cullompton (Policy CU1 North West Cullompton – 1350 dwellings amongst other things) and east of Cullompton, on the opposite side of the M5 motorway (Policy CU7 East Cullompton – 1,750 dwellings amongst other things, in the Plan period, with 850 to follow post-2033 in the form of a Garden Village). Other Cullompton allocations are proposed at Knowle Lane (Policy CU13 – 296 dwellings), Ware Park and

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<sup>5</sup> The Exeter Housing Market Area SHMA Final Report 2014/15

<sup>6</sup> The Employment Land Review 2013

<sup>7</sup> The Mid Devon Retail Study 2012

Footlands (Policy CU14 - 38 dwellings), Land at Exeter Road (Policy CU15 - 24 dwellings), Cummings Nursery (Policy CU16 - 100 dwellings) and Land at Colebrook (Policy CU21 - originally a contingency site for 100 dwellings that I deal with further below).

33. Notwithstanding their secondary status in the hierarchy, Tiverton and Crediton have significant allocations for housing too. Land is set aside in Tiverton in the form of an Eastern Urban Extension (Policy TIV1 - 1580-1830 dwellings), Farleigh Meadows (Policy TIV6 - 255 dwellings), Town Hall/St Andrew Street (Policy TIV7 - 59 dwellings), Moorhayes Park (Policy TIV8 - 8 dwellings), Howden Court (Policy TIV9 - 10 dwellings), Roundhill (Policy TIV10 - 20 affordable dwellings), Palmerston Park (Policy TIV11 - 25 affordable dwellings), Phoenix Lane (Policy TIV12 - 60 dwellings), Tidcombe Hall (Policy TIV13 - a contingency site for 100 dwellings), and Blundells School (Policy TIV16 - a site for 200 dwellings).
34. Crediton has sites earmarked at Wellparks (Policy CRE1 - 185 dwellings amongst other things), Red Hill Cross, Exhibition Road (Policy CRE2 - 135 dwellings), Cromwells Meadow (Policy CRE3 - 35 dwellings), Woods Group, Exeter Road (Policy CRE4 - 8 dwellings), Pedlerspool, Exhibition Road (Policy CRE5 - 200 dwellings amongst other things), Sports Fields, Exhibition Road (Policy CRE6 - 120 dwellings), Stonewall Lane (Policy CRE7 - 50 dwellings), Land at Barn Park (Policy CRE8 - 20 dwellings), and Land at Alexandra Close (Policy CRE9 - 15 dwellings).
35. Below that, again in accordance with the spatial strategy, a series of smaller sites are allocated for housing in smaller settlements, notably Bampton, Bow, Bradninch, Chawleigh, Cheriton Bishop, Cheriton Fitzpaine, Coppystone, Culmstock, Halberton, Morchard Bishop, Newton St Cyres, Sampford Peverell, Sandford, Silverton, Thorverton, Uffculme and Willand.
36. I deal with aspects relating to some of these sites in Issue 2, and one particular site in Sampford Peverell (Policy SP2) in some detail below, but on my analysis, the chosen sites, some of which are brought forward from earlier plans, have been justified in terms of the spatial strategy, and in the overall context of the Plan, effective in that they are likely to be delivered.
37. These site allocation policies make specific provision for affordable housing in percentage terms (generally at 28% but with more required on some sites) based on various viability studies<sup>8</sup>. There is a danger that this requirement will act as a drag on delivery and as an example I understand that the site to the north-west of Cullompton (Policy CU1) has been held up for some time pending agreement between the Council and the developer on the extent of affordable housing to be provided.
38. However, the overarching approach to affordable housing, set out in criterion b) of Policy S3 makes clear that viability is to be taken into account. To my mind, that provides a safeguard that ought to ensure that percentage requirements for affordable housing in the allocation policies need not stunt delivery because of difficulties in terms of viability.

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<sup>8</sup> Notably the Viability Update and Review of 2016

39. Leaving aside the allocation adjacent to J27 of the M5 motorway that I deal with in detail below, the Plan makes various allocations for commercial development too, sometimes conjoined with housing sites, in other cases, on a stand-alone basis.
40. Following the hierarchy of the spatial strategy, provision is made in Cullompton as part of Policies CU1 (north-west Cullompton – 10,000 square metres), and CU7 (East Cullompton – 20,000 square metres in the Plan period with 12,000 to follow) with stand-alone sites at Week Farm (Policy CU17 – 15,000 square metres) and Venn Farm (12,000 square metres).
41. Below that, in Tiverton, commercial development is expected to be delivered as part of Policy TIV1 (Eastern Urban Extension – 30,000 square metres), and Policy TIV12 (Phoenix Lane – 7,000 square metres). In Crediton, provision is made for commercial development as part of Policy CRE1 (Wellparks – 2,220 square metres), and on a stand-alone basis at Land South of the A377 (Policy CRE10 – 7,600 square metres). In smaller settlements, there is a relatively small amount (355 square metres) allocated as part of Policy BA2 and 22,000 square metres at Willand Industrial Estate (Policy WI2).
42. The allocations for commercial development follow the line of the spatial strategy and whether proposed as part of larger allocations for housing, or on a stand-alone basis, the sites are well-chosen and effective in that there is no good reason why they would not be delivered.
43. Bringing all those points together, I take the view that with the MMs referred to above, the vision and spatial strategy of the Plan are positively prepared, justified, effective and consistent with national policy.

**Issue 2: Whether the relationship between the provision of housing and attendant infrastructure, amongst other things, is arranged in a way that ensures the Plan delivers a rolling five-year supply of deliverable housing sites?**

44. The particular challenge evinced by the concentration of development on Cullompton relates to highway capacity. Given that Cullompton is already congested, which has knock-on effects on the performance of J28 of the M5 motorway, and air quality in and around the town, the Highways England and the Highway Authority<sup>9</sup> have consistently made plain that improvements to highway capacity must keep pace with the delivery of housing.
45. These highway improvements fall into two main, interrelated categories. The first relates to capacity improvements at Junction 28 of the M5 motorway, the second to the provision of the CTCRR. Both act as significant constraints on the rate of delivery of housing in and around Cullompton.
46. Thanks to the now completed signals at Junction 28, the site to the north-west of Cullompton for 1350 dwellings (Policy CU1) can deliver 600 dwellings before completion of the CTCRR. The remaining 750 dwellings must await its completion, as must the first 500 dwellings of the large allocation to the east of Cullompton for 1,750 dwellings (Policy CU7). Beyond that first 500 units,

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<sup>9</sup> Devon County Council

the Policy CU7 allocation will require a significant strategic intervention to facilitate further development which may take the form of a new Junction 28a on the M5 motorway.

47. The Council has received funding from Central Government, albeit conditional, for part of the cost of the CTCRR. This offers some reassurance. However, the Council's assumptions about delivery of the CTCRR have been optimistic. As a result, the housing trajectory outlined in the Plan, which after the first five years, is so dependent on the prompt delivery of the CTCRR, does not appear capable of delivering a rolling five-year supply of deliverable housing sites.
48. In response to the concerns I expressed about this matter after the main hearings, the Council looked again at its assumptions relating to the CTCRR, and the associated housing trajectory. Based on that, a raft of MMs have come forward to make the delivery of housing more likely to provide an acceptable rate of supply. This has been achieved by, amongst other things, bringing forward sites previously identified as Contingency Sites, and taking away unnecessary ties on other sites, while applying a more reasonable programme for delivery of the CTCRR.
49. I appreciate that some consider that the revised programme for the delivery of the CTCRR is still unrealistic. On my analysis, given the nature of major infrastructure projects, and potential issues around land ownership, what the Council has put forward remains optimistic, but it is not unreasonably so.
50. One can point to the risks that any delay poses to the Plan, and its housing trajectory, but a risk of that nature works in two ways. Of course, if the CTCRR runs into problems, it will be difficult for the Council to maintain a rolling five-year supply of deliverable housing sites. There is scope for some slippage but even if the Council make no planned response, the Framework<sup>10</sup> makes provision for alternative sites to come forward in those circumstances. That most likely unpalatable possibility, alongside the Council's obvious appreciation of the need for rapid progress on the CTCRR, suggests to me that they will do all they can to bring it forward quickly, and make decisions about it in that context. That is why I do not consider the Council's approach to be unrealistic.
51. There are issues too about the implications for delivery of coupling allocations for Gypsies and Travellers and Travelling Show-People with major allocations for general and affordable housing. It appears that linking provision in this way might lead to difficulties with lending institutions, resulting in developers being unable to proceed with the allocated sites because of funding difficulties. This would have an obviously negative impact on the delivery of general and affordable housing, as well as pitches for Gypsies and Travellers, or plots for Travelling Show-People.
52. I deal with the implications for provision for Gypsies and Travellers, and Travelling Show-People, in detail below but in terms of general and affordable housing, I am satisfied that it is right to maintain the link.
53. Having said that, to be found sound, the Plan needs to give confidence that general and affordable housing, and provision for Gypsies and Travellers and

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<sup>10</sup> I refer here to the 2019 version against which planning applications will be considered

Travelling Show-People, will be delivered. In general terms, I am reassured that there need be little difficulty in this regard. The MMs to the Plan (that I deal with in detail in Issue 3 below) will allow developers to provide the provision required for the travelling community as part of the overarching allocation, off-site, should they so wish, and permit windfall sites to come forward more easily. That ought to deal with any difficulties that might arise in terms of the delivery of either.

54. Other, previously unidentified, infrastructure requirements relating to education provision, and waste facilities have also cropped up. While these do not have quite the same impact on delivery as the issues outlined above, they do need to be addressed through MMs.
55. Against that overall background, I turn to the MMs required to address infrastructure requirements, and the Plan's housing trajectory, in turn. The Plan as submitted includes a Table which sets out that trajectory. This has needed to be changed to reflect the modified assumptions about the delivery of the CTCRR, and the raft of MMs I refer to above. This change **[MM01]** is needed to ensure the Plan is effective, and consistent with national policy.
56. Policy S8 in the Plan as submitted deals with infrastructure, and the need for an Infrastructure Plan, and developer contributions. Having regard to the constraints on housing provision provided by the road network, discussions with the Highway Authority and Highways England highlighted the need for the policy to be expanded to refer directly to the need for highway impacts of development to be mitigated through the vehicle of the Infrastructure Plan. This **[MM06]** is essential in order to ensure that the Plan operates in an effective way.
57. Policy S11 sets out the Plan's intentions for Cullompton. Criterion a) refers to the need for improvements to the M5 motorway and J28 in particular to maintain levels of capacity and safety. Discussions with the Highway Authority and Highways England showed that this wording was lacking and clarity was needed in terms of the strategic nature of the mitigation that would be required, the need to cover the local highway network as well as the motorway, and reference to the Infrastructure Plan(s) referred to in Policy S8. These changes **[MM09]** are needed to make requirements clear and to ensure effectiveness.
58. Policy S12 deals with Crediton. Criterion e) covers the provision of infrastructure but fails to include reference to Green Infrastructure. This omission needs to be rectified **[MM10]** to ensure the Plan is effective in this particular regard.
59. The TIV series of policies relate to development in and around Tiverton. Policy TIV3 addresses environmental protection and Green Infrastructure as part of the Eastern Urban Extension (Policy TIV1). There is repetition in criteria e) and f) in their references to a Sustainable Urban Drainage Scheme and the unnecessary reference in e) needs to be removed **[MM12]** to ensure the policy and thereby the Plan, is effective.
60. Policy TIV4 covers the provision of community facilities linked to the Eastern Urban Extension in Policy TIV1. Based on the submissions of the Waste

Authority<sup>11</sup>, which are accepted by the Council, the development that will be brought forward through the allocation will make demands in terms of recycling facilities that need to be addressed and mitigated. A new criterion f) is required **[MM13]** to ensure that contributions can reasonably be sought to deal with this matter. A corresponding change is needed to Policy TIV15 that covers Tiverton Infrastructure **[MM15]**. Criterion b) of Policy TIV4, as submitted, refers to the need for developers to meet the costs of a 420-place primary school and early years provision. Submissions from the Education Authority<sup>12</sup> that the Council accepts, have clarified that this should refer to provision of a 420-place primary school with early years provision and a children's centre service delivery base. To ensure it performs effectively, the policy needs to be amended to reflect this requirement **[MM14]**.

61. Policy TIV16 allocates a site for 200 dwellings on 14 hectares north of Blundells School. Criterion c) refers to the need for appropriate land shaping to raise areas for development above Flood Zone 3, including an allowance for the effects of climate change, and to create additional flood plain to compensate for the loss of flood plain. However, to comply with national policy, the creation of this additional/compensatory flood plain should also secure wider environmental and sustainability benefits. On that basis, an additional criterion k) is required along with a corresponding change to paragraph 3.60c. These changes **[MM16]** are necessary to ensure the policy is effective and compliant with national policy.
62. Turning then to the manner in which the Plan deals with Cullompton, paragraph 3.70 reflects an earlier understanding of the various ways in which traffic issues in and around the town centre might be dealt with. Further discussions with the Highways Authority and Highways England have crystallised this response into the CTCRR. This changed position **[MM17]** needs to be reflected in paragraph 3.70 to ensure the Plan operates in an effective manner.
63. Policy CU2 refers to North West Cullompton Transport Provision intended to be funded by the Policy CU1 (North West Cullompton) allocation. Criterion h) talks of financial contributions towards capacity improvements at J28 of the M5 motorway. Helpful input from the Highways Authority and Highways England has led to the need for a more specific reference to strategic highway improvements demonstrated by capacity studies that assess the impact of traffic generated by the allocation. This alteration to the policy itself **[MM18]** alongside a corresponding change in paragraph 3.75 of the explanatory text **[MM19]** is needed to make matters clear for potential developers and ensure the Plan is effective.
64. North West Cullompton Community Facilities are the focus of Policy CU4. As set out above, discussions with the Waste and Education Authorities have shown up the need for a new recycling facility generated by development, and clarity in relation to the new school required. Changes to criteria e) and b) of the policy **[MM21, MM20]** are essential to reflect this situation and thereby render the Plan effective.

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<sup>11</sup> Devon County Council

<sup>12</sup> Devon County Council

65. The phasing of the North West Cullompton allocation is addressed in Policy CU6. Criterion i) of the policy requires access improvements to the M5 access before *any* dwellings are occupied and thereafter broadly in step with the development. However, as set out above, thanks to the now completed signals at J28, the Highway Authority and Highways England have agreed that this allocation can deliver 600 dwellings before completion of the CTCRR. To allow the Plan to operate effectively, the benefit of this to the housing trajectory needs to be properly reflected in criterion i) **[MM22]** and the accompanying text in paragraph 3.94 **[MM23]**.
66. The East Cullompton allocation for 1750 dwellings, amongst other things, is the subject of Policy CU7. As suggested, the site lies to the east of the town, on the opposite side of the M5 motorway. Criterion f) requires 'transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress on to the M5 motorway', as well as pedestrian and cycle links across the motorway to the existing town. The reference to new or improved access to the motorway does not reflect the situation now reached with the Highway Authority and Highways England and as such, this part of the policy needs to be changed to explain that what is required is the provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to J28. Those improvements are most likely to flow from the completion of the CTCRR. This amendment **[MM24]** is needed in order to ensure the policy accurately represents what is now required and thereby functions in an effective way.
67. Related to that, Policy CU8 is aimed at East Cullompton Transport Provision. Like criterion f) of Policy CU7 above, criterion a) which deals with mitigation of impacts on J28 of the M5 motorway has been superseded. This also needs to be modified **[MM25]** to refer to the current requirements of the Highway Authority and Highways England to ensure it is consistent and therefore effective.
68. Policy CU10 covers community facilities associated with the East Cullompton allocation. Further discussions with the Education Authority have refined the requirement relating to a primary school. As submitted, criterion a) of the policy requires a 2.5 Ha site to be provided at no cost but this does not reflect current requirements. On that basis, criterion a) needs correction to refer to a serviced site of 2.5 Ha for a new 630 place primary school, or 3 Ha of serviced land in two parcels of 1.1 Ha and 1.9 Ha, appropriately located, for two new primary schools. Criterion c) needs correction too in order to confirm the requirement for land to be provided alongside construction costs for the schools. These changes **[MM26]** are necessary to ensure that Policy CU10 properly reflects current requirements and works in an effective manner.
69. As discussed above, it became clear from the input of the Waste Authority that the additional housing proposed in and around Cullompton would lead to a need for household recycling facilities to be augmented. Policy CU10 requires a new criterion g) **[MM27]** to secure contributions towards such facilities thereby making the policy effective.
70. The phasing of the East Cullompton allocation is the subject of Policy CU12. As submitted, Criterion f) of the policy sets out a need for the first phase of comprehensive M5 access improvements before any dwellings on the

development are occupied followed by strategic interventions in terms highways infrastructure to keep pace with the development overall. However, discussions with the Highway Authority and Highways England have altered this requirement and as a result, criterion f) needs to be changed **[MM28]** to secure 'capacity improvements at Junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies to assess the impact of the traffic generated from the site'. A linked change **[MM29]** is required to paragraph 3.116 of the supporting text. These changes are needed in order to ensure effectiveness.

71. Amongst other things, paragraph 3.120 of the supporting text to Policy CU12 talks about affordable housing and refers to it advancing at a rate of approximately 25%. This is an error because Policy CU7 correctly refers to a rate of 28%. This error needs to be corrected **[MM30]** to ensure the Plan is consistent and thereby effective.
72. The Week Farm employment allocation is the ambit of Policy CU17. Criterion g) talks of the provision of M5 access improvements before any new commercial floorspace is brought into use. Like other allocations referred to above, discussions with the Highway Authority and Highways England have clarified that this would better refer to the capacity improvements at J28 of the M5 motorway informed by capacity studies that assess the impact of traffic that might be generated by the allocation. This revised criterion g) **[MM31]** is necessary to ensure the Plan complies properly with the requirements of the statutory consultees and is therefore effective. A similar change **[MM32]** is required to criterion g) of Policy CU18 that allocates 4.4 ha for employment purposes at Venn Farm, for the same reasons.
73. Policy CU19 provides for the CTCRR. Paragraph 3.143a of the supporting text deals with potential impacts of the new road should it be located on the western side of the M5 motorway in terms of the settings of listed buildings and the conservation area, and archaeology. Input from the Environment Agency has shown that if so located, the CTCRR might also lead to a loss of floodplain that would require mitigation. Additional text **[MM33]** is necessary to make good this important omission and make the Plan effective.
74. The need for strategic infrastructure to cope with the additional development earmarked for Cullompton is covered in Policy CU20. As set out above, the Waste Authority has shown that this additional development will generate a need for expanded recycling facilities. A new criterion n) to the policy **[MM34]** is needed to secure the necessary contributions towards that and to ensure the policy operates in an effective fashion.
75. Policy CU21 of the Plan as submitted allocated Land at Colebrook for 100 dwellings as a contingency site largely because the Council was proceeding on the basis that for highway capacity reasons, the site could not come forward until completion of the North West Cullompton distributor road. However, the Highway Authority has confirmed that this linkage is not necessary and as a result, the contingency status of the site is without foundation. Bringing the site forward earlier will assist in improving the supply of deliverable housing sites early in the Plan period because this site is not dependant either on completion of the CTCRR.

76. On that overall basis, to be properly effective, the policy needs to be amended **[MM35]** to be rid of the contingency site notation, to remove criterion b) that links development to completion of the distributor road, and to make corresponding changes to the accompanying text in paragraph 3.148. Attendant alterations **[MM36]** are also required to paragraph 3.149 to ensure consistency and thereby effectiveness on the subject of off-site highway improvements. There will also be a need to amend the Policies Map (advertised by the Council as Plan MM35).
77. Policy CRE5 allocates a site of 21 ha at Pedlerspool, Crediton for housing, in the main. Criterion b) requires a serviced site of 1.1 Ha for a new primary school. As with other allocations, discussions with the Education Authority have refined the requirements and shown up an ancillary need for early years provision and a children's centre service delivery base. Criterion b) needs additional wording **[MM37]** to provide for that and to ensure the policy operates effectively.
78. With this suite of modifications, the relationship between the provision of housing, other development, and attendant infrastructure, would have a more satisfactory footing. Moreover, while assumptions about the CTCRR might be optimistic, they are not unreasonably so and alongside early release of contingency sites, and sites held back for other reasons (that I address below), the revised trajectory set out in MM01, referred to above, makes it plain that the Plan is well capable of achieving a rolling five-year supply of deliverable housing sites.
79. That much is evident from an analysis of the revised trajectory referred to above (the subject of MM01). The work underpinning that trajectory shows that applying the 'Sedgefield' method, the general requirement is 2,200 dwellings between 2018/19 and 2022/23, 1,364 dwellings between 2023/24 and 2027/28 and 573 dwellings between 2028/29 and 2032/33. With a 20% buffer, those figures increase to 2640, 1637 and 688 respectively, and with a 5% buffer, 2310, 1432, and 602.
80. Against that, there is expected to be a supply of 2,801 dwellings between 2018/19 and 2022/23, 2756 dwellings between 2023/24 and 2027/28 and 1947 dwellings between 2028/29 and 2032/33. In the 20% buffer scenario, that means a supply of 5.30 years between 2018/19 and 2022/23, a supply of 8.42 years between 2023/24 and 2027/28 and a supply of 14.16 years between 2028/29 and 2032/33. In the 5% buffer scenario, those figures are 6.06 years, 9.62 years and 16.18 years respectively.
81. Applying the 'Liverpool method, the general requirement is 2043 dwellings between 2018/19 and 2022/23, 1,442 dwellings between 2023/24 and 2027/28 and 651 dwellings between 2028/29 and 2032/33. With a 20% buffer, those figures increase to 2640, 1637 and 688 respectively, and with a 5% buffer, 2310, 1432 and 602 respectively.
82. Against that, there is expected to be a supply of 2,801 dwellings between 2018/19 and 2022/23, 2756 dwellings between 2023/24 and 2027/28 and 1947 dwellings between 2028/29 and 2032/33. In the 20% buffer scenario, that means a supply of 5.71 years between 2018/19 and 2022/23, a supply of 7.96 years between 2023/24 and 2027/28 and a supply of 12.46 years

between 2028/29 and 2032/33. In the 5% buffer scenario, those figures are 6.53 years, 9.10 years and 14.23 years respectively.

83. In any scenario, therefore, the Plan provides for a rolling five-year supply of housing, in accord with national policy, with a significant surplus in later years of the Plan.

**Issue 3: Whether the provision in the Plan for Gypsies and Travellers and Travelling Show-People has been approached in a positive and effective manner?**

84. The Plan, as submitted, had a number of issues in relation to the provision for Gypsies and Travellers and Travelling Show-People. In the first instance, contrary to Planning Policy for Traveller Sites (PPTS), it fails to provide in full, in specific terms at least, for the need identified in the Plan for 35 pitches for Gypsies and Travellers, and 11 plots for Travelling Show-People, between 2014 and 2034<sup>13</sup>. I appreciate that the District can point to a record of windfall sites for Gypsies and Travellers coming forward. As a consequence, and following the line of pragmatism one is encouraged to take in examining plans, provided the relevant polices make proper provision for these windfall sites to come forward, then the Plan can still function in a positive and effective way.
85. Where allocations have been made, these have been provided as an integral part of major allocations for general and affordable housing. As set out above, in dealing with Issue 2, I see no reason why this linkage need be broken.
86. Nevertheless, to be effective, the Plan needs to avoid building in hurdles to delivery. As such the Plan needs to make it possible for developers of the major housing allocations to provide accommodation for Gypsies and Travellers and Travelling Show-People off-site, and alongside that, for windfall sites for the travelling community to come forward in the countryside.
87. The MMs have been predicated on a preference on the Council's part for provision for Gypsies and Travellers and Travelling Show-People to take place as part of the major allocations for general and affordable housing. On reflection, I am concerned that therein lies a failure to take account of the fact that the Plan will not be meeting the needs of the travelling community in full. To ensure that those needs are properly met, the different forms of provision (through allocation or windfall) must have equal status.
88. Paragraph 2.31, part of the supporting text to Policy S3, must be changed to reflect the changed position. While it is reasonable for the Plan to say that the Council prefers provision as part of the major allocations, the suggestion that provision off-site (or windfalls) will only be accepted where this would provide 'a more favourable outcome' for gypsies and travellers would allow the Council to use its stated preference to block provision on suitable sites elsewhere. This must be changed to 'an acceptable outcome' in order to ensure equal status for on- and off-site provision. With that change, the modification [**MM05 as amended**] would allow the Plan to work effectively.

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<sup>13</sup> Derived from the Gypsy and Traveller Accommodation Assessment

89. Allied to that change, Policy S14 (which deals with development in the countryside) as drafted, makes no accommodation for the needs of Gypsies and Travellers, or Travelling Show-People to be met outside settlements. It must do so in order to allow windfall sites, that the Council will rely on to make up for the shortfall in what has been allocated, to come forward. Changes are required to the policy itself, and the supporting text in paragraph 2.82, to allow for that. This modification **[MM11]** is essential for the Plan to function effectively.
90. Both these modifications defer to Policy DM7 which is the criteria-based development management policy aimed at traveller sites. To form a part of one of the major allocations, meet the 'acceptable' threshold in the supporting text to Policy S3, or square with the requirements of Policy S14, any site would need to accord with all the criteria set out in Policy DM7.
91. As a general approach that is rational. However, Policy DM7 has significant problems in the way it is framed. In particular, it sets out that where development proposals are considered under Policy S14 (referred to above), they are only permissible where the need cannot be met on another suitable site in Mid Devon which has consent or is allocated for Gypsy and Traveller pitches. Again, that would allow alternative provision away from the major allocations, or windfall sites, to be blocked, on the basis that allocations have been made. In a situation where the identified need is not being met in full, that is clearly unacceptable.
92. In response to that, changes are required to the policy itself, and the supporting text. In terms of Policy DM7 itself, the first part sets out criteria that all planning application for pitches and plots (that I take to mean all sites, including those that are part of allocations) must meet. These criteria are reasonable, and it is right that all must be met in order to ensure that sites meet a proper standard.
93. The change to the policy then goes on to deal with provision on allocated sites suggesting that pitches on allocated sites should be provided on-site unless it is demonstrated that off-site provision will achieve a more favourable outcome, taking into account a range of factors. I have no difficulty with the range of factors and that all of them must be considered together, but the 'more favourable outcome' phrase is unacceptable for the reasons set out above. This needs to be amended to 'an acceptable outcome'. Compliance with the range of factors set out would lead to such an outcome.
94. Attendant changes are proposed to the accompanying text in paragraph 4.29. Broadly, the changes follow from the changes to the policy outlined above. Again though, references to 'more favourable' provision need to be amended to read 'acceptable'.
95. A change was also introduced in paragraph 4.29 to suggest that only when provided on-site, will pitches for Gypsies and Travellers be counted against the affordable housing target for the wider allocation concerned. On reflection, I do not consider that justified in the context of the changes in approach necessary to make this aspect of the Plan acceptable. If a housing developer arranges for the pitches for Gypsies and Travellers to be provided off-site, in a way that complies with Policy DM7, as amended, and is tied to the allocation,

then they should properly be included as part of the overall affordable housing target for the allocation. To do otherwise would introduce another potential barrier to meeting the identified need. This part of the amended text must be changed to reflect that.

96. Alongside the others set out above, this modification, suitably amended, **[MM48 as amended]** is necessary to ensure that the approach of the Plan to the provision of accommodation for Gypsies and Travellers, and Travelling Show-People, is positive and effective.

**Issue 3: Have the proposals for J27 been properly justified and is the associated policy effective?**

97. Policy J27 provides for the allocation of a site of approximately 71 hectares, on the southbound side of the M5 motorway, adjacent to Junction 27, for a major tourism, leisure and retail attraction supported by ancillary roadside services and infrastructure, including a pedestrian bridge over the motorway to link the site with Tiverton Parkway railway station.
98. The proposal derives from something of an evidence base<sup>14</sup> but more importantly, what the Council is seeking to achieve through the allocation is the attraction of more visitors to the District, thereby stimulating economic activity, and the provision of jobs. There is nothing amiss about that. Paragraph 18 of the Framework makes very clear the importance of securing economic growth and creating jobs and prosperity. Moreover, paragraph 154 encourages Local Plans to be aspirational. It goes on to make the point that those aspirations should be realistic but there is ample evidence that a development of the sort envisaged could come to fruition. Against that background, while it is somewhat speculative, and without doubt, ambitious, I do not consider the allocation to lack justification.
99. As outlined above, some of the initial objections from neighbouring authorities were couched in terms of a failure in terms of the DtC. As I have set out, there has been no failure by the Council in that regard. In any event, the concerns initially expressed have developed, and they now relate more to the potential impact of the retail element of the proposed allocation on existing centres, and similar outlet shopping facilities. There has also been concern about potential impact on the Tiverton retail offer.
100. Given the significant scale of what is proposed, and in particular the retail element, located away from an existing centre, one would expect any planning application that followed the allocation to include an impact assessment. However, there is no specific requirement in the policy itself. To make good that omission, I required an MM introducing a new policy criterion to suggest that 'any planning application which includes a designer outlet shopping centre should be accompanied by a full Retail and Leisure Impact Assessment'. On reflection, to ensure proper clarity, that criterion needs to have added '.....Impact Assessment to ensure that any potential adverse impacts identified are addressed and mitigated'. With that addition, the modification **[MM40 as amended]** ensures that the policy is effective, in these terms.

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<sup>14</sup> The Mid Devon Tourism Study 2014

101. Moreover, paragraph 3.184c of the Plan sets out that existing town centres will be safeguarded through planning controls. It might be expected that such a Retail and Leisure Impact Assessment will serve to frame the offer presented by the Outlet Shopping Village, given that these facilities can vary greatly in those terms, and the nature and compass of the controls that need to be applied. In that way, any impacts on existing centres and similar facilities, and Tiverton itself, can be kept within reasonable bounds.
102. A major development of the sort proposed, located adjacent to an existing motorway junction, is bound to present challenges in terms of highway capacity and safety. There have been helpful discussions between the Council, the Highway Authority, and Highways England, in this connection. Criterion b), as drafted, talks of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress on to the M5 motorway, and pedestrian and cycling links across the motorway to the nearby railway station at Tiverton Parkway.
103. Ongoing discussions brought out a need to be clear that access needs to be safe and suitable, rather than merely appropriate, and more importantly, that the capacity of Junction 27 of the M5 will need to be improved as part of the scheme, to cope with the additional traffic that will inevitably be generated. The reframed policy criterion b) **[MM38]** is necessary to address these matters and make the overall policy effective. I accept that issues around land ownership might make securing the varying accesses to the site complex, but challenges of this sort are not unusual in major developments. I do not consider that it is necessary to specify how the various landowners might collaborate through the policy. Indeed, doing so might serve to limit the various options available .
104. Relatively near to the site covered by the allocation is the Culm Grasslands Special Area of Conservation (SAC). As drafted the policy includes a requirement in criterion e) for mitigation measures, with a timescale for their provision, and future maintenance. However, discussions with Natural England around this issue, alongside the evidence put forward by the proposers of the scheme<sup>15</sup>, have shown this to be unnecessary. On that basis, criterion e) needs to be removed. A linked change is required to the supporting text at paragraph 3.184d along with reference to the potential loss of floodplain within the site and the need for compensatory measures **[MM39]**. Reference is also needed in paragraph 3.184d to the Priority Habitats that form part of the allocation and the need to ensure they are protected and enhanced in line with criterion c) of the policy **[MM41]**.
105. Bringing those points together, the proposals for J27 have been properly justified and with the changes outlined, the associated policy would be effective.

#### **Issue 4: Is the allocation for housing in Higher Town, Sampford Peverell (Policy SP2) justified?**

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<sup>15</sup> And the Habitat Regulations Assessment Appropriate Assessment Report (2016) in particular

106. This proposed allocation has excited particular controversy fed in part by the planning application for housing on the site that has been before the Council for a large part of the examination<sup>16</sup>. That specific proposal is not a matter for me; I am merely tasked with whether the Council's proposed allocation of the site for housing is justified.
107. Put simply, the allocation was included in the iteration of the Plan submitted for examination to deal with the uplift in housing need caused by the inclusion of the J27 allocation in that same iteration. There has been some strident criticism of the process by which the site was chosen, but I deal with the questions around the SA in my Assessment of Legal Compliance section below.
108. There are a number of issues with the policy as it is framed in the submitted Plan. The first point is that the policy explicitly states that the allocation can only come forward once development of the Policy J27 has commenced. That tie is pointless because the Plan has an overall OAN for housing (to which the J27 allocation contributes) that all housing allocations are intended to address. There is therefore no purpose served in the linkage and it needs to be removed. This change to Policy SP2 **[MM42]** is necessary to make it effective.
109. Secondly, criterion b) says that there should be no development until improved access works to the A361 have been completed. The Highway Authority confirmed that the traffic generated by the proposal is not sufficient to trigger such an onerous requirement. Indeed, it seems to me that given the investment off-site that would be required, criterion b) is in effect, a bar on development of an allocated site. In the absence of any need for the highway works, that is palpably unreasonable. In response to all that, criterion b) must be removed alongside 3.224c of the supporting text. This adjustment **[MM43]** is required to make the policy effective.
110. Much has been made about the relationship of the site with the Sampford Peverell and Grand Western Canal Conservation Areas, and an adjoining listed building. Some of the issues raised bear on the SA and I deal with those below. There are a number of other points I would make in this regard. First, the site proposed for allocation lies outside the confines of the conservation areas concerned. Development of the site in accordance with the allocation would not therefore trigger s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and could not cause harm to the character or appearance of either conservation area. Development would, however, be visible from the conservation areas concerned, which means that the setting of those conservation areas would undergo change. That said, change is not necessarily harmful and I see no reason why visibility of an appropriately designed development on the allocated site need cause any harm to the setting or the significance of either conservation area.
111. The position in relation to the listed building that adjoins the site is different in that s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 protects the setting of listed buildings as well as the buildings

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<sup>16</sup> My understanding is that the Council refused planning permission and an appeal is to be heard through a public inquiry later in the year

themselves<sup>17</sup>. Development of the allocated site would change the setting of the listed building but again, if the design is appropriate then that change need not be harmful to the setting or the significance of the listed building.

112. Criterion c) of Policy SP2 stipulates that the design and landscaping of any scheme must respect the setting and character of the area, conservation area, and listed building and save for a minor correction to reflect the fact that two conservation areas need to be considered meaning that criterion c) needs to refer to conservation areas<sup>18</sup>, that is sufficient of a safeguard in terms of a policy. Of course, in considering any specific scheme for the site, the Council will need to consider very carefully, in terms of its statutory duties, and in the application of national as well as local policy, any impact on the setting and thereby the significance of designated heritage assets, but those are development control matters, in the main.
113. There is an issue around pedestrian and cycle links to Sampford Peverell from the allocation. No mention is made in the policy as drafted and in order to encourage trips through means other than the private car, an additional criterion is required to secure improved access to the village for pedestrians and cyclists. This new criterion **[MM44]** is needed to make the policy effective.
114. As set out above, it is important to consider any potential impact on the setting of the adjoining listed building. The Green Infrastructure required by criterion g) of the policy is essential in this regard but it must also fit in with the existing contours of the site. The 2 Ha required by criterion g) as drafted is not sufficient to achieve that. To remedy that shortfall, a change to criterion g) **[MM45]** is required to increase the amount of Green Infrastructure to 2.5 Ha. This is necessary to ensure the policy is effective. This will require a parallel alteration to the relevant Policies Map which the Council have advertised as Plan MM45.
115. I recognise that the Policy SP2 allocation was included in the Plan alongside the Policy TIV16 allocation to cope with the uplift to OAN that flowed from the inclusion of the Policy J27 allocation. Removing the tie to the Policy J27 allocation from Policy SP2 cuts that link but for the reasons set out above, the link is unnecessary. The Council has calculated an overall OAN that I consider sound and has sought to respond to that through a development strategy that I also consider sound. The Policy SP2 allocation accords with that strategy and adds to the range and nature of sites available in the Plan. It is important to have a variety of sites available to come forward to ensure the trajectory of the Plan, that I deal with above, is brought to fruition. In that overall context, and having regard to the matters set out above, I consider the Policy SP2 allocation has been amply justified.

### **Issue 5: Are the 'managing development' policies effective and consistent with national policy?**

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<sup>17</sup> And is therefore different to s.72(1) which does not protect the setting of a conservation area

<sup>18</sup> A straightforward correction that would not be sufficient to trigger the need for a MM

116. The Plan, as submitted, includes a suite of policies designed to enable the Council to make decisions on development proposals. I identified issues with a number.
117. Policy DM1 addresses the need to secure designs of high quality and sets out a list of criteria against which proposals will be judged. However, Policy DM12 entitled 'Housing Standards' outlines a list of design requirements for housing, including a reference to 'the Nationally Described Space Standard'. Moreover, the other design requirements in this policy, which aim to secure reasonable living conditions for occupiers in terms of internal and external spaces, daylight, sunlight, and privacy, are all design matters that ought to form part of the general approach in Policy DM1.
118. To address that duplication, the remaining criteria of Policy DM12 need to be subsumed into Policy DM1, while Policy DM12 is deleted, and the supporting text amended. Those modifications **[MM46, MM49]** are necessary to make for an effective design policy that complies with national policy.
119. In general terms, the approach to renewable and low carbon energy in Policy DM2 reflects that of the Framework. However, there is a difficulty with the detailed wording of part of the policy in that it requires proposals to cause no significant harm and demonstrate that impacts are or can be made acceptable, but then goes on to require development to preserve landscape character, the setting of heritage assets, living conditions and so forth. The term 'preserve' means to cause no harm, so its inclusion stands in contradiction to the correct approach previously elucidated. This can be resolved by removal of the reference and this modification **[MM47]** is needed to make the policy effective, and to bring it properly into line with national policy.
120. Policy DM19 is aimed at protecting employment land. As submitted, the policy is permissive provided certain criteria are met. Criterion b) requires there to have been no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months. Criterion c) then requires a sequential viability test to be applied after any unsuccessful marketing of the site, based on the following sequence of testing: i) mixed use of the site that incorporates an employment-generating use; then (ii) non-employment use.
121. Bearing in mind paragraph 22 of the Framework, which says that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose, that seems to me far too onerous a requirement. In my view, if criterion b) is satisfied, and suitable marketing has taken place, at an appropriate price, for at least 18 months, without any interest, then an alternative use or uses (given that there would be nothing standing in the way of a mixed-use scheme) should be allowed to come forward. To deal with this matter criterion c) needs to be deleted and a corresponding adjustment made to the supporting text in paragraph 4.60. This modification **[MM50]** is required to ensure an effective policy approach that tallies with national policy.
122. The potential effect of development on heritage assets, and their settings, is the subject of Policy DM25 which applies five criteria to inform decision-

making. This is an area fraught with pitfalls and there are difficulties with all the criteria as framed.

123. Criterion a) says that the Council will apply a presumption in favour of the preservation in situ of the most important heritage assets. However, Statute<sup>19</sup> and national policy takes a different approach and in general terms, seeks to avoid harm to all designated heritage assets, and their settings. Criterion b) deals with development proposals likely to affect heritage assets or their settings but fails to make any reference to significance.
124. Criterion c) refers to the situation where 'proposals would substantially harm heritage assets and their settings' with a direct reference to paragraph 133 of the Framework and the pointer therein towards substantial public benefits. The difficulty with that is the failure to properly reflect paragraph 133 by considering the impact on the significance of any designated heritage asset affected. Moreover, the direct reference to paragraph 133 of the Framework is unnecessary because any proposal put before the Council would have to be considered against the latest version of the Framework. Criterion d) which addresses the situation where less than substantial harm is at issue does not repeat that error but fails to reflect the concentration in the Framework on the significance of designated heritage assets.
125. Criterion e) seeks to ensure that developers make a proportionate but systematic assessment of any impact on the setting of heritage assets with a linkage to the latest advice on such matters from Historic England. Again, there is a need to reflect the fact that setting is an element of the significance of a heritage asset. Further, the link to Historic England advice while well-intentioned risks future difficulties if that advice changes. In response to these points, adjustments are needed to all five criteria. These modifications **[MM51]** bring Policy DM25 into line with national policy and are necessary to make the policy properly effective.
126. Policy DM26 covers the necessity to include green infrastructure in major development. The wording of the policy itself is acceptable but the Environment Agency provided some valuable input in terms of the explanatory text in paragraph 4.88. Clarity is required in relation to the ability of flood plain to provide year-round access, and it does need to be confirmed that development incorporating green infrastructure will need to consider its future management and maintenance. The additions to paragraph 4.88 **[MM52, MM53]** are necessary to put the Plan on a properly effective footing. Moreover, as pointed out by Natural England, Policy S1 that sets out sustainable development priorities needs a reference to 'other green infrastructure' in criterion i) **[MM02]** to ensure effectiveness.
127. Policy DM27 deals with protected landscapes. It is however a little confusing in that it talks of 'development proposals within or affecting those landscapes'. To my mind within or affecting mean the same thing because a development in a protected landscape will obviously affect it. The intention of the Council was to control development within/affecting or in the setting of protected landscapes and the policy needs to be adjusted to take that into account, as

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<sup>19</sup> Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 in particular

suggested too by Natural England. This change **[MM54]** is needed to make the policy function effectively.

128. A consequential change **[MM07]** is required to criterion e) of Policy S9 (Environment) to ensure consistency of approach. As part of the same series of observations, Natural England also pointed out some difficulties with criterion f) of Policy S9 in the way it deals with designated sites of international, national and local biodiversity and geodiversity importance. The resulting alterations put forward in response **[MM08]** are necessary to bring the policy into line with the hierarchy set out in paragraph 118 of the Framework and thereby compliant with national policy.
129. I raised concerns about Policy DM28 which covers other protected sites and its approach to mitigation in criterion c) in the light of the judgment in *People over Wind, Peter Sweetman v Coillte Teoranta* (Case C-323/17) suggesting that the Council take advice on the matter. In the light of that advice, it is necessary to replace the final paragraph of the policy itself alongside an associated change to the supporting text in paragraph 4.102. These adjustments **[MM55]** are necessary to bring the policy into line with case law and thereby make it effective.
130. Bringing all those points together, with the MMs identified, the 'managing development' policies will be effective and consistent with national policy.

## Assessment of Legal Compliance

131. My examination of the legal compliance of the Plan is summarised below.
132. The Plan has been prepared in accordance with the Council's Local Development Scheme. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement.
133. SA has been carried out and is adequate. There has been much criticism of the SA process in relation to the selection of the Policy SP2 site, in particular. However, I would say at the outset that the SA process is one that requires the application of judgment. Someone else might well score sites differently, or reach a different conclusion about the best site to address needs, but the question I need to ask myself is whether the conclusions reached in the SA are reasonable ones. I believe that they are.
134. There are two particular areas of criticism that I need to address. The first is that in assessing the Policy SP2 site against alternatives, the Council failed to have regard to the presence of the Grand Western Canal Conservation Area. The Council told me at one of the hearings that they were of the view that the site proposed for allocation could be developed without causing harm to the conservation area concerned, or its setting, and that could be inferred from the absence of any reference to it in the SA.
135. As explained above, I accept that the Policy SP2 site could be developed without causing harm to the setting or significance of any designated heritage asset so what the Council put to me at the hearing is perfectly plausible. In any event, even if the representors are right, and the Council was ignorant of the presence of the Grand Western Canal Conservation Area in close proximity to the site proposed for allocation, when carrying out SA, their conclusion that the site proposed for allocation could be developed without causing harm to the conservation area concerned, or its setting, means that even if the conservation area had been specifically considered and referenced in the SA, the outcome of the process would have been the same.
136. The second point relates to the manner in which the Policy SP2 site came forward as a response to the uplift in OAN caused by the inclusion of the major development in Policy J27. Having made clear to the Council that the link between the Policy SP2 site and the Policy J27 development should be broken because it serves no purpose, it is said that the SA process should have been re-run to include the entire District because the proximity of the Policy SP2 site to the Policy J27 was a significant factor in its selection.
137. However, it is clear that when the Council considered how to meet the uplift in OAN caused by the inclusion of the J27 allocation in the Plan, it looked at a variety of sites across the District and that while proximity was one factor, the Policy SP2 site alongside the Policy TIV16 site scored better for a variety of reasons. Chief amongst these was that other, larger settlements, like Cullompton, were already thought to be taking a proportion of the District's overall needs that was in line with the Council's strategy. In that context, I do not consider that removing the tie between the Policy SP2 allocation and the Policy J27 development undermines or invalidates the SA process in any way.

138. The March 2015 HRA, read alongside the HRA Addenda of August and December 2016, sets out that an appropriate assessment has been undertaken and that while the Plan may have some negative impact which requires mitigation, that this mitigation has been secured through the Plan, as modified.
139. The Plan includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. In particular, criterion j) of Policy S1 which sets out sustainable development priorities commits the Council to meeting the challenge of climate change by supporting a low carbon future, energy efficiency, increasing the use and supply of renewable and low carbon energy, managing flood risk and conserving natural resources, amongst other things. Moreover, Policy DM2 (as modified) allows for renewable energy schemes to come forward.
140. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.
141. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of sites to meet the needs of Gypsies and Travellers and Travelling Show-People, amongst other things.

## **Overall Conclusion and Recommendation**

142. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
143. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended MMs set out in the attached Appendix, the Mid Devon District Local Plan Review 2013-2033 satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

*Paul Griffiths*

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix – Main Modifications

The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

~~Additions~~ or ~~strikethrough~~ in red are my further changes as referred to in the reasoning above.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
MM01	26-27	Overall Provision of housing and employment	<p><i>Replace Table 6: Housing forecast 2013 – 2033 with the following update:</i></p> <table border="1"> <thead> <tr> <th>Location/Site</th> <th>Policy</th> <th>2013/14</th> <th>2014/15</th> <th>2015/16</th> <th>2016/17</th> <th>2017/18</th> <th>2018/19</th> <th>2019/20</th> <th>2020/21</th> <th>2021/22</th> <th>2022/23</th> <th>2023/24</th> <th>2024/25</th> <th>2025/26</th> <th>2026/27</th> <th>2027/28</th> <th>2028/29</th> <th>2029/30</th> <th>2030/31</th> <th>2031/32</th> <th>2032/33</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td colspan="23"><b>Tiverton</b></td> </tr> <tr> <td>Eastern Urban Extension</td> <td>TIV1-TIV5</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>25</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td><td>25</td><td>550</td> </tr> <tr> <td>Howden Court</td> <td>TIV9</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td> </tr> <tr> <td>Roundhill</td> <td>TIV10</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Phoenix Lane</td> <td>TIV12</td> <td></td><td></td><td></td><td></td><td></td><td>4</td><td></td><td></td><td></td><td>25</td><td>31</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>60</td> </tr> <tr> <td>Tidcombe Hall (contingency)</td> <td>TIV13</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>0</td> </tr> <tr> <td>Blundells School</td> <td>TIV16</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>25</td><td>50</td><td>50</td><td>38</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>200</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>107</td><td>149</td><td>136</td><td>143</td><td>135</td><td>108</td><td>100</td><td>100</td><td>100</td><td>97</td><td></td><td></td><td></td><td></td><td></td><td>1275</td> </tr> <tr> <td>Completions</td> <td></td> <td>93</td><td>70</td><td>98</td><td>89</td><td>128</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>478</td> </tr> <tr> <td>Tiverton Total</td> <td></td> <td>93</td><td>70</td><td>98</td><td>89</td><td>128</td><td>107</td><td>149</td><td>152</td><td>180</td><td>178</td><td>183</td><td>181</td><td>138</td><td>125</td><td>200</td><td>197</td><td>100</td><td>100</td><td>100</td><td>25</td><td>2593</td> </tr> <tr> <td colspan="23"><b>Cullompton</b></td> </tr> <tr> <td>NW Cullompton</td> <td>CU1-CU6</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>49</td><td>100</td><td>100</td><td>150</td><td>150</td><td>176</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td><td>100</td><td>25</td><td></td><td>1350</td> </tr> <tr> <td>East Cullompton</td> <td>CU7-CU12</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>50</td><td>125</td><td>175</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>200</td><td>1750</td> </tr> <tr> <td>Ware Park and Footlands</td> <td>CU14</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>25</td><td>13</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>38</td> </tr> <tr> <td>Colebrook</td> <td>CU21</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>25</td><td>38</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>100</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>91</td><td>71</td><td>53</td><td>25</td><td>12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>252</td> </tr> <tr> <td>Completions</td> <td></td> <td>87</td><td>78</td><td>44</td><td>98</td><td>238</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>545</td> </tr> <tr> <td>Cullompton Total</td> <td></td> <td>87</td><td>78</td><td>44</td><td>98</td><td>238</td><td>91</td><td>71</td><td>114</td><td>150</td><td>137</td><td>238</td><td>275</td><td>376</td><td>313</td><td>300</td><td>300</td><td>300</td><td>300</td><td>225</td><td></td><td>4035</td> </tr> <tr> <td colspan="23"><b>Crediton</b></td> </tr> <tr> <td>Red Hill Cross</td> <td>CRE2</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>50</td><td>50</td><td>23</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>135</td> </tr> <tr> <td>Woods Group</td> <td>CRE4</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>Pedlerspool</td> <td>CRE5</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>25</td><td>50</td><td>50</td><td>38</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>200</td> </tr> <tr> <td>Sports Fields</td> <td>CRE6</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>50</td><td>50</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>120</td> </tr> <tr> <td>Stonewall Lane</td> <td>CRE7</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>25</td><td>25</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>50</td> </tr> <tr> <td>Land at Barn Park</td> <td>CRE8</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Alexandra Close</td> <td>CRE9</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>3</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>15</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>103</td><td>99</td><td>54</td><td>29</td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>295</td> </tr> <tr> <td>Completions</td> <td></td> <td>58</td><td>31</td><td>18</td><td>17</td><td>12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>136</td> </tr> <tr> <td>Crediton Total</td> <td></td> <td>58</td><td>31</td><td>18</td><td>17</td><td>12</td><td>103</td><td>99</td><td>90</td><td>65</td><td>59</td><td>183</td><td>175</td><td>69</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>979</td> </tr> <tr> <td colspan="23"><b>Rural sites</b></td> </tr> <tr> <td>Newton Square</td> <td>BA1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td> </tr> <tr> <td>Hollywell</td> <td>BO1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Hele Road</td> <td>BR1</td> <td></td><td></td><td></td><td></td><td></td><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td> </tr> <tr> <td>Barton</td> <td>CH1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Land off Church Lane</td> <td>CB1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Barnhill Close</td> <td>CF1</td> <td></td><td></td><td></td><td></td><td></td><td>7</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>7</td> </tr> <tr> <td>Linhay Close</td> <td>CL1</td> <td></td><td></td><td></td><td></td><td></td><td>6</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>6</td> </tr> <tr> <td>Land at Fishers Way</td> <td>HA1</td> <td></td><td></td><td></td><td></td><td></td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td> </tr> <tr> <td>Greenway</td> <td>MO1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>20</td> </tr> <tr> <td>Former Tiverton Parkway Hotel</td> <td>SP1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>10</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>10</td> </tr> <tr> <td>Higher Town</td> <td>SP2</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>23</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>60</td> </tr> <tr> <td>Fannys Lane</td> <td>SA1</td> <td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>Old Butterleigh Road</td> <td>SI1</td> <td></td><td></td><td></td><td></td><td></td><td>8</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>8</td> </tr> <tr> <td>The Garage</td> <td>SI2</td> <td></td><td></td><td></td><td></td><td></td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>5</td> </tr> <tr> <td>South of Broadlands</td> <td>TH1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>12</td> </tr> <tr> <td>Land east of MS</td> <td>WI1</td> <td></td><td></td><td></td><td></td><td></td><td></td><td>12</td><td>25</td><td>5</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>42</td> </tr> <tr> <td>Commitments</td> <td></td> <td></td><td></td><td></td><td></td><td></td><td>273</td><td>242</td><td>255</td><td>26</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>796</td> </tr> <tr> <td>Completions</td> <td></td> <td>82</td><td>137</td><td>128</td><td>100</td><td>124</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>571</td> </tr> <tr> <td>Rural Sites Total</td> <td></td> <td>82</td><td>137</td><td>128</td><td>100</td><td>124</td><td>273</td><td>255</td><td>339</td><td>124</td><td>65</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>1627</td> </tr> <tr> <td><b>Total (Mid Devon - all areas)</b></td> <td></td> <td><b>320</b></td><td><b>316</b></td><td><b>288</b></td><td><b>304</b></td><td><b>502</b></td><td><b>574</b></td><td><b>574</b></td><td><b>695</b></td><td><b>519</b></td><td><b>439</b></td><td><b>604</b></td><td><b>631</b></td><td><b>583</b></td><td><b>438</b></td><td><b>500</b></td><td><b>497</b></td><td><b>400</b></td><td><b>400</b></td><td><b>400</b></td><td><b>250</b></td><td><b>9234</b></td> </tr> <tr> <td>Five year totals</td> <td></td> <td></td><td>1730</td><td></td><td></td><td></td><td>2801</td><td></td><td></td><td></td><td></td><td></td><td>2756</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>1947</td><td></td> </tr> <tr> <td>Cumulative five year totals</td> <td></td> <td></td><td>1730</td><td></td><td></td><td></td><td>4531</td><td></td><td></td><td></td><td></td><td></td><td>7287</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>9234</td><td></td> </tr> </tbody> </table>	Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total	<b>Tiverton</b>																							Eastern Urban Extension	TIV1-TIV5														25	100	100	100	100	100	25	550	Howden Court	TIV9										10											10	Roundhill	TIV10								12	8												20	Phoenix Lane	TIV12						4				25	31										60	Tidcombe Hall (contingency)	TIV13																					0	Blundells School	TIV16							12	25	25	50	50	38									200	Commitments							107	149	136	143	135	108	100	100	100	97						1275	Completions		93	70	98	89	128																478	Tiverton Total		93	70	98	89	128	107	149	152	180	178	183	181	138	125	200	197	100	100	100	25	2593	<b>Cullompton</b>																							NW Cullompton	CU1-CU6							49	100	100	150	150	176	100	100	100	100	100	100	25		1350	East Cullompton	CU7-CU12								50	125	175	200	200	200	200	200	200	200	200	200	200	1750	Ware Park and Footlands	CU14												25	13								38	Colebrook	CU21							12	25	25	38											100	Commitments							91	71	53	25	12											252	Completions		87	78	44	98	238																545	Cullompton Total		87	78	44	98	238	91	71	114	150	137	238	275	376	313	300	300	300	300	225		4035	<b>Crediton</b>																							Red Hill Cross	CRE2									12	50	50	23									135	Woods Group	CRE4										8											8	Pedlerspool	CRE5							12	25	25	50	50	38									200	Sports Fields	CRE6								12	50	50	8										120	Stonewall Lane	CRE7										25	25										50	Land at Barn Park	CRE8							12	8													20	Alexandra Close	CRE9							12	3													15	Commitments							103	99	54	29	10											295	Completions		58	31	18	17	12																136	Crediton Total		58	31	18	17	12	103	99	90	65	59	183	175	69	0	0	0	0	0	0	0	979	<b>Rural sites</b>																							Newton Square	BA1									5												5	Hollywell	BO1								12	8												20	Hele Road	BR1						7															7	Barton	CH1								12	8												20	Land off Church Lane	CB1								12	8												20	Barnhill Close	CF1						7															7	Linhay Close	CL1						6															6	Land at Fishers Way	HA1						10															10	Greenway	MO1								12	8												20	Former Tiverton Parkway Hotel	SP1							10														10	Higher Town	SP2							12	25	23												60	Fannys Lane	SA1						8															8	Old Butterleigh Road	SI1						8															8	The Garage	SI2						5															5	South of Broadlands	TH1							12														12	Land east of MS	WI1							12	25	5												42	Commitments							273	242	255	26												796	Completions		82	137	128	100	124																571	Rural Sites Total		82	137	128	100	124	273	255	339	124	65	0	0	0	0	0	0	0	0	0	0	1627	<b>Total (Mid Devon - all areas)</b>		<b>320</b>	<b>316</b>	<b>288</b>	<b>304</b>	<b>502</b>	<b>574</b>	<b>574</b>	<b>695</b>	<b>519</b>	<b>439</b>	<b>604</b>	<b>631</b>	<b>583</b>	<b>438</b>	<b>500</b>	<b>497</b>	<b>400</b>	<b>400</b>	<b>400</b>	<b>250</b>	<b>9234</b>	Five year totals			1730				2801						2756								1947		Cumulative five year totals			1730				4531						7287								9234	
Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																
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MM02	31	S1: Sustainable development priorities	<p><i>Amend criterion i) as follows:</i></p> <p><u>"...recreational trails, and accessible land, and other green infrastructure, and opportunities..."</u></p>																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			

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MM03	32	S2: Amount and distribution of development	<i>Amend policy text as follows:</i> "The diverse development needs of the community will be met through the provision of a <u>minimum of approximately 7,860 dwellings and 147,000 square metres of commercial floorspace between 1<sup>st</sup> April 2013 and 31<sup>st</sup> March 2033.</u> "
MM04	34	S3: Meeting housing needs	<i>Amend criterion a) as follows:</i> "The diverse needs of Mid Devon will be met through the provision of a <u>minimum of approximately 7,860 dwellings between 1<sup>st</sup> April 2013 and 31<sup>st</sup> March 2033.</u> "
MM05	36	Paragraph 2.31	<i>Amend paragraph 2.31 of the supporting text as follows:</i> " <u>....The need for gypsy and traveller pitches will be accommodated by pitches within larger housing sites, for example at Tiverton Eastern Urban Extension, North West Cullompton, East Cullompton and Pedlerspool in Crediton. The Council's preferred approach is for on-site provision as part of larger housing proposals TIV1, CU1, CU7 and CRE5. Provision off-site will only be accepted where it is demonstrated that provision on a different site would achieve an acceptable more favourable outcome for Gypsies and Travellers as described in Policy DM7. Where such an acceptable more favourable outcome can be demonstrated, off-site provision must meet the requirements of Policy DM7, and a mechanism must be put in place to ensure that the pitches are delivered. This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where the off-site provision of pitches generates additional infrastructure needs, developers of the larger housing proposal at TIV1, CU1, CU7 or CRE5 will be expected to contribute fairly towards the cost in accordance with Policies S8 and DM7 of this Plan. The Council is</u>

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			<del>working with the travelling showpeople community to approve a large site near Cullompton which would meet the need requirements set out in the GTAA. Policy DM7 (gypsy and traveller accommodation) manages the development of specific sites"</del>
MM06	46	S8: Infrastructure	<i>Modification to include following text at the end of the policy text:</i>  " <u>Planning permission will be granted only where the impact of development is not considered to be severe. Where severe impacts that are attributable to the development are considered likely, including as a consequence of cumulative impacts, they must be subject to satisfactory mitigation having regard to the latest infrastructure plan</u> ".
MM07	48	S9: Environment	<i>Amend criterion e) as follows:</i>  "The preservation and enhancement of the distinctive qualities of Mid Devon's natural landscape, supporting opportunities identified within the landscape character areas. <u>Within or adjoining the Blackdown Hills Area of Outstanding Natural Beauty, and within the setting of the Blackdown Hills Area of Outstanding Natural Beauty, and Exmoor and Dartmoor National Parks, the primary objective will be to protect the special qualities of that landscape and its setting.</u> "
MM08	48	S9: Environment	<i>Amend criterion f) as follows:</i>  "The protection and enhancement of designated sites of international, national and local biodiversity and geodiversity importance. On both designated and undesignated sites, development will support opportunities for protecting and enhancing species populations and linking habitats. <u>If significant harm resulting from development cannot be avoided providing impacts should be adequately mitigated mitigation and. Compensation measures will only be considered where appropriate as a last resort; and</u> "
MM09	52	S11: Cullompton	<i>Amend criterion a) as follows:</i>  " <del>Make any necessary improvements to the M5 motorway including junction 28</del> <u>strategic mitigations to maintain highway capacity, and safety, integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans;</u> "
MM10	55	S12: Crediton	<i>Add to the end of clause e)</i>

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			" , <u>including green infrastructure</u> "
MM11	59	S14: Countryside and paragraph 2.82	<p><i>Amend criterion a) as follows:</i></p> <p>"a) Affordable and low cost housing to meet local needs, <u>gypsy and traveller accommodation</u>, residential conversion of appropriate existing buildings..."</p> <p><i>Amend the last two sentences of supporting text in para 2.82 as follows:</i></p> <p>"National policy requires that new sites for travellers should be <del>very</del> strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. In certain circumstances the development of such sites outside of settlement limits will be appropriate, providing it can meet the criteria set out within Policy DM7 (gypsy and traveller accommodation)."</p>
MM12	70	TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure	<p><i>Amend criterion e) as follows:</i></p> <p>"Appropriate provision of sewerage system to serve the development <del>and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance ;</del>"</p>
MM13	72	TIV4: Eastern Urban Extension Community Facilities	<p><i>Add additional policy criterion as follows:</i></p> <p>"f) <u>Contributions towards a new recycling centre to serve Tiverton</u>"</p>
MM14	72	TIV4: Eastern Urban Extension Community Facilities	<p><i>Replace criterion b) as follows:</i></p> <p>"<del>Construction cost for one primary school of 410 places and early years provision</del> <u>Provision of a 420-place primary school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers;</u>"</p>
MM15	83	TIV15: Tiverton Infrastructure	<p><i>Add additional policy criterion as follows:</i></p> <p>"l) <u>Provision of a replacement recycling centre facility.</u>"</p>
MM16	84	TIV16: Blundell's School	<p><i>Add additional criterion as follows:</i></p> <p>"k) <u>The creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits.</u>"</p>

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			<p><i>Amend paragraph 3.60c to insert at the end of the sentence:</i></p> <p><u>"subject to the provision of wider environmental and sustainability benefits."</u></p>
MM17	89	Paragraph 3.70	<p><i>Amendment to proposed modified text within paragraph 3.70 as follows:</i></p> <p>"Traffic management measures on Willand Road and Tiverton Road will also be required. Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact on the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under policy CU7 of the Cullompton Town Centre Relief Road."</p>
MM18	90	CU2: North West Cullompton Transport Provision	<p><i>Amendment to criterion (h) as follows:</i></p> <p><u>"Financial contributions towards capacity improvements at Junction 28 of the M5, to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site."</u></p>
MM19	90	Paragraph 3.75	<p><i>Amendment to proposed modified text within paragraph 3.75 as follows:</i></p> <p>"The Development will need to mitigate its impact upon capacity at junction 28 of the M5 by financial contributions towards junction improvements."</p>
MM20	93	CU4: North West Cullompton Community Facilities	<p><i>Replace criterion b) as follows:</i></p> <p><u>"Construction costs for 300 places that arise from the development to contribute to a 420-place primary school with provision for early years; Provision of a 420-place school with early years provision and a children's centre service delivery base funded by appropriate contributions from developers."</u></p>
MM21	93	CU4: North West Cullompton	<p><i>Add additional policy criterion as follows:</i></p>

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		Community Facilities	<u>"e) Contributions towards a new recycling centre to serve Cullompton"</u>
MM22	95	CU6: North West Cullompton Phasing	<i>Replacement policy text for criterion (i) of the policy as follows:</i>  <del>"Provision of M5 access improvements before any dwellings are occupied and thereafter broadly in step with development. Occupation of no more than 600 dwellings prior to the completion of the Cullompton Town Centre Relief Road."</del>
MM23	96	Paragraph 3.94	<i>Amendment to proposed modified text within paragraph 3.94 as follows:</i>  <del>"Devon County Council queue length monitoring at junction 28 of the M5 motorway indicates congestion at the AM peak. The development will need to mitigate its impact upon the junction's capacity through implementation of an improvement scheme, either to the existing junction or in the form of more extensive junction improvement works involving a second overbridge required in connection with development east of Cullompton under Policy CU7. No more than 600 dwellings should be occupied before the Cullompton Town Centre Relief Road is completed and open to traffic. The provision of the Town Centre Relief Road provides increased capacity at J28 M5."</del>
MM24	97	CU7: East Cullompton	<i>Amendment to criterion (f) as follows:</i>  <del>"f) Transport provision to ensure appropriate accessibility for all modes, including a new or improved access and egress onto the M5 motorway Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 28 and pedestrian and cycle links across the motorway to the existing town;"</del>
MM25	99	CU8: East Cullompton Transport Provision	<i>Replacement policy text for criterion (a) of the policy as follows:</i>  <del>"Provision of mitigation measures to ensure only acceptable impacts occur to J28 of the M5 as a result of traffic generated from the site Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;"</del>

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MM26	102	CU10: East Cullompton Community Facilities	<p><i>Amend criterion a) as follows:</i></p> <p><del>"a) A site of 2.5 hectares for a new primary school at no cost to the Local Education Authority</del> <u>A serviced site of 2.5ha for a new 630 place primary school, or alternatively 3ha of serviced land in two parcels of 1.1ha and 1.9ha appropriately located for the delivery of two new primary schools, at no cost to the Local Education Authority;"</u></p> <p><i>Amend criterion c) as follows:</i></p> <p><del>for</del> <u>Construction costs for a primary school capacity of at least 630 places plus additional early years provision, including the requisite land to deliver these facilities.</u> The required primary school capacity should be delivered through the provision of either one or two schools;"</p>
MM27	102	CU10: East Cullompton Community Facilities	<p><i>Add additional policy criterion as follows:</i></p> <p><u>"g) Contributions towards a new recycling centre to serve Cullompton"</u></p>
MM28	104	CU12: East Cullompton Phasing	<p><i>Replacement policy text for criterion (f) as follows:</i></p> <p><del>"f) Provision of the first phase of comprehensive M5 access improvements before any dwellings are occupied, followed by strategic highways infrastructure broadly in step with development Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site; and"</del></p>
MM29	105	Paragraph 3.116	<p><i>Delete penultimate sentence within paragraph 3.116 of the supporting text as follows:</i></p> <p><del>"The first phase referred to in criterion (f) above therefore only relates to the subsequent highway works set out in the Devon County Council Report."</del></p>
MM30	106	CU12: East Cullompton Phasing	<p><i>Paragraph 3.120, amend as follows:</i></p> <p>"Subject to viability, affordable housing will be provided at a rate of approximately <del>25%</del> <u>28%</u>, in step with the market housing."</p>
MM31	110	CU17: Week Farm	<p><i>Replacement policy text for proposed criterion (g) as follows:</i></p>

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			<del>"(g) Provision of M5 access improvements before any commercial floorspace is brought into use Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;"</del>
MM32	111	CU18: Venn Farm	<p><i>Replacement policy text for proposed criterion (g) as follows:</i></p> <p><u>"(g) Provision of M5 access improvements before any commercial floorspace is brought into use Capacity improvements at junction 28 M5 to deliver a strategic highway improvement as demonstrated by capacity studies completed to assess the impact of the traffic generated from the site;"</u></p>
MM33	114	Paragraph 3.143a	<p><i>Amend paragraph 3.143a as follows:</i></p> <p><u>"...the final scheme will need to incorporate design solutions which mitigate such impacts. Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including the provision of appropriate ecological and biodiversity enhancements."</u></p>
MM34	114	CU20: Cullompton Infrastructure	<p><i>Add additional policy criterion as follows:</i></p> <p><u>"n) Provision of a replacement recycling centre facility."</u></p>
MM35	115	CU21: Land at Colebrook	<p><i>Remove contingency status. Modifications proposed as follows:</i></p> <p>Land at Colebrook <del>CONTINGENCY SITE</del></p> <p>A site of 4.8 hectares at Colebrook is identified as a <del>contingency site</del> allocated for residential development to be released in accordance with Policy S4, subject to the following:</p> <ul style="list-style-type: none"> <li>a) 100 dwellings with 28% affordable housing;</li> <li>b) The development shall not commence until completion of the North West Cullompton through route linking Tiverton Road to Willand Road and provision of the first phase of comprehensive M5 access improvements;</li> <li>c) Provision of two points of access from Siskins Chase;</li> <li>d) Provisions of 1.1 hectares of green infrastructure, to include the retention of land in the floodplain as</li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>informal amenity open space and for Sustainable Urban Drainage provision;</p> <ul style="list-style-type: none"> <li>e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;</li> <li>f) Archaeological investigation and appropriate mitigation; and</li> <li>g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.</li> </ul> <p><i>Delete paragraph 3.148 from the supporting text.</i></p> <p><i>Delete penultimate sentence from paragraph 3.149 as follows:</i></p> <p><del>"Site commencement will also need to be deferred until after the completion of the through route linking Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation.</del></p> <p><i>Modify the Policies Map as shown on Plan MM35.</i></p>
MM36	116	Paragraph 3.149	<p><i>Amend paragraph 3.149 of the supporting text as follows:</i></p> <p><del>"3.149 Development in this location has the potential to place pressure on the capacity of both the strategic and local road network. Devon County Council has therefore stipulated that development should only take place providing there is sufficient network capacity. If released, the site will need to be phased to come forward after further M5 access improvements are implemented. Any application for development must undertake an assessment of the impact of the proposal on both the capacity of the local road network and Junction 28 of the M5 and permission will only be granted where there are no significant adverse impacts which cannot be mitigated. Site commencement will also need to be deferred until after the completion of the through route linking Willand Road to Tiverton Road, which is being provided as part of the North West Cullompton allocation. The site is expected to contribute to the provision of off-site highways infrastructure. The development would also be expected to provide two points of access from Siskin Chase."</del></p>

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MM37	121	CRE5: Pedlerspool, Exhibition Road	<i>Amendment to criterion (b) to include reference to:</i>  " <u>...with early years provision and children's centre service delivery base</u> ".
MM38	128	J27: Land at Junction 27 of the M5 Motorway	<i>Replace criterion b) as follows:</i>  <del>"Provision of transport improvements to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5 motorway and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station. Provision of transport improvements to ensure safe and suitable access for all modes, including necessary capacity improvements to M5 Junction 27 and pedestrian and cycling link across the motorway to Tiverton Parkway Railway Station."</del>
MM39	128	J27: Land at Junction 27 of the M5 Motorway and paragraph 3.184d	<i>Delete criterion e):</i>  <del>"Prior to the approval of any planning permission for the site any required mitigation measures for the Culm Grasslands Special Area of Conservation shall be identified and agreed together with a time scale for their provision and a mechanism for their maintenance."</del>  <i>Para 3.184d, amend as follows:</i>  "The proposals for a major facility of this nature needs to be considered carefully in terms of its impacts and the policy makes provision for detailed transport assessments, environmental protection and green infrastructure, energy conservation, provision of improved public transport, pollution and drainage considerations, phasing and importantly, master planning with full public consultation prior to any planning applications being approved. <u>Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including provision of appropriate ecological and biodiversity enhancement.</u> Controls using legal agreements will be required to control the extent and types of use that take place on the site, particularly in respect of retailing which will be tightly controlled. Section 106 planning obligations will also make provision for any necessary infrastructure and public transport improvements <del>and would need to ensure appropriate mechanisms are in place to ensure that</del>

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			<del>the integrity of the Culm Grasslands SAC will not be adversely affected."</del>
MM40	128	J27: Land at Junction 27 of the M5 Motorway	<i>Include additional criterion in policy as follows:</i> "e) Any planning application which includes a 'designer outlet shopping centre' should be accompanied by a full Retail and Leisure Impact Assessment <u>to ensure that any potential adverse impacts identified are addressed and mitigated.</u> "
MM41	129	Paragraph 3.184d	<i>Include the following text at the end of the paragraph 3.184d:</i> " <u>Priority habitats exist within the site and in line with criterion c) of Policy J27 should be protected and enhanced.</u> "
MM42	146	SP2: Higher Town Sampford Peverell	<i>Amend Policy SP2 as follows:</i> "A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, <del>to come forward following the commencement of development of the M5 Junction 27 allocation,</del> subject to the following:"
MM43	146	SP2: Higher Town Sampford Peverell and paragraph 3.224c	<i>Delete criterion b) and re-label the remaining criteria accordingly:</i> " <del>b) No development until the completion of improved access works to the A361;</del> " <i>Delete paragraph 3.224c of the supporting text:</i> " <del>3.224c The Highway Authority has advised that any development of the site should only commence once improvements to the A361 junction at Sampford Peverell have been implemented to create west facing slip roads to enable direct access to and from the west. The site is required to meet additional housing need arising from the allocation at Junction 27 of the M5 motorway. Accordingly it shall only come forward following the commencement of development on that site.</del> "
MM44	146	SP2: Higher Town Sampford Peverell	<i>Include new criterion:</i> " <u>Improved access to the village for pedestrians and cyclists</u> "
MM45	146	SP2: Higher Town	<i>Amend criterion g) as follows:</i>

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		Sampford Peverell	"2 <u>2.5</u> hectares of Green Infrastructure laid out and managed with landscaping and open space."  <i>Modify the Policies Map as shown on Plan MM45.</i>
MM46	153-154	DM1: High Quality Design and new paragraph 4.5b	<i>Insert additional criteria as follows:</i>  "g) <u>Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</u>  h) <u>Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external spaces for recycling, refuse and cycle storage; and</u>  i) <u>On sites of 10 houses or more the provision of 20% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings.'</u> "  <i>Insert additional supporting text as follows:</i>  "4.5b <u>National policy states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. This is particularly important for the design of the homes that people live in and the spaces that surround those homes. The aim in Mid Devon is to deliver high quality buildings and spaces that meet the needs of users, taking account of an aging population whilst ensuring compatibility with surrounding development and uses. Though compliance is delivered through buildings regulations, criterion i) will be implemented through a condition attached to the planning permission.</u> "
MM47	154	DM2: Renewable and low carbon energy	<i>Amend the third sentence in Policy DM2 as follows:</i>  "Proposals must demonstrate that impacts are or can be made acceptable <u>in relation to:</u> <del>and that the development will preserve:</del> "
MM48	164-165	DM7: Traveller sites and paragraph 4.29	<i>Amend Policy DM7 as follows:</i>  1) <u>Planning applications for Pitches and Plots</u>  Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where: a) Suitable onsite facilities will be provided including space for children's play;

Ref	Page	Policy/ Paragraph	Main Modification
			<p>b) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments;</p> <p>c) <u>The site will not cause unacceptable landscape or ecological impact and is not located in an area at high risk of flooding;</u></p> <p>d) Occupation will be limited to those who meet the Government's published definition of gypsies and travellers, including travelling showpeople <u>or their dependents;</u> and</p> <p>e) <u>Safe and convenient access to local facilities is provided</u></p> <p><del>Where development proposals are considered under S13 "Villages", local services can be accessed without the use of a car.</del></p> <p><del>Where development proposals are considered under S14, the need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches.</del></p> <p>Sites with associated employment or storage elements <u>may will be permitted</u> where there is specific justification and the location, <u>scale, and nature</u> of the proposed development will not have harmful impacts on local amenity or the local environment. Gypsy and traveller accommodation may be included as part of the affordable housing requirement.</p> <p><u>2. Provision on allocated sites</u></p> <p><u>Gypsy and Traveller pitches on allocated sites (sought by Policies TIV1, CU1, CU7 or CRE5) should be provided on site unless it is demonstrated that off-site provision will achieve an acceptable more favourable outcome for Gypsies and Travellers taking into account:</u></p> <ul style="list-style-type: none"> <li>i) <u>Pitch numbers;</u></li> <li>ii) <u>Site facilities;</u></li> <li>iii) <u>Accessibility to services, including health and education;</u></li> <li>iv) <u>Early delivery of serviced pitches or plots which are available for occupation; and</u></li> <li>v) <u>The provision of an effective mechanism for delivery.</u></li> </ul> <p><u>Such sites must also meet the requirements of part 1 of Policy DM7 above,</u></p> <p><i>Amend supporting text in paragraph 4.29 as follows:</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>“4.29 There is a need for 35 new pitches for gypsies and travellers for the period 2014-34, and 11 plots for travelling showpeople for the period 2014-34. The majority of this This need is proposed to be met on the largest strategic allocations. The travelling showpeople community is predominately based in one large site at Cullompton, which is at capacity. A need for 11 plots has been identified and the Council is in discussions with a landowner to grant permission for one additional site near to the town which will meet the outstanding requirement. These are to be included within allocated developments at Tiverton Eastern Urban Extension, North West Cullompton, and Pedlerspool in Crediton. Pitches must be provided on-site unless the <u>acceptable more favourable</u> outcome described by Policy DM7 is demonstrated. Any proposals for <u>acceptable more favourable</u> off-site provision must identify and provide serviced sites in accordance with Policy DM7. A clear mechanism to ensure that pitches or plots are delivered in such a way as to achieve an <u>acceptable more favourable</u> outcome for the travelling community must be identified.</p> <p><u>This will usually be through a s106 agreement requiring the developer to identify and obtain planning permission (which will not be unreasonably withheld by the Council) for the required number and standard of pitches. The pitches will be provided by the development itself or where the land is transferred for a nominal value, by an agreed third party Registered Provider or other agreed private provider, for the sole purpose of occupation and ancillary business by Gypsies and Travellers. The off-site provision of pitches must be provided and made available for occupation before the occupation of a specified proportion of the provision of on-site open market dwellings as part of the larger housing proposal at TIV1, CU1, CU7 or CRE5. Where gypsy and traveller pitches are provided on- or off-site on housing allocations, these are to be counted against the affordable housing targets for that site. There are also existing consented sites in Mid Devon. Proposals for gypsy and traveller accommodation will not be permitted in other locations, unless it is demonstrated that the existing consented or allocated sites will not be available to the prospective occupiers in a reasonable timescale.”</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM49	170	DM12: Housing Standards	<p><i>Delete Policy DM12 Housing Standards (incorporating proposed modifications in the 2017 consultation) and move its content, with amendments in accordance with the Inspector's post hearings advice note, to Policy DM1.</i></p> <p><del>"Policy DM12</del></p> <p><del>Housing Standards</del></p> <p><del>New housing development should be designed to deliver:</del></p> <p><del>a) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</del></p> <p><del>b) Suitably sized rooms and overall floorspace which allows for adequate storage and movement within the building together as set out in the Nationally Described Space Standard with external space for recycling, refuse and cycle storage;</del></p> <p><del>c) Private amenity space that reflects the size, location, floorspace and orientation of the property; and</del></p> <p><del>d) On sites of 10 houses or more the provision of 30% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'."</del></p>
MM50	179	DM19: Protection of employment land and paragraph 4.60	<p><i>Delete Policy DM19 criterion c):</i></p> <p><del>"e) A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:</del></p> <p><del>i) Mixed use of the site that incorporates an employment generating use, then</del></p> <p><del>ii) Non-employment use."</del></p> <p><i>Amend para 4.60 of the supporting text as follows:</i></p> <p><del>..."If there is no interest in the site as a result of marketing, the potential of the site for mixed use development including employment must be considered in preference to the total loss of employment. This will involve determining whether the site still has the potential to be developed viably for mixed use development or can only be viable if the whole site is developed for non-employment uses. In</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><del>all cases, the proposed use must not significantly harm any other existing uses in the area, or be harmed by those uses. For example, housing development may not be acceptable in close proximity to general industry, depending on the nature and scale of the industrial use."</del></p>
MM51	186	DM25: Development affecting heritage assets	<p><i>Amend Policy DM25 as follows:</i></p> <p>"a) Apply a presumption in favour of <u>preserving or enhancing all designated preservation in situ in respect of the most important heritage assets and their settings;</u></p> <p>b) Require development proposals likely to <u>affect the significance of</u> heritage assets <del>and their settings</del>, including new buildings, alterations, extensions, changes of use and demolitions, to consider their significance, character, setting (including views to or from), appearance, design, layout and local distinctiveness, and the opportunities to enhance them;</p> <p>c) Only approve proposals that would <u>lead to substantial harm to or total loss of significance of a designated heritage assets where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss</u> <del>be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm or the requirements of paragraph 133 of the National Planning Policy Framework are met;</del></p> <p>d) Where a development proposal <del>would</del> <u>will</u> lead to less than substantial harm <u>to the significance of a designated heritage asset, this that harm will should</u> be weighed against <u>the public benefits of the proposal</u> <del>any public benefit</del>, including securing <u>its</u> optimum viable use; and</p> <p>e) Require developers to make a proportionate but systematic assessment of <u>the any impact on the setting and thereby the significance of heritage asset(s) down in the guidance from Historic England: 'The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3.'</u></p>
MM52	189	Paragraph 4.88	<p><i>Amend paragraph 4.88 as follows:</i></p> <p>... "Green Infrastructure functions can coexist in one place, so the land coverage does not have to be</p>

Ref	Page	Policy/ Paragraph	Main Modification
			extensive in every case, <u>although developments should recognise that floodplain cannot necessarily provide year-round amenity access.</u> "
MM53	189	Paragraph 4.88	<p><i>At the end of paragraph 4.88 include the following sentence:</i></p> <p><u>"Development incorporating green infrastructure will be required to submit management and maintenance details for the proposed green infrastructure."</u></p>
MM54	190	DM27: Protected landscapes, and paragraph 4.94	<p><i>Amend Policy DM27 as follows:</i></p> <p>"Development proposals <del>within or</del> affecting the Blackdown Hills, Area of Outstanding Natural Beauty, Dartmoor National Park, Exmoor National Park and the North Devon Biosphere Reserve must demonstrate that:..."</p> <p><i>Amend paragraph 4.94 as follows:</i></p> <p>"Where major developments are proposed <del>within or adjoining</del> protected landscapes <u>or within the setting of or adjoining the protected landscapes or the National Parks,</u>"</p>
MM55	191-193	DM28: Other protected sites and paragraphs 4.102 and 4.95	<p><i>Amend Policy DM28 as follows:</i></p> <p><i>Delete the final paragraph:</i></p> <p><del>"Where development proposals would lead to an individual or cumulative adverse impact on Natura 2000 sites, planning permission will be refused unless the proposal complies with criteria b) and c) above, and the fundamental integrity of the features of the Natura 2000 site would not be affected"</del></p> <p><i>Replace the deleted final paragraph with:</i></p> <p><u>"Where development proposals are likely (leaving aside mitigation measures) to have a significant effect on a European site (as defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017), an appropriate assessment will be required. In such cases, planning permission will be refused unless it has been ascertained that with mitigation measures in place the development will not adversely affect the integrity of the site."</u></p> <p><i>Amend supporting paragraph 4.102 as follows:</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><i>Delete the sentence:</i></p> <p><del>"... In the case of Natura 2000 sites, compensatory measures may only be considered if the proposal is deemed to be of overriding public interest and would involve engagement with both Central Government and European Commission."</del></p> <p><i>Replace the deleted sentence with:</i></p> <p><u>"... In the case of European sites, where the risk of harm to the integrity of a site has not been ruled out in an appropriate assessment planning permission may be granted for the development only if there is no alternative solution and the development must be carried out for imperative reasons of overriding public interest. In such cases, any necessary compensatory measures must be secured."</u></p> <p><i>Amend the paragraph 4.95 through the deletion of the words:</i></p> <p><del>"Natura 2000 sites" and "Natura 2000 site" and the replacement of these words with the words "European Sites" and "European Site".</del></p>

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## **Mid Devon Local Plan Review 2013-33**

### **Schedule of Additional Modifications and Policies Map changes following 2019 Examination Main Hearings**

**Date: November 2019**

Additional modifications are identified in *italics* and are shown as either ~~strikethrough~~ for deletions or underlined for additions to the text of the Local Plan Review Proposed Submission (incorporating modifications) January 2017.

No.	Policy/ paragraph	Page	Change	Reason
1.	General		Minor formatting/typographic corrections throughout the Plan. These have not been identified individually in this schedule.	To aid clarity and consistency throughout the Plan and to reflect other MMs and AMs that are proposed.
2.	Preparation of the Local Plan	6	Paragraph 1.6, amend as follows:  “The National Planning Policy Framework (NPPF) was <i>originally</i> introduced in March 2012 and replaced multiple national policy statements and guidance with an overarching planning policy document.”	To provide clarity. There have been subsequent revisions of the NPPF (latest Feb 2019), however the plan does not reference this update as it has been examined under the original 2012 version of the framework.
3.	Preparation of the Local Plan	7	Paragraph 1.8, amend as follows:  <u>“Under ‘transitional arrangements’ introduced alongside recent revisions to the NPPF, the Local Plan Review has been examined under the original 2012 version of the NPPF.”</u>	To provide clarity. Clarifies that plan is examined under 2012 version of the NPPF.
4.	Preparation of the Local Plan	7/8	Paragraph 1.11, amend as follows:  “The HRA concludes that the development proposed in the Local Plan alone, <u>and in combination with other plans and projects</u> , will not result in adverse effects on the integrity of European Sites around Mid Devon. <del>However uncertainties exist regarding the potential for North Devon and Torridge Local Plan to have significant effects on the integrity of the Culm Grasslands SAC as a result of increased air pollution. Therefore it is not yet possible to conclude that there will be no likely significant effects as a result of implementing the new Mid Devon Local Plan in combination with the North Devon</del>	To provide clarity. The updated HRA concludes that there are no adverse effects of the Plan, either on its own or in combination with other plans (including the North Devon and Torridge Plan).

			<del>and Torrige Local Plan. Further work has been commissioned to determine this impact; the HRA will be updated to reflect the latest evidence.</del>							
5.	Preparation of the Local Plan	8	Text under paragraph 1.13 (fourth bullet point), amend as follows:  "A population of <del>78,600</del> <u>79,800</u> ( <del>2013 Mid Year Estimate</del> <u>2016 Devon County Council PPSA Estimates</u> )"	Update population estimate based on latest available figure from DCC						
6.	Vision and Spatial Strategy	9	Paragraph 1.15, amend as follows:  "The vision ( <del>in conjunction with the and</del> -spatial strategy) describes how the sustainable development of Mid Devon will bring positive benefits to local communities through promoting community well-being, supporting economic success, conserving and enhancing the area and respecting environmental limits:	To provide clarity and correct grammatical error.						
7.	Neighbourhood Planning	13	Paragraph 1.19, amend as follows:  "The Council will support local communities wishing to pursue neighbourhood planning. Cullompton, Crediton, <del>and</del> Silverton <u>and Tiverton</u> <del>Halberton</del> were the first to initiate neighbourhood planning in Mid Devon."	To provide clarity. Halberton is no longer part of the Tiverton Neighbourhood Plan area.						
8.	Superseded Policies	18/19	Table 2, update as follows: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">AL/CU/15</td> <td style="width: 35%;">Cullompton Air Quality</td> <td style="width: 50%;">Replaced in part by: S11 Cullompton Also, each site allocation within Cullompton is <del>requires</del> in their policy to have a transport assessment and implement a travel plan to minimise the carbon footprint and air quality impacts</td> </tr> <tr> <td>AL/BO/2</td> <td>Bow, South of Iter Cross</td> <td>Deleted: No evidence of demand for employment allocation. Long-term protection of the allocation would be contrary to <del>paragraph 22 of</del> the National Planning Policy Framework.</td> </tr> </table>	AL/CU/15	Cullompton Air Quality	Replaced in part by: S11 Cullompton Also, each site allocation within Cullompton is <del>requires</del> in their policy to have a transport assessment and implement a travel plan to minimise the carbon footprint and air quality impacts	AL/BO/2	Bow, South of Iter Cross	Deleted: No evidence of demand for employment allocation. Long-term protection of the allocation would be contrary to <del>paragraph 22 of</del> the National Planning Policy Framework.	Correct of typographical error. References to NPPF paragraphs removed to avoid confusion with post-2012 updates to the framework.
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DM14	Design of housing	<del>Replaced in part by: DM1 High quality design</del> <del>Replaced by: DM12 Housing Standards</del> <del>Design of housing</del>								
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10.	Sustainable development principles	22	<p>Second paragraph, amend as follows:</p> <p><del>The NPPF (2012), Paragraph 7</del> states that: "There are three distinct dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:</p>	References to NPPF paragraphs removed to avoid confusion with post-2012 updates to the framework.						
11.	Sustainable development principles	22	<p>Third paragraph, amend as follows:</p> <p><del>The NPPF (2012), Paragraphs 8 and 9</del> clarify that "These roles should not be undertaken in isolation because they are mutually dependent" and:</p>	References to NPPF paragraphs removed to avoid confusion with post-2012 updates to the framework.						

12.	Overall provision of housing and employment	23	Paragraph 2.1b, amend as follows:  The <u>SHMA</u> concludes that there is no need for further upward adjustment to reflect market signals or other such factors.	To correct typographical error.										
13.	Overall provision of housing and employment	23	Paragraph 2.2, amend as follows:  “ <del>7,860</del> <del>7,200</del> dwellings are required over the plan period, equating to <del>393</del> <del>360</del> dwellings per year. The following table sets out the situation at 31st March <del>2018-2016</del> <del>2014</del> , indicating a remaining need for about <del>3,512</del> <del>4,924</del> <del>5,511</del> dwellings to be allocated.”	To reflect most recently available housing land monitoring data (March 2018).										
14.	Overall provision of housing and employment	23	Table 4, update as follows:  <table border="1"> <tr> <td>Local Plan requirement</td> <td><del>7,860</del><del>7,200</del></td> </tr> <tr> <td>Completions since 2013</td> <td><del>1,730</del><del>924</del><del>320</del></td> </tr> <tr> <td>Commitments (dwellings under construction or with planning permission)</td> <td><del>2,618</del><del>2,012</del><del>1,369</del></td> </tr> <tr> <td>Uncommitted requirement</td> <td><del>3,512</del><del>4,924</del><del>5,511</del></td> </tr> </table>	Local Plan requirement	<del>7,860</del> <del>7,200</del>	Completions since 2013	<del>1,730</del> <del>924</del> <del>320</del>	Commitments (dwellings under construction or with planning permission)	<del>2,618</del> <del>2,012</del> <del>1,369</del>	Uncommitted requirement	<del>3,512</del> <del>4,924</del> <del>5,511</del>	To reflect most recently available housing land monitoring data (March 2018).		
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16.	Overall provision of housing and employment	24	<p>Paragraph 2.4, amend as follows:</p> <p><i>"The Local Plan <del>allocates 10%</del> makes provision for 17% more housing than is required, to provide flexibility and account for unforeseen circumstances that might prevent some sites from coming forward as expected such as not all commitments translating into completions. The availability of land for housing, taking account of existing commitments and allocations is set out in the following trajectory. <del>The development of existing commitments is forecast to take three years, spread evenly across that period.</del></i></p>	To reflect most recently available housing land monitoring data (March 2018) and more accurately state that % housing delivered over requirement is total Local Plan provision rather than only what is allocated. Reference to existing commitments forecast to deliver over three years no longer accurate. An updated housing trajectory is set out in the Council's Local Plan Review Housing Land Supply Update (June 2019).																								
17.	Overall provision of housing and employment	24	<p>Chart 1, update as follows:</p>	To reflect most recently available housing land monitoring data (March 2018) and the updated housing trajectory set out in the Council's Local Plan Review Housing Land Supply Update (June 2019).																								

			<p><b>Overall Housing Trajectory 2013-2033</b></p> <table border="1"> <caption>Estimated data for Overall Housing Trajectory 2013-2033</caption> <thead> <tr> <th>Year</th> <th>Tiverton</th> <th>Cullompton</th> <th>Crediton</th> <th>Rural</th> </tr> </thead> <tbody> <tr><td>2013/14</td><td>100</td><td>80</td><td>60</td><td>80</td></tr> <tr><td>2014/15</td><td>80</td><td>70</td><td>40</td><td>80</td></tr> <tr><td>2015/16</td><td>100</td><td>50</td><td>30</td><td>70</td></tr> <tr><td>2016/17</td><td>100</td><td>60</td><td>40</td><td>70</td></tr> <tr><td>2017/18</td><td>130</td><td>250</td><td>0</td><td>120</td></tr> <tr><td>2018/19</td><td>100</td><td>100</td><td>100</td><td>280</td></tr> <tr><td>2019/20</td><td>150</td><td>80</td><td>100</td><td>250</td></tr> <tr><td>2020/21</td><td>150</td><td>120</td><td>100</td><td>330</td></tr> <tr><td>2021/22</td><td>180</td><td>150</td><td>70</td><td>120</td></tr> <tr><td>2022/23</td><td>180</td><td>140</td><td>60</td><td>60</td></tr> <tr><td>2023/24</td><td>180</td><td>240</td><td>180</td><td>0</td></tr> <tr><td>2024/25</td><td>180</td><td>280</td><td>170</td><td>0</td></tr> <tr><td>2025/26</td><td>140</td><td>380</td><td>70</td><td>0</td></tr> <tr><td>2026/27</td><td>130</td><td>320</td><td>0</td><td>0</td></tr> <tr><td>2027/28</td><td>200</td><td>300</td><td>0</td><td>0</td></tr> <tr><td>2028/29</td><td>200</td><td>300</td><td>0</td><td>0</td></tr> <tr><td>2029/30</td><td>100</td><td>300</td><td>0</td><td>0</td></tr> <tr><td>2030/31</td><td>100</td><td>300</td><td>0</td><td>0</td></tr> <tr><td>2031/32</td><td>100</td><td>300</td><td>0</td><td>0</td></tr> <tr><td>2032/33</td><td>30</td><td>220</td><td>0</td><td>0</td></tr> </tbody> </table>	Year	Tiverton	Cullompton	Crediton	Rural	2013/14	100	80	60	80	2014/15	80	70	40	80	2015/16	100	50	30	70	2016/17	100	60	40	70	2017/18	130	250	0	120	2018/19	100	100	100	280	2019/20	150	80	100	250	2020/21	150	120	100	330	2021/22	180	150	70	120	2022/23	180	140	60	60	2023/24	180	240	180	0	2024/25	180	280	170	0	2025/26	140	380	70	0	2026/27	130	320	0	0	2027/28	200	300	0	0	2028/29	200	300	0	0	2029/30	100	300	0	0	2030/31	100	300	0	0	2031/32	100	300	0	0	2032/33	30	220	0	0	
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Location/Site	Policy	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Total
<b>Tiverton</b>																						
Eastern Urban Extension	TIV1-TIV5														25	100	100	100	100	100	25	550
Howden Court	TIV9										10											10
Roundhill	TIV10								12	8												20
Phoenix Lane	TIV12							4			25	31										60
Tidcombe Hall (contingency)	TIV13																					0
Blundells School	TIV16							12	25	25	50	50	38									200
Commitments							107	149	136	143	135	108	100	100	100	100	97					1275
Completions		93	70	98	89	128																478
<b>Tiverton Total</b>		<b>93</b>	<b>70</b>	<b>98</b>	<b>89</b>	<b>128</b>	<b>107</b>	<b>149</b>	<b>152</b>	<b>180</b>	<b>178</b>	<b>183</b>	<b>181</b>	<b>138</b>	<b>125</b>	<b>200</b>	<b>197</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>25</b>	<b>2593</b>
<b>Cullompton</b>																						
NW Cullompton	CU1-CU6							49	100	100	150	150	176	100	100	100	100	100	100	25		1350
East Cullompton	CU7-CU12										50	125	175	200	200	200	200	200	200	200		1750
Ware Park and Footlands	CU14												25	13								38
Colebrook	CU21							12	25	25	38											100
Commitments							91	71	53	25	12											252
Completions		87	78	44	98	238																545
<b>Cullompton Total</b>		<b>87</b>	<b>78</b>	<b>44</b>	<b>98</b>	<b>238</b>	<b>91</b>	<b>71</b>	<b>114</b>	<b>150</b>	<b>137</b>	<b>238</b>	<b>275</b>	<b>376</b>	<b>313</b>	<b>300</b>	<b>300</b>	<b>300</b>	<b>300</b>	<b>225</b>	<b>4035</b>	
<b>Crediton</b>																						
Red Hill Cross	CRE2										12	50	50	23								135
Woods Group	CRE4											8										8
Pedlerspool	CRE5							12	25	25	50	50	38									200
Sports Fields	CRE6									12	50	50	8									120
Stonewall Lane	CRE7										25	25										50
Land at Barn Park	CRE8							12	8													20
Alexandra Close	CRE9							12	3													15
Commitments							103	99	54	29	10											295
Completions		58	31	18	17	12																136
<b>Crediton Total</b>		<b>58</b>	<b>31</b>	<b>18</b>	<b>17</b>	<b>12</b>	<b>103</b>	<b>99</b>	<b>90</b>	<b>65</b>	<b>59</b>	<b>183</b>	<b>175</b>	<b>69</b>	<b>0</b>	<b>979</b>						
<b>Rural sites</b>																						
Newton Square	BA1										5											5
Hollywell	BO1									12	8											20
Hele Road	BR1							7														7
Barton	CH1									12	8											20
Land off Church Lane	CB1									12	8											20
Barnhill Close	CF1							7														7
Linhay Close	CL1							6														6
Land adj Fishers Way	HA1							10														10
Greenaway	MO1									12	8											20
Former Tiverton Parkway Hotel	SP1							10														10
Higher Town	SP2							12	25	23												60
Fannys Lane	SA1							8														8
Old Butterleigh Road	SI1						8															8
The Garage	SI2						5															5
South of Broadlands	TH1							12														12
Land east of M5	WI1							12	25	5												42
Commitments							273	242	255	26												796
Completions		82	137	128	100	124																571
<b>Rural Sites Total</b>		<b>82</b>	<b>137</b>	<b>128</b>	<b>100</b>	<b>124</b>	<b>273</b>	<b>255</b>	<b>339</b>	<b>124</b>	<b>65</b>	<b>0</b>	<b>1627</b>									
<b>Total (Mid Devon - all areas)</b>		<b>320</b>	<b>316</b>	<b>288</b>	<b>304</b>	<b>502</b>	<b>574</b>	<b>574</b>	<b>695</b>	<b>519</b>	<b>439</b>	<b>604</b>	<b>631</b>	<b>583</b>	<b>438</b>	<b>500</b>	<b>497</b>	<b>400</b>	<b>400</b>	<b>400</b>	<b>250</b>	<b>9234</b>
<b>Five year totals</b>						1730			2801					2756					1947			
<b>Cumulative five year totals</b>						1730			4531					7287					9234			

19.	Overall provision of housing and employment	26	Delivery of housing will be monitored <i>annually continuously</i> with information published <i>annually</i> in the Authority's Monitoring Report <i>each December</i> .	To more accurately reflect the Council's monitoring procedures.																					
20.	Overall provision of housing and employment	27	<p>Table 7, update as follows:</p> <table border="1"> <tr> <td>A</td> <td>Local Plan requirement 2013-2033</td> <td><del>7,200</del> 7,860</td> </tr> <tr> <td>B</td> <td>Implied annual rate 2013-2033 (A ÷ 20)</td> <td><del>360</del> 393</td> </tr> <tr> <td>C</td> <td><del>Local Plan requirement to date, 2013-2014 (B * 1)</del> <del>Local Plan requirement to date, 2013-2016 (B * 3)</del> <u>Local Plan requirement to date, 2013-2018 (B * 5)</u></td> <td><del>360</del> <del>1,179</del> 1,965</td> </tr> <tr> <td>D</td> <td>Completions April 2013-March 20<del>14</del><u>18</u></td> <td><del>320</del> <del>924</del> 1,730</td> </tr> <tr> <td>E</td> <td>Shortfall to date, 2013-20<del>14</del><u>18</u> (C – D)</td> <td><del>40</del> <del>255</del> 235</td> </tr> <tr> <td>F</td> <td><del>Local Plan requirement 2015-2020 (B * 5)</del> <del>Local Plan requirement 2016-2021 (B * 5)</del> <u>Local Plan requirement 2018-2023 (B * 5)</u></td> <td><del>1,800</del> 1,965</td> </tr> <tr> <td>G</td> <td>5 year supply requirement (E + F)</td> <td><del>1,840</del> <del>2,220</del> 2,200</td> </tr> </table>	A	Local Plan requirement 2013-2033	<del>7,200</del> 7,860	B	Implied annual rate 2013-2033 (A ÷ 20)	<del>360</del> 393	C	<del>Local Plan requirement to date, 2013-2014 (B * 1)</del> <del>Local Plan requirement to date, 2013-2016 (B * 3)</del> <u>Local Plan requirement to date, 2013-2018 (B * 5)</u>	<del>360</del> <del>1,179</del> 1,965	D	Completions April 2013-March 20 <del>14</del> <u>18</u>	<del>320</del> <del>924</del> 1,730	E	Shortfall to date, 2013-20 <del>14</del> <u>18</u> (C – D)	<del>40</del> <del>255</del> 235	F	<del>Local Plan requirement 2015-2020 (B * 5)</del> <del>Local Plan requirement 2016-2021 (B * 5)</del> <u>Local Plan requirement 2018-2023 (B * 5)</u>	<del>1,800</del> 1,965	G	5 year supply requirement (E + F)	<del>1,840</del> <del>2,220</del> 2,200	To reflect most recently available housing land monitoring data (March 2018) and the updated five year housing land supply calculation (based on 'Sedgefield' method) set out in the Council's Local Plan Review Housing Land Supply Update (June 2019)
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			<del>2021/22-2025/26-2023/24-2027/28</del> and <del>2026/27-2030/31-2028/29-2032/33</del> , this is substantially higher, as shown in the table below. The table indicates that even applying <del>the a</del> 20% buffer in the short term, there is flexibility in the plan to ensure sufficient housing will come forward for the Council to demonstrate a five year supply in accordance with national policy.”	housing land supply calculation (based on ‘Sedgefield’ method) set out in the Council’s Local Plan Review Housing Land Supply Update (June 2019)																
22.	Overall provision of housing and employment	27	Table 8, update as follows: <table border="1"> <thead> <tr> <th></th> <th><del>2015-2020</del> <del>2016/17-2020/21</del> <del>2018/19-2022/23</del></th> <th><del>2020-2025</del> <del>2021/22-2025/26</del> <del>2023/24-2027/28</del></th> <th><del>2025-2030</del> <del>2026/27-2030/31</del> <del>2028/29-2032/33</del></th> </tr> </thead> <tbody> <tr> <td>Requirement</td> <td><del>2,200</del>2,220<del>1,840</del></td> <td><del>1,364</del>1,965<del>1,800</del></td> <td><del>573</del>1,136<del>1,800</del></td> </tr> <tr> <td>Trajectory</td> <td><del>2,801</del>2,651<del>2,169</del></td> <td><del>2,756</del>2,560<del>2,487</del></td> <td><del>1,947</del>1,994<del>1,746</del></td> </tr> <tr> <td>Surplus</td> <td><del>272</del>0<del>15</del>%</td> <td><del>102</del>30<del>38</del>%</td> <td><del>240</del>76<del>9</del>%</td> </tr> </tbody> </table>		<del>2015-2020</del> <del>2016/17-2020/21</del> <del>2018/19-2022/23</del>	<del>2020-2025</del> <del>2021/22-2025/26</del> <del>2023/24-2027/28</del>	<del>2025-2030</del> <del>2026/27-2030/31</del> <del>2028/29-2032/33</del>	Requirement	<del>2,200</del> 2,220 <del>1,840</del>	<del>1,364</del> 1,965 <del>1,800</del>	<del>573</del> 1,136 <del>1,800</del>	Trajectory	<del>2,801</del> 2,651 <del>2,169</del>	<del>2,756</del> 2,560 <del>2,487</del>	<del>1,947</del> 1,994 <del>1,746</del>	Surplus	<del>272</del> 0 <del>15</del> %	<del>102</del> 30 <del>38</del> %	<del>240</del> 76 <del>9</del> %	To reflect most recently available housing land monitoring data (March 2018) and the updated five year housing land supply calculation (based on ‘Sedgefield’ method) set out in the Council’s Local Plan Review Housing Land Supply Update (June 2019)
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23.	Overall provision of housing and employment	27	Paragraph 2.9, amend as follows:  “The Local Plan makes provision for <del>1,374</del> <del>774</del> 628 dwellings over and above the identified requirement.”	To reflect most recently available housing land monitoring data (March 2018) and updated housing trajectory set out in the Council’s Local Plan Review Housing Land Supply Update (June 2019)																
24.	Overall provision of housing and employment	28	Paragraph 2.10, amend as follows:  “When including windfalls, the Council will assume a minimum of <del>104</del> <del>129</del> dwellings per year, which <u>is calculated in line with the most recently published version of the Exeter housing market area Housing and Economic Land Availability Assessment (HELAA) methodology (April 2017)</u> <del>was accepted by the Strategic Housing Land Availability Assessment Panel (SHLAA Panel) in the Mid Devon SHLAA Report (2013).</del> ”	The site assessment process previously known as the Strategic Housing Land Availability Assessment (SHLAA) has been renamed as the Housing and Economic Land Availability Assessment (HELAA). This minor amendment reflects the change in terminology and also ensures that the assumed windfall figure reflects the most recent version																

				of the HELAA methodology (2017).																								
25.	Overall provision of housing and employment	28	<p>Paragraph 2.11, amend as follows:</p> <p>“The Local Plan allocates <del>three two one</del> ‘contingency sites’ for housing. <del>These</del> <u>This</u> developments will only be permitted if housing delivery across the district falls below defined ‘action levels’ or the Council is unable to demonstrate a five year housing supply in accordance with national policy. The release of <del>the</del> contingency sites will be the Council’s preference if the supply of housing is insufficient, but proposals on other sites will also be considered on their merits according to the presumption in favour of sustainable development set out in national policy.”</p>	To reflect proposed main modification MM35 - removal of contingency status of Policy CU21 Land at Colebrook. The LPR now provides one remaining contingency site (Tidcombe Hall TIV13).																								
26.	Overall provision of housing and employment	28	<p>Table 9, update as follows:</p> <table border="1"> <thead> <tr> <th>Location</th> <th>Completions (sqm)</th> <th>Commitments (sqm)</th> <th>Local Plan allocations (of <u>which remains unconsented</u> provision (sqm)</th> </tr> </thead> <tbody> <tr> <td><b>Tiverton</b></td> <td><u>4,2181,550</u></td> <td><u>43,216805</u></td> <td><u>37,000</u> <del>(8,981)38,000</del></td> </tr> <tr> <td><b>Cullompton</b></td> <td><u>9,2733,598</u></td> <td><u>29,80819,669</u></td> <td><u>57,000</u> <del>(30,702)65,000</del></td> </tr> <tr> <td><b>Crediton</b></td> <td><u>2,045520</u></td> <td><u>6,8632052</u></td> <td>9,820 <del>(5,429)</del></td> </tr> <tr> <td><b>Junction 27</b></td> <td>0</td> <td>0</td> <td><u>42,550</u> <del>(42,550)</del></td> </tr> <tr> <td><b>Rural</b></td> <td><u>30,9774,119</u></td> <td><u>48,47620,733</u></td> <td><u>22,355</u> <del>(0)13,0008,800</del></td> </tr> </tbody> </table>	Location	Completions (sqm)	Commitments (sqm)	Local Plan allocations (of <u>which remains unconsented</u> provision (sqm)	<b>Tiverton</b>	<u>4,2181,550</u>	<u>43,216805</u>	<u>37,000</u> <del>(8,981)38,000</del>	<b>Cullompton</b>	<u>9,2733,598</u>	<u>29,80819,669</u>	<u>57,000</u> <del>(30,702)65,000</del>	<b>Crediton</b>	<u>2,045520</u>	<u>6,8632052</u>	9,820 <del>(5,429)</del>	<b>Junction 27</b>	0	0	<u>42,550</u> <del>(42,550)</del>	<b>Rural</b>	<u>30,9774,119</u>	<u>48,47620,733</u>	<u>22,355</u> <del>(0)13,0008,800</del>	To reflect most recently available commercial land monitoring data (March 2018). As a significant amount of allocated commercial land now has planning permission or is being/has been developed (so included in the completions and commitments figures), a separate figure is included in the final column to show the remaining total for allocations that do not yet have planning consent. The previous table did not make clear whether the figure given was the total allocation or only the remaining unconsented allocation. This minor modification therefore provides clarity by making this distinction clear. Also provides
Location	Completions (sqm)	Commitments (sqm)	Local Plan allocations (of <u>which remains unconsented</u> provision (sqm)																									
<b>Tiverton</b>	<u>4,2181,550</u>	<u>43,216805</u>	<u>37,000</u> <del>(8,981)38,000</del>																									
<b>Cullompton</b>	<u>9,2733,598</u>	<u>29,80819,669</u>	<u>57,000</u> <del>(30,702)65,000</del>																									
<b>Crediton</b>	<u>2,045520</u>	<u>6,8632052</u>	9,820 <del>(5,429)</del>																									
<b>Junction 27</b>	0	0	<u>42,550</u> <del>(42,550)</del>																									
<b>Rural</b>	<u>30,9774,119</u>	<u>48,47620,733</u>	<u>22,355</u> <del>(0)13,0008,800</del>																									

			<table border="1"> <tr> <td><b>Totals</b></td> <td><u>46,5139,787</u></td> <td><u>128,36343,259</u></td> <td><u>168,725 (87,662)</u> <del>159,370</del><u>121,620</u></td> </tr> </table>	<b>Totals</b>	<u>46,5139,787</u>	<u>128,36343,259</u>	<u>168,725 (87,662)</u> <del>159,370</del> <u>121,620</u>	clarification that totals are in square metres (sqm).
<b>Totals</b>	<u>46,5139,787</u>	<u>128,36343,259</u>	<u>168,725 (87,662)</u> <del>159,370</del> <u>121,620</u>					
27.	Overall provision of housing and employment	29	<p>Paragraph 2.15, amend as follows:</p> <p>"To provide flexibility of provision and allow for growth, the Local Plan makes provision for <del>about 10</del><sup>20</sup>% more commercial floorspace than is required <u>across the district's settlements.</u>"</p>	It is unclear where the previously quoted figure comes from. It is clearer to simply state that there is more provision for commercial floorspace than required; the text is amended therefore to reflect this fact.				
28.	S2 Amount and distribution of development	33	<p>Paragraph 2.24, amend as follows:</p> <p>"Air quality should improve <del>when</del> <u>following the opening of</u> the Crediton Link Road <del>opens and as</del> a proportion of HGV and other traffic is drawn away from Exeter Road to the Lords Meadow Industrial Estate; <del>however but</del> the housing target for Crediton only amounts to 10% of the district total due to the traffic and topographical constraints that exist."</p>	Update to reflect that Crediton Link Road has been completed.				
29.	S3 Meeting Housing Needs	35	<p>Paragraph 2.26, amend as follows:</p> <p>"As recognised in the National Planning Policy Framework (NPPF) (2012) "every effort should be made objectively to identify and then meet the housing needs....of an area"."</p>	Clarifies that quote relates to the 2012 version of the framework.				
30.	S3 Meeting Housing Needs	35	<p>Paragraph 2.27 (first, fourth and final sentence), amend as follows:</p> <p><del>"The Council's Corporate Plan aims to "facilitate the housing growth that Mid Devon needs, including affordable housing" and "ensure good design and quality of new housing and associated environment". has 'Better Homes' as one of its five main objectives and the long term vision is "To ensure that the housing needs of our residents are met through the provision of affordable homes and good quality housing in both the public and private sector"..."</del>The SHMA concluded that <del>124</del><sup>96</sup> units of affordable housing are needed per year to meet <del>existing "backlog" need and</del> future needs arising in the district."...<u>"Additional affordable housing will also continue to come forward as windfalls resulting from Homes England Homes and Communities Agency investment, exception sites and delivery of housing on Council-owned land."</u></p>	<p>First sentence amended to reflect updated Corporate Plan (2016).</p> <p>Fourth sentence amended to accurately reflect the findings of the SHMA, following the PAS Technical Advice Note (Objectively Assessed Need and Housing Targets June 2014): only newly formed households should be taken into account in the calculation, as the backlog and existing</p>				

				<p>households already live in housing units which would be freed up when housed and do not create any new need in terms of future total requirements. Reference to backlog in sentence was made in error.</p> <p>Final sentence amended to reflect Homes England replacing HCA.</p>
31.	S3 Meeting Housing Needs	36	<p>Paragraph 2.29, amend as follows:</p> <p><i><del>"Policy DM12 (Design of Housing) requires all new housing development to be designed in a way that allows adaptation according to the changing needs of occupiers."</del></i></p>	<p>The removal of this requirement (criterion d) from Policy DM12 was originally in response to Home Builders Federation comment that the policy did not reflect the ministerial statement. This change was included in the 2017 Proposed Submission version of the Local Plan Review. In response to the Inspector's Post hearing advice note, Policy DM12 is proposed to be deleted with amended policy criteria incorporated into Policy DM1 (See Main Modification MM49).</p>
32.	S4 Ensuring Housing Delivery	38	<p>Policy S4, amend as follows:</p> <p>"If this is insufficient to deliver the necessary level of housing, <u>an</u> identified contingency sites will be permitted to boost housing supply."</p>	<p>In line with proposed main modification MM35 (removal of contingency status of Policy CU21 Land at Colebrook), the LPR now includes a single contingency site. Policy text is amended to reflect this.</p>

33.	S4 Ensuring Housing Delivery	38	Paragraph 2.32, amend as follows:  “...If housing delivery falls below the action level this will be addressed through proactive development management to bring forward allocated and permitted sites, and then through the release of <u>a</u> deliverable contingency sites. However, there will be variation of delivery across the years so it is important that the action level when the designated contingency sites will come forward will not trigger <del>their</del> <u>its</u> release in response to normal variations in completions...”	In line with proposed main modification MM35 (removal of contingency status of Policy CU21 Land at Colebrook), the LPR now includes a single contingency site. Supporting text is amended to reflect this.
34.	S4 Ensuring Housing Delivery	39	Paragraph 2.33, amend as follows:  “The National Planning Policy Framework requires local planning authorities ensure that there is a supply of specific deliverable housing sites with a capacity equivalent to 105% <del>or of</del> five years’ worth of the annual housing target”... “If that is insufficient or will not deal with the issue quickly enough, the Council will permit the development of <del>one or more of the</del> <u>a</u> contingency sites in order to boost short term housing supply.”	To reflect the NPPF (2012) requirement for a 5% buffer and to correct a typographical error.  To reflect proposed main modification MM35 (removal of contingency status of Policy CU21 Land at Colebrook); the LPR now includes a single contingency site.
35.	S5 Public Open Space	41	Paragraph 2.27, amend as follows:  <del>“To comply with legislation, no more than five such planning obligations will be required for a single project.”</del>	To reflect 2019 amendments to CIL regulations.
36.	S7 Town Centres	44	Paragraph 2.48, amend as follows:  “A masterplan will <del>sets-out</del> the principles to be followed in subsequent planning applications.”	Amendment to remove ‘s’ from ‘sets’ which is due to a typographical error.
37.	S8 Infrastructure	47	Paragraph 2.55 (second sentence), amend as follows:  “More information about the means of funding infrastructure can be found in the <u>most recent</u> Infrastructure Plan <del>(2014)</del> and the ‘Regulation 123’ list for CIL, available on the <u>Council’s</u> website.”	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, DCC and HE to future proof the supporting text of the policy, reflecting the fact that Infrastructure Plans are living documents and are updated on a regular basis. Also, minor

				additional amendment to clarify information is available on the MDDC website.															
38.	S10 Tiverton	51	Paragraph 2.60, amend as follows:  "Recent completions and current commitments total over <del>1,750</del> <del>1,000</del> <del>600</del> dwellings."	To reflect current commitments and past completions in Tiverton as per March 2018 housing monitoring data.															
39.	S11 Cullompton	54	Paragraph 2.68, amend as follows:  <del>One contingency site is allocated in the town, providing a level of flexibility to address any potential shortfall in completions as set out in Policy S4.</del>	To reflect proposed main modification MM35 - removal of contingency status of Policy CU21 Land at Colebrook.															
40.	S11 Cullompton	54	Table under paragraph 2.69, update as follows:  <table border="1"> <thead> <tr> <th>Site</th> <th>Policy</th> <th>Site area (ha)</th> <th>Use</th> <th>Local Plan page(s)</th> </tr> </thead> <tbody> <tr> <td>North West Cullompton</td> <td>CU1-6</td> <td>103</td> <td><del>1350</del> <del>1200</del> dwellings and <del>10,000</del> <del>21,000</del> sqm. commercial floorspace</td> <td>88-96</td> </tr> <tr> <td>East Cullompton</td> <td>CU7-12</td> <td>160</td> <td><del>1750</del> <del>2,100</del> dwellings (within the plan period) and 20,000 sqm.</td> <td>97-106</td> </tr> </tbody> </table>	Site	Policy	Site area (ha)	Use	Local Plan page(s)	North West Cullompton	CU1-6	103	<del>1350</del> <del>1200</del> dwellings and <del>10,000</del> <del>21,000</del> sqm. commercial floorspace	88-96	East Cullompton	CU7-12	160	<del>1750</del> <del>2,100</del> dwellings (within the plan period) and 20,000 sqm.	97-106	To reflect proposed main modification MM35 - removal of contingency status of Policy CU21 Land at Colebrook.
Site	Policy	Site area (ha)	Use	Local Plan page(s)															
North West Cullompton	CU1-6	103	<del>1350</del> <del>1200</del> dwellings and <del>10,000</del> <del>21,000</del> sqm. commercial floorspace	88-96															
East Cullompton	CU7-12	160	<del>1750</del> <del>2,100</del> dwellings (within the plan period) and 20,000 sqm.	97-106															

						commercial floorspace			
			Knowle Lane	CU13	9.8	<del>296</del> <sup>315</sup> dwellings	106-107		
			Ware Park & Footlands	CU14	2.1	38 dwellings	107-108		
			Land at Exeter Road	CU15	1.4	<del>24</del> <sup>45</sup> dwellings	108-109		
			Cummings Nursery	CU16	5.3	<del>100</del> <sup>120</sup> dwellings	109-110		
			Week Farm	CU17	10.7	15,000 sqm. commercial floorspace	110-111		
			Venn Farm	CU18	4.4	<del>12,000</del> <sup>9,000</sup> sqm. commercial floorspace	111-112		
			Colebrook <i>(contingency)</i>	CU21	4.8	100 dwellings	115-116		
41.	S12 Crediton	56	Paragraph 2.73, amend as follows:  "The total housing target for Crediton ( <del>786</del> <sup>783</sup> <del>720</del> dwellings) represents 10% of the district's total requirement."					Correct typographical error.	

42.	S13 Rural areas	58	<p>Paragraph 2.78, amend as follows:</p> <p>“<del>483330</del> dwellings have been allocated and are considered available, suitable and achievable, capable of coming forward within the first 10 years of the plan.”</p>	To correct previous error. Now shows correct allocation total for rural areas.															
43.	Site allocations	63	<p>Table 10, update as follows:</p> <table border="1" data-bbox="600 427 1608 1109"> <thead> <tr> <th data-bbox="600 427 857 635">Use</th> <th data-bbox="857 427 1086 635">Completions 1 April 2013 – 31 March <del>2018</del>20162014</th> <th data-bbox="1086 427 1256 635">Commitments at 31 March <del>2018</del>20162014</th> <th data-bbox="1256 427 1420 635">Net requirement</th> <th data-bbox="1420 427 1608 635">Uncommitted Allocations to 2033</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 635 857 730">Housing (dwellings)</td> <td data-bbox="857 635 1086 730"><u>1,730</u>924<del>320</del></td> <td data-bbox="1086 635 1256 730"><u>2,618</u>2,012<del>1,369</del></td> <td data-bbox="1256 635 1420 730"><u>3,512</u>4,924<del>5,511</del></td> <td data-bbox="1420 635 1608 730"><u>4,886</u>5,648<del>6,139</del></td> </tr> <tr> <td data-bbox="600 730 857 1109">Commercial (employment, retail and leisure) square metres floorspace <i>*(Note at time of publication latest commercial monitoring not yet available – figures presented remain position at 31st March 2014)</i></td> <td data-bbox="857 730 1086 1109"><u>46,513</u>9,787</td> <td data-bbox="1086 730 1256 1109"><u>128,363</u>43,259</td> <td data-bbox="1256 730 1420 1109"><u>-27,876</u> 100,954</td> <td data-bbox="1420 730 1608 1109"><u>87,662</u>121,620</td> </tr> </tbody> </table>	Use	Completions 1 April 2013 – 31 March <del>2018</del> 20162014	Commitments at 31 March <del>2018</del> 20162014	Net requirement	Uncommitted Allocations to 2033	Housing (dwellings)	<u>1,730</u> 924 <del>320</del>	<u>2,618</u> 2,012 <del>1,369</del>	<u>3,512</u> 4,924 <del>5,511</del>	<u>4,886</u> 5,648 <del>6,139</del>	Commercial (employment, retail and leisure) square metres floorspace <i>*(Note at time of publication latest commercial monitoring not yet available – figures presented remain position at 31st March 2014)</i>	<u>46,513</u> 9,787	<u>128,363</u> 43,259	<u>-27,876</u> 100,954	<u>87,662</u> 121,620	To reflect most recently available housing and commercial land monitoring data (March 2018).
Use	Completions 1 April 2013 – 31 March <del>2018</del> 20162014	Commitments at 31 March <del>2018</del> 20162014	Net requirement	Uncommitted Allocations to 2033															
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44.	Tiverton	64	<p>Table 11, update as follows:</p> <table border="1" data-bbox="600 1177 1608 1343"> <thead> <tr> <th data-bbox="600 1177 920 1343">Use</th> <th data-bbox="920 1177 1149 1343">Commitments at 31 March <del>2018</del>20162014</th> <th data-bbox="1149 1177 1323 1343">Completions since 2013 from 1 April 2013</th> <th data-bbox="1323 1177 1476 1343">Uncommitted Allocations</th> <th data-bbox="1476 1177 1608 1343">Total</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Use	Commitments at 31 March <del>2018</del> 20162014	Completions since 2013 from 1 April 2013	Uncommitted Allocations	Total						To reflect most recently available housing and commercial land monitoring data for Tiverton (March 2018). Also clarifies period over which completions have been recorded; ensures consistency					
Use	Commitments at 31 March <del>2018</del> 20162014	Completions since 2013 from 1 April 2013	Uncommitted Allocations	Total															

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45.	Tiverton	64	<p>Paragraph 3.4, amend as follows:</p> <p><i>“<del>Nine Seven</del><del>Six</del> sites are allocated for housing in Tiverton, excluding <del>one</del><del>two</del> contingency sites at Tidcombe Hall <del>and Wynnard’s Mead</del> that will be permitted to come forward if the Council’s housing supply proves insufficient, as set out in Policy S4... Although the housing growth of the town is therefore dependent on this site coming forward, there is limited risk associated with this because there is a good track record of joint working between the Council and the site promoters, with half of the site covered by an adopted masterplan, and <del>applications for in excess of</del> <u>approximately</u> 1,000 dwellings <del>pending determination now with planning permission</del> <u>or resolution to grant subject to a section 106 agreement.</u>”</i></p>	Now refers to 9 sites to accurately reflect the number of allocated housing sites, including those already with planning approval. Removal of reference to Wynnard’s Mead reflects the modification to delete this contingency site following the 2015 Proposed Submission consultation. Reference to current status of Tiverton EUE allocation (TIV1-5) amended to reflect current situation.															
46.	Tiverton	64	Table 12, update as follows:	To accurately show current total of unconsented allocations. Reflects most recently available housing land monitoring data (March 2018).															

			Site	Policy	Gross site area (ha)	Net site area (ha)	No. dwellings allocated <b>without permission</b>		
			Eastern Urban Extension	TIV1-TIV5	153	64.86	<del>550</del> 1250 <del>1520</del>		
			<del>Moorhayes Park</del>	<del>TIV8</del>	<del>0.4</del>	<del>0.4</del>	<del>8</del>		
			Howden Court	TIV9	0.47	0.38	10		
			Roundhill	TIV10	0.4	0.4	20		
			<del>Palmerston Park</del>	<del>TIV11</del>	<del>0.9</del>	<del>0.72</del>	<del>25</del>		
			Phoenix Lane	TIV12	1.4	1	60		
			Blundells School	TIV16	14	6	200		
			Total				<del>840</del> 1,540 <del>1643</del>		
47.	Tiverton	65	Paragraph 3.5, amend as follows:  "A number of housing sites were allocated in the previous Local Plan and already have planning approval, but are <b>either</b> not yet under construction <b>or only recently implemented</b> . These sites are retained as Local Plan allocations to ensure that policy criteria still apply in the event that revised schemes are submitted or planning permission lapses. <i>The table below shows allocated sites with existing planning permission. Development at Moorhayes Park (TIV8) has recently been completed so is not shown in this table.</i> "					Provides clarity by making reference in text to Table 13. Also reflects updates to this table (see below).	
48.	Tiverton	65	Table 13 and table title, update as follows:					Updated to reflect most recently available housing land monitoring data (March 2018). The Moorhayes Park (TIV8) allocation has been developed so is not included in the table	
			<b>Site with planning permission</b>	<b>Policy</b>	<b>Site area</b>	<b>Dwellings with planning permission</b>			

			<table border="1"> <tr> <td>Eastern Urban Extension</td> <td>TIV1-5</td> <td>153</td> <td></td> <td><u>1030330</u></td> </tr> <tr> <td>Farleigh Meadows</td> <td>TIV6</td> <td>8.2</td> <td></td> <td><u>259255</u><del>300</del></td> </tr> <tr> <td>Town Hall</td> <td>TIV7</td> <td>0.5</td> <td></td> <td><u>3958</u><del>59</del></td> </tr> <tr> <td><i>Moorhayes Park</i></td> <td><i>TIV8</i></td> <td><i>0.4</i></td> <td></td> <td><i>4</i></td> </tr> <tr> <td>Palmerston Park</td> <td>TIV11</td> <td>0.9</td> <td></td> <td>26</td> </tr> <tr> <td>Total</td> <td></td> <td><del>8.7</del></td> <td></td> <td><u>1,354693</u><del>359</del></td> </tr> </table> <p>Table 13: Housing allocations with planning permission (position at 31 March <del>2018</del><del>2016</del>2014)</p>	Eastern Urban Extension	TIV1-5	153		<u>1030330</u>	Farleigh Meadows	TIV6	8.2		<u>259255</u> <del>300</del>	Town Hall	TIV7	0.5		<u>3958</u> <del>59</del>	<i>Moorhayes Park</i>	<i>TIV8</i>	<i>0.4</i>		<i>4</i>	Palmerston Park	TIV11	0.9		26	Total		<del>8.7</del>		<u>1,354693</u> <del>359</del>	but is now referenced in paragraph 3.5 above.
Eastern Urban Extension	TIV1-5	153		<u>1030330</u>																														
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Total				<u>37,000</u> <del>38,000</del>																														
50.	Tiverton	69	<p>Paragraph 3.18 (final sentence), amend as follows:</p> <p>“The aim will be to integrate these sustainable transport provisions into the wider Tiverton <u>area</u> and surrounding <u>provision countryside</u> as far as possible.”</p>	Correct typographical error and more accurately reflect adopted EUE masterplan.																														
51.	TIV15 Tiverton Infrastructure	83	<p>Paragraph 3.59, amend as follows:</p> <p>“The Council’s Regulation 123 list and accompanying policy on the use of Section 106 agreements, sets out the mechanism <u>willto</u> be used to fund infrastructure.”</p>	Correct typographical error.																														

52.	TIV15 Tiverton Infrastructure	83	Paragraph 3.60, amend as follows:  “Devon County Council’s Waste Plan ( <i>adopted December 2014</i> ), <del>which had hearings as part of its examination in July 2014</del> , allocates a site in Tiverton for the delivery of an Energy from Waste plant.”	Update to reflect adoption of DCC Waste Plan.															
53.	TIV16 Blundells School	84	Policy TIV16 (criteria f), amend as follows:  “Site contamination assessment and remediation <u>measures</u> to mitigate risks associated with former and current land-uses including the scrapyard and former poultry factory <del>measures</del> .”	Correct typographical error (word ‘measures’ in wrong place)															
54.	Cullompton	86	Table 15, update as follows:  <table border="1"> <thead> <tr> <th>Use</th> <th>Commitment s at 31 March <del>2018</del><del>2016</del><del>2014</del> 4</th> <th>Completions from 1 April 2013 – 31 March <del>2018</del><del>2016</del><del>2014</del></th> <th>Uncommitt ed Allocations (within the plan period)</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Housing (dwellings)</td> <td><del>252,209</del><del>199</del></td> <td><del>545,487</del><del>87</del></td> <td><del>3,238,118</del> 3,533</td> <td><del>4,035</del> 3,814 3,819</td> </tr> <tr> <td>Commercial (employment, retail and leisure) square metres floorspace</td> <td><del>29,808</del><del>19,669</del></td> <td><del>9,273</del><del>3,598</del></td> <td><del>30,702</del> 57,000<del>66,000</del></td> <td><del>69,783</del> 80,267 89,267</td> </tr> </tbody> </table>	Use	Commitment s at 31 March <del>2018</del> <del>2016</del> <del>2014</del> 4	Completions from 1 April 2013 – 31 March <del>2018</del> <del>2016</del> <del>2014</del>	Uncommitt ed Allocations (within the plan period)	Total	Housing (dwellings)	<del>252,209</del> <del>199</del>	<del>545,487</del> <del>87</del>	<del>3,238,118</del> 3,533	<del>4,035</del> 3,814 3,819	Commercial (employment, retail and leisure) square metres floorspace	<del>29,808</del> <del>19,669</del>	<del>9,273</del> <del>3,598</del>	<del>30,702</del> 57,000 <del>66,000</del>	<del>69,783</del> 80,267 89,267	To reflect most recently available housing and commercial land monitoring data for Cullompton (March 2018).
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55.	Cullompton	86	Paragraph 3.64, amend as follows:  “ <del>Seven</del> Six sites are allocated for housing in Cullompton, <del>excluding one contingency site at Colebrook that will be permitted to come forward if the Council’s housing supply proves insufficient, as set out in Policy S4</del> . All housing sites are considered achievable in principle, corresponding to a Cullompton map that accompanies this document.	To reflect proposed main modification MM35 - removal of contingency status of Policy CU21 Land at Colebrook. Revised total of allocated sites in Cullompton includes the CU21 allocation.															

			Four sites are wholly or partially without planning permission and these are shown below.”																																														
56.	Cullompton	86	<p>Table 16, update as follows:</p> <table border="1"> <thead> <tr> <th>Site</th> <th>Policy</th> <th>Gross Site Area (ha)</th> <th>Net site area (ha)</th> <th>Allocated dwellings</th> </tr> </thead> <tbody> <tr> <td>North West Cullompton</td> <td>CU1-6</td> <td><del>95</del>100</td> <td><del>60</del>65</td> <td><del>1200</del>1,350</td> </tr> <tr> <td>East Cullompton</td> <td>CU7-12</td> <td>160</td> <td>96</td> <td><del>2100</del>1,700 <u>1,750</u></td> </tr> <tr> <td><i>Knowle Lane</i></td> <td><del>CU13</del></td> <td><del>9.8</del></td> <td><del>5.9</del></td> <td><del>30</del></td> </tr> <tr> <td>Ware Park &amp; Footlands</td> <td>CU14</td> <td>2.1</td> <td>1.3</td> <td>38</td> </tr> <tr> <td><u>Land at Colebrook</u></td> <td><u>CU21</u></td> <td><u>4.8</u></td> <td><u>2.9</u></td> <td><u>100</u></td> </tr> <tr> <td><del>Exeter Road</del></td> <td><del>CU15</del></td> <td><del>1.4</del></td> <td><del>1.1</del></td> <td><del>45</del></td> </tr> <tr> <td><del>Cummings Nursery</del></td> <td><del>CU16</del></td> <td><del>5.3</del></td> <td><del>3.2</del></td> <td><del>120</del></td> </tr> <tr> <td>Total</td> <td></td> <td></td> <td></td> <td><del>3533</del>3,118 <u>3,238</u></td> </tr> </tbody> </table>	Site	Policy	Gross Site Area (ha)	Net site area (ha)	Allocated dwellings	North West Cullompton	CU1-6	<del>95</del> 100	<del>60</del> 65	<del>1200</del> 1,350	East Cullompton	CU7-12	160	96	<del>2100</del> 1,700 <u>1,750</u>	<i>Knowle Lane</i>	<del>CU13</del>	<del>9.8</del>	<del>5.9</del>	<del>30</del>	Ware Park & Footlands	CU14	2.1	1.3	38	<u>Land at Colebrook</u>	<u>CU21</u>	<u>4.8</u>	<u>2.9</u>	<u>100</u>	<del>Exeter Road</del>	<del>CU15</del>	<del>1.4</del>	<del>1.1</del>	<del>45</del>	<del>Cummings Nursery</del>	<del>CU16</del>	<del>5.3</del>	<del>3.2</del>	<del>120</del>	Total				<del>3533</del> 3,118 <u>3,238</u>	Updated to reflect March 2018 monitoring data and removal of contingency status of Policy CU21 Land at Colebrook by proposed main modification MM35. Also corrects error in previous total for East Cullompton.
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57.	Cullompton	87	<p>Paragraph 3.65, amend as follows:</p> <p><i>“Knowle Lane (Policy CU13) has planning permission for 285266 dwellings. Part of the site remains undeveloped and this is represented in Table 16. Similarly Exeter Road (Policy CU15) has permission for 24 dwellings with the remainder shown above; there is uncertainty about the remainder of the site (it was originally allocated for 45 dwellings) and the balance is no longer shown above. Cummings Nursery (Policy</i></p>	To reflect changes to the current development status of allocated sites in line with the most recently available housing land monitoring data (March 2018).																																													

			<i>CU16) now has commenced construction with permission for 100 dwellings. The remaining housing sites have been granted planning approval and are now wholly or partially implemented. These sites are: Knowle Lane (CU13), Land at Exeter Road (CU15) and Cummings Nursery (CU16)."</i>	
58.	Cullompton	87	Paragraph 3.66, amend as follows:  "Land for commercial development is allocated within the north-west and east Cullompton urban extensions. <del>Allocated sites and also</del> at Week Farm and Venn Farm in the Kingsmill area <u>now have planning permission.</u> "	To reflect changes to the current development status of allocated sites in line with the most recently available commercial land monitoring data (March 2018).
59.	CU3 North West Cullompton Environmental Protection and Green Infrastructure	92	Paragraph 3.80, amend as follows:  "The requirement to extend the town cemetery, which adjoins this site, <del>will need to be</del> <u>has</u> been recognised in the proposals <u>and has been extended.</u> "	To reflect the latest position regarding the already extended town cemetery.
60.	CU3 North West Cullompton Environmental Protection and Green Infrastructure	92	Paragraph 3.81, amend as follows:  "The role of landscaping and tree-planting in flood prevention <del>and carbon reduction</del> should also be recognised in the development."	In order to provide greater clarity over the extent of carbon reduction that can be delivered through this means.
61.	CU5 North West Cullompton Carbon Reduction and Air Quality	94	Paragraph 3.89, amend as follows:  <del>"The Government has made a commitment to achieving zero carbon housing by 2016, with all emissions from regulated sources such as heating, hot water and lighting to be reduced to zero by this time. While changes to construction are to be introduced through the Building Regulations,</del> Policy CU5 ensures that <del>other</del> methods of carbon reduction are <del>also</del> considered and incorporated into the development where appropriate, such as carbon offsetting, travel plans and design which encourages sustainable ways of living."	To reflect updated national policy position and targets.

62.	CU9 East Cullompton Environmental Protection and Green Infrastructure	101	Paragraph 3.108, amend as follows:  <i><del>“Tree planting will also act to collect carbon dioxide, helping to reduce the overall carbon footprint of the scheme.”</del></i>	In order to provide greater clarity over the extent of carbon reduction that can be delivered through this means.										
63.	CU11 East Cullompton Carbon Reduction and Air Quality	103	Paragraph 3.113, amend as follows:  <i><del>“The Government has made a commitment to achieving zero carbon housing by 2016, with all emissions from regulated sources such as heating, hot water and lighting to be reduced to zero by this time. While changes to construction are to be introduced through the Building Regulations, Policy CU11 ensures that other methods of carbon reduction are also considered and incorporated into the development where appropriate, such as carbon offsetting, travel plans and design which encourages sustainable ways of living.”</del></i>	To reflect updated national policy position and targets.										
64.	CU19 Town Centre Relief Road	113	Paragraph 3.143, amend as follows:  “Additional housing development has now taken place at Knowle Lane and Tiverton Road, contributing to <u>the delivered</u> Junction 28 improvements and funding for the Town Centre Relief Road, but work on the road has not yet commenced.”	In line with Statement of Common Ground (SCG10) agreed between Mid Devon District Council, Devon County Council and Highways England. Clarifies that this sentence refers to the implemented Junction 28 improvements.										
65.	Crediton	117	Table 18, update as follows:  <table border="1" data-bbox="600 1029 1585 1364"> <thead> <tr> <th>Use</th> <th>Commitments at 31 March <del>2018</del>20162014</th> <th>Completions from 1 April 2013 – 31 March <del>2018</del>20162014</th> <th>Uncommitted Allocations</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Housing (dwellings)</td> <td><del>295</del>245216</td> <td><del>136</del>10758</td> <td><del>548</del>583633</td> <td><del>979</del> 93590 7</td> </tr> </tbody> </table>	Use	Commitments at 31 March <del>2018</del> 20162014	Completions from 1 April 2013 – 31 March <del>2018</del> 20162014	Uncommitted Allocations	Total	Housing (dwellings)	<del>295</del> 245216	<del>136</del> 10758	<del>548</del> 583633	<del>979</del> 93590 7	To reflect most recently available housing and commercial land monitoring data for Crediton (March 2018).
Use	Commitments at 31 March <del>2018</del> 20162014	Completions from 1 April 2013 – 31 March <del>2018</del> 20162014	Uncommitted Allocations	Total										
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			Commercial (employment, retail and leisure) square metres floorspace <i>*(Note at time of publication latest commercial monitoring not yet available—figures presented remain position at 31st March 2014)</i>	<u>6,863,551</u>	<u>2,045,598</u>	<u>5,429,820</u>	<u>14,337,139</u> <u>69</u>																																				
66.	Crediton	117	<p>Paragraph 3.153, amend as follows:</p> <p>“Nine housing sites are allocated in Crediton, including Wellparks <u>and Cromwells Meadow</u> <del>and Red Hill Cross</del> which <del>have</del><u>has</u> have planning permission. All housing sites are considered achievable in principle, corresponding to a Crediton map that accompanies this document. <u>Sites without planning permission are shown in Table 19 below.</u>”</p>					To reflect changes to the current development status of allocated sites in line with the most recently available housing land monitoring data (March 2018).																																			
67.	Crediton	117	<p>Table 19, update as follows:</p> <table border="1"> <thead> <tr> <th>Site</th> <th>Policy</th> <th>Gross Site Area (ha)</th> <th>Net site area (ha)</th> <th>Local Plan allocations</th> </tr> </thead> <tbody> <tr> <td><del>Wellparks</del></td> <td><del>CRE1</del></td> <td><del>7.9</del></td> <td><del>4.74</del></td> <td><del>185</del></td> </tr> <tr> <td>Red Hill Cross</td> <td>CRE2</td> <td>3.1</td> <td>1.86</td> <td>135</td> </tr> <tr> <td><del>Cromwells Meadow</del></td> <td><del>CRE3</del></td> <td><del>2.4</del></td> <td><del>1.44</del></td> <td><del>35</del></td> </tr> <tr> <td>The Woods Group</td> <td>CRE4</td> <td>0.17</td> <td>0.17</td> <td>8</td> </tr> <tr> <td>Pedlerspool</td> <td>CRE5</td> <td>23.5</td> <td>14.1</td> <td>200</td> </tr> <tr> <td>Sports Fields</td> <td>CRE6</td> <td>5.5</td> <td>3.3</td> <td>120</td> </tr> </tbody> </table>					Site	Policy	Gross Site Area (ha)	Net site area (ha)	Local Plan allocations	<del>Wellparks</del>	<del>CRE1</del>	<del>7.9</del>	<del>4.74</del>	<del>185</del>	Red Hill Cross	CRE2	3.1	1.86	135	<del>Cromwells Meadow</del>	<del>CRE3</del>	<del>2.4</del>	<del>1.44</del>	<del>35</del>	The Woods Group	CRE4	0.17	0.17	8	Pedlerspool	CRE5	23.5	14.1	200	Sports Fields	CRE6	5.5	3.3	120	Updated to reflect most recently available housing land monitoring data (March 2018). Cromwells Meadow now has planning approval.
Site	Policy	Gross Site Area (ha)	Net site area (ha)	Local Plan allocations																																							
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			Stonewall Lane	CRE7	3.2	1.92	50			
			Land at Barn Park	CRE8	1.64	1.3	20			
			Land off Alexandra Close	CRE9	0.63	0.504	15			
			Total				<del>548583</del> 768			
68.	CRE4 Woods Group, Exeter Road	120	Paragraph 3.165, amend as follows:  The design of the site is important as the site lies in part within the Conservation Area and adjoins listed buildings. <del>buildings</del> , whilst the site contains a number of unlisted buildings of strong traditional local character. The retention and conversion of these buildings would enhance the character of the conservation area. The loss of these buildings would be considered unacceptable without special justification.					To correct typographical error.		
69.	Rural Areas	130	Table 21, update as follows:					To reflect most recently available housing and commercial land monitoring data for rural areas (March 2018).		
			<b>Use</b>	<b>Commitments at 31 March <del>2018</del>20162014</b>	<b>Completions from 1 April 2013 to 31 March <del>2018</del>20162014</b>	<b>Uncommitt ed Allocations</b>	<b>Total</b>			
			Housing (dwellings)	<del>432</del> 535796	<del>82</del> 347571	<del>330</del> 407260	<del>844</del> 1,289-1,627			
			Commercial (employment, retail and leisure) square metres floorspace <i>*(Note at time of publication latest commercial monitoring not yet available – figures presented remain position at 31st March 2014)</i>	20,73348,476	4,11930,977	8,8000	33,65279,453			

70.	Rural Areas	130	<p>Paragraph 3.186, amend as follows:</p> <p>“Twenty-<del>one</del><u>five</u> housing sites are allocated in rural areas and are considered achievable in principle, corresponding to rural settlement maps that accompany this document.”</p>	To accurately reflect the total number of allocated housing sites (including those already with planning approval).																																																						
71.	Rural Areas	130	<p>Table 22, update as follows:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="background-color: #d3d3d3;">Parish/location</th> <th style="background-color: #d3d3d3;">Policy</th> <th style="background-color: #d3d3d3;">Site</th> <th style="background-color: #d3d3d3;">Gross Site Area (ha)</th> <th style="background-color: #d3d3d3;">Net site area (ha)</th> <th style="background-color: #d3d3d3;">Uncommitted Local Plan allocations</th> </tr> </thead> <tbody> <tr> <td>Bampton</td> <td>BA1</td> <td>Newton Square</td> <td>0.25</td> <td>0.25</td> <td>5</td> </tr> <tr> <td>Bow</td> <td>BO1</td> <td>Hollywell</td> <td>1.2</td> <td>0.96</td> <td>20</td> </tr> <tr> <td style="color: red;">Bow</td> <td style="color: red;">BO2</td> <td style="color: red;">West of Godfreys Gardens</td> <td style="color: red;">0.23</td> <td style="color: red;">0.23</td> <td style="color: red;">6</td> </tr> <tr> <td>Bradninch</td> <td>BR1</td> <td>Hele Road</td> <td>0.3</td> <td>0.3</td> <td>7</td> </tr> <tr> <td>Chawleigh</td> <td>CH1</td> <td>Barton</td> <td>1.25</td> <td>1</td> <td>20</td> </tr> <tr> <td>Cheriton Bishop</td> <td>CB1</td> <td>Land off Church Lane</td> <td style="color: red;">1.49</td> <td style="color: red;">1.52</td> <td style="color: red;">2030</td> </tr> <tr> <td>Cheriton Fitzpaine</td> <td>CF1</td> <td>Barnshill Close</td> <td>0.3</td> <td>0.3</td> <td>7</td> </tr> <tr> <td style="color: red;"><del>Cheriton Fitzpaine</del></td> <td style="color: red;"><del>CF2</del></td> <td style="color: red;"><del>Land adj school</del></td> <td style="color: red;"><del>1.1</del></td> <td style="color: red;"><del>0.88</del></td> <td style="color: red;"><del>22</del></td> </tr> </tbody> </table>	Parish/location	Policy	Site	Gross Site Area (ha)	Net site area (ha)	Uncommitted Local Plan allocations	Bampton	BA1	Newton Square	0.25	0.25	5	Bow	BO1	Hollywell	1.2	0.96	20	Bow	BO2	West of Godfreys Gardens	0.23	0.23	6	Bradninch	BR1	Hele Road	0.3	0.3	7	Chawleigh	CH1	Barton	1.25	1	20	Cheriton Bishop	CB1	Land off Church Lane	1.49	1.52	2030	Cheriton Fitzpaine	CF1	Barnshill Close	0.3	0.3	7	<del>Cheriton Fitzpaine</del>	<del>CF2</del>	<del>Land adj school</del>	<del>1.1</del>	<del>0.88</del>	<del>22</del>	To reflect changes to the current development status of allocated sites in line with the most recently available housing land monitoring data (March 2018).
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<i>Copplestone</i>	<i>CO1</i>	<i>Old Abbatoir</i>	<i>1.5</i>	<i>1.2</i>	<i>30</i>
Culmstock	CL1	Linhay Close	0.23	0.23	6
<i>Culmstock</i>	<i>CL2</i>	<i>Hunter's Hill</i>	<i>0.4</i>	<i>0.4</i>	<i>10</i>
Halberton	HA1	Land adj Fishers Way	0.6	0.48	10
<i>Hemyock</i>	<i>HE1</i>	<i>Depot</i>	<i>0.55</i>	<i>0.44</i>	<i>10</i>
Morchard Bishop	MO1	Greenaway	1.2	0.96	20
<i>Newton St Cyres</i>	<i>NE1</i>	<i>Court Orchard</i>	<i>2.7</i>	<i>1.62</i>	<i>25</i>
Sampford Peverell	SP1	Former Tiverton Parkway Hotel	0.45	0.36	10
<i>Sampford Peverell</i>	<i>SP2</i>	<i>Higher Town</i>	<i>6</i>	<i>3.6</i>	<i>60</i>
Sandford	SA1	Fanny's Lane	1.5	1.2	<i>278</i>
Silverton	SI1	Old Butterleigh Road	0.35	0.35	8
Silverton	SI2	The Garage	0.11	0.11	5
Thorverton	TH1	South of Broadlands	0.7	0.56	12
<i>Uffculme</i>	<i>UF1</i>	<i>West of Uffculme</i>	<i>3.49</i>	<i>2.1</i>	<i>60</i>
Willand	WI1	Land east of M5	2.9	1.74	<i>420</i>
Total					<del>330</del> <u>347</u> <u>260</u>

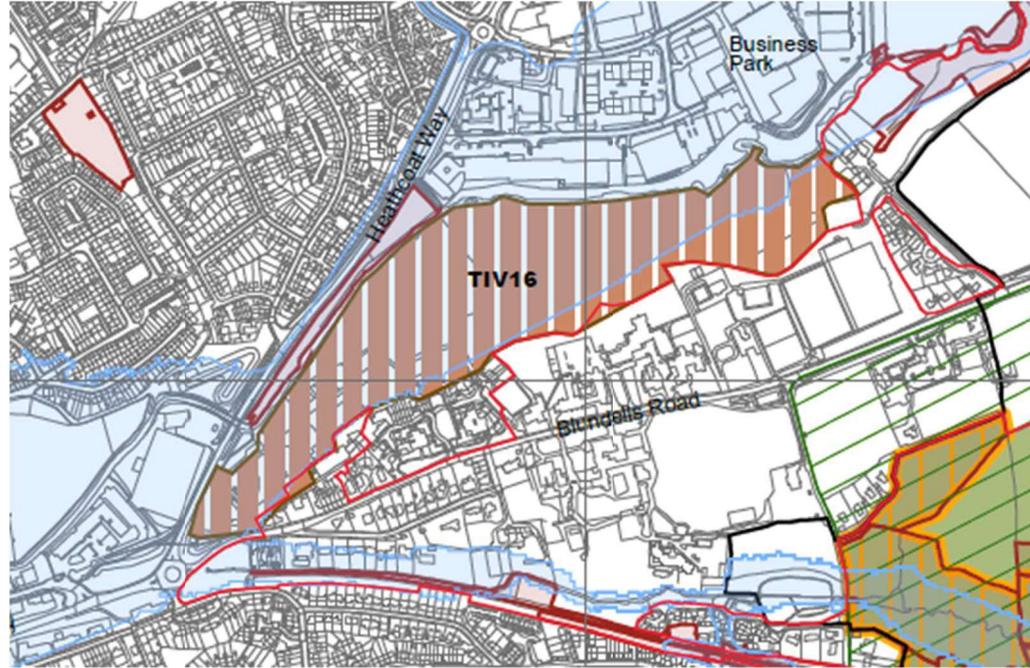
72.	Rural Areas	131	<p>Paragraph 3.187, amend as follows:</p> <p><del>“Three</del><sup>Five</sup><del>The nine</del> allocated housing sites <i>not listed in the table above</i> already have planning approval <i>or have recently been implemented, and these are set out below. Seven of these sites have existing planning permissions and are set out in the table below.</i> The figures for these sites are based on the position as at 31st March <del>2014</del><sup>2016</sup><del>2018</del>. <i>Development of the remaining two sites (Ashleigh Park BA3 and West of Godfreys Gardens BO2) has recently been completed so these sites are not included in the table below. In addition, the site at Fanny’s Lane, Sandford (SA1) has been partially completed; the remainder of the allocation is shown in table 22 above. The site, ‘West of Uffculme’ was granted permission on appeal, but fell outside the monitoring year and hence is included in table 22.”</i></p>	To reflect changes to the current development status of allocated sites in line with the most recently available housing land monitoring data (March 2018).																																								
73.	Rural Areas	131	<p>Table 23, update as follows:</p> <table border="1" data-bbox="600 660 1615 1359"> <thead> <tr> <th data-bbox="600 660 1146 794">Site</th> <th data-bbox="1146 660 1249 794">Policy</th> <th data-bbox="1249 660 1368 794">Site area</th> <th data-bbox="1368 660 1615 794">Dwellings with planning permission</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 794 1146 890">Stone crushing works (Scott's Quarry), Bampton</td> <td data-bbox="1146 794 1249 890">BA2</td> <td data-bbox="1249 794 1368 890"><del>3.41</del> <u>0.45</u></td> <td data-bbox="1368 794 1615 890">18</td> </tr> <tr> <td data-bbox="600 890 1146 948"><del>Ashleigh Park, Bampton</del></td> <td data-bbox="1146 890 1249 948"><del>BA3</del></td> <td data-bbox="1249 890 1368 948"><del>0.3</del></td> <td data-bbox="1368 890 1615 948">7</td> </tr> <tr> <td data-bbox="600 948 1146 1005">School Close, Bampton</td> <td data-bbox="1146 948 1249 1005">BA4</td> <td data-bbox="1249 948 1368 1005">0.7</td> <td data-bbox="1368 948 1615 1005">26</td> </tr> <tr> <td data-bbox="600 1005 1146 1062"><del>West of Godfreys Gardens, Bow</del></td> <td data-bbox="1146 1005 1249 1062"><del>BO2</del></td> <td data-bbox="1249 1005 1368 1062"><del>0.23</del></td> <td data-bbox="1368 1005 1615 1062">6</td> </tr> <tr> <td data-bbox="600 1062 1146 1120">Fanny's Lane, Sandford</td> <td data-bbox="1146 1062 1249 1120">SA1</td> <td data-bbox="1249 1062 1368 1120">1.12</td> <td data-bbox="1368 1062 1615 1120">19</td> </tr> <tr> <td data-bbox="600 1120 1146 1177"><u>Land adjacent school, Cheriton Fitzpaine</u></td> <td data-bbox="1146 1120 1249 1177"><u>CF2</u></td> <td data-bbox="1249 1120 1368 1177"><u>1.1</u></td> <td data-bbox="1368 1120 1615 1177"><u>28</u></td> </tr> <tr> <td data-bbox="600 1177 1146 1235"><u>The Old Abattoir, Copplestone</u></td> <td data-bbox="1146 1177 1249 1235"><u>CO1</u></td> <td data-bbox="1249 1177 1368 1235"><u>1.5</u></td> <td data-bbox="1368 1177 1615 1235"><u>40</u></td> </tr> <tr> <td data-bbox="600 1235 1146 1292"><u>Hunter's Hill, Culmstock</u></td> <td data-bbox="1146 1235 1249 1292"><u>CL2</u></td> <td data-bbox="1249 1235 1368 1292"><u>0.4</u></td> <td data-bbox="1368 1235 1615 1292"><u>13</u></td> </tr> <tr> <td data-bbox="600 1292 1146 1359"><u>Court Orchard, Newton St Cyres</u></td> <td data-bbox="1146 1292 1249 1359"><u>NE1</u></td> <td data-bbox="1249 1292 1368 1359"><u>2.7</u></td> <td data-bbox="1368 1292 1615 1359"><u>25</u></td> </tr> </tbody> </table>	Site	Policy	Site area	Dwellings with planning permission	Stone crushing works (Scott's Quarry), Bampton	BA2	<del>3.41</del> <u>0.45</u>	18	<del>Ashleigh Park, Bampton</del>	<del>BA3</del>	<del>0.3</del>	7	School Close, Bampton	BA4	0.7	26	<del>West of Godfreys Gardens, Bow</del>	<del>BO2</del>	<del>0.23</del>	6	Fanny's Lane, Sandford	SA1	1.12	19	<u>Land adjacent school, Cheriton Fitzpaine</u>	<u>CF2</u>	<u>1.1</u>	<u>28</u>	<u>The Old Abattoir, Copplestone</u>	<u>CO1</u>	<u>1.5</u>	<u>40</u>	<u>Hunter's Hill, Culmstock</u>	<u>CL2</u>	<u>0.4</u>	<u>13</u>	<u>Court Orchard, Newton St Cyres</u>	<u>NE1</u>	<u>2.7</u>	<u>25</u>	To reflect changes to the current development status of allocated sites in line with the most recently available housing land monitoring data (March 2018). Also corrects error in site area for BA2.
Site	Policy	Site area	Dwellings with planning permission																																									
Stone crushing works (Scott's Quarry), Bampton	BA2	<del>3.41</del> <u>0.45</u>	18																																									
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			<u>West of Uffculme, Uffculme</u>	<u>UF1</u>	<u>3.49</u>	<u>60</u>		
			Total			<u>4476-210</u>		
74.	Rural Areas	131	Paragraph 3.189, amend as follows:  "The remaining land <u>(Phase 2) now has outline planning permission and is subject to a reserved matters application. is available, suitable and achievable.</u> "					To reflect changes to the current development status of allocated site WI2 in line with the most recently available commercial land monitoring data (March 2018).
75.	BA4 School Close, Bampton	134	Policy BA4 (criteria a), amend as follows:  "26 dwellings with <u>308%</u> affordable housing;					To correct error in affordable housing requirement. This policy and criteria was based on outline permission 10/00510/MOUT, however an incorrect figure was used based on a draft S106 agreement.
76.	BA4 School Close, Bampton	134	Paragraph 3.194b, amend as follows:  "An application for 26 dwellings and associated vehicular and pedestrian accesses was granted outline permission by the Council in April 2013 subject to conditions. The permission includes <u>107</u> affordable units and consequently, the policy provides the criteria to be applied as a starting point, should any revised scheme be submitted."					Planning permission is for 7 affordable units (see above change to policy text).
77.	DM2 Renewable and Low Carbon Energy	155	Paragraph 4.6, amend as follows:  "Any wind turbine proposals will be considered in the context of <del>the 18 June 2015 Written Ministerial Statement</del> <u>national policy</u> which requires planning applications for such development <del>should to</del> only be granted <u>if the development site is in an area identified of as</u> suitable for wind energy development <del>are identified</del> in Local or Neighbourhood Plans."					To better reflect the wording of the Written Ministerial Statement (18 June 2015) and to recognise that this requirement is now incorporated into the National Planning Policy Framework. Also in response to Willand Parish Council (44) representation which identified a typographical error with the inclusion of the word 'of' in the sentence.

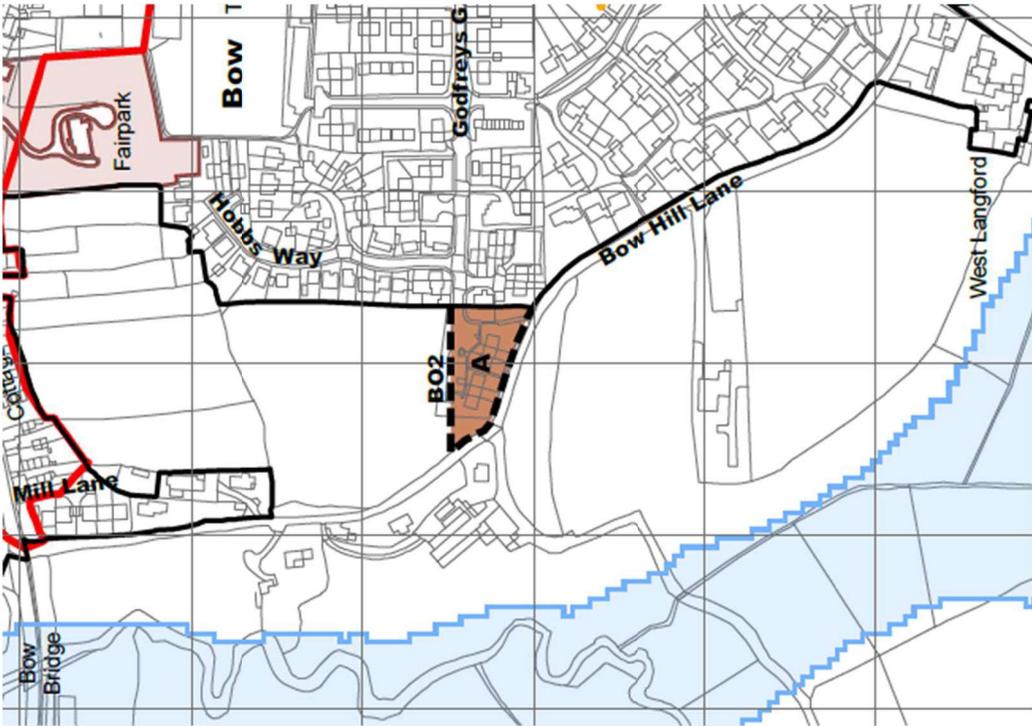
78.	DM5 Parking	159	<p>Policy DM5, amend as follows:</p> <p>"The Council will seek parking provision and <del>infrastructure for</del> electric vehicles <u>infrastructure</u> according to the following standards, the variation of which must be justified on a case-by-case basis."</p>	To make clear that separate standards apply to both parking provision and infrastructure for electric vehicles.
79.	DM11 Residential extensions and ancillary development	169	<p>Policy DM11 (criterion a), amend as follows:</p> <p>"a) Respect the character, scale, setting and design of existing dwellings"</p>	To make clear that the policy criterion applies to the consideration of the building subject to an extension as well as other existing dwellings in the area. This is reflected in criterion c in any case so is therefore a matter of ensuring consistency throughout the policy.
80.	DM28 Other Protected Sites	193	<p>Paragraph 4.102, amend as follows:</p> <p>"Policy <del>DM29</del><u>DM28</u> affords protection to sites of significant wildlife or geological importance."</p>	Factual correction. Text relates to DM28 not DM29
81.	DM28 Other Protected Sites	193	<p>Paragraph 4.103, amend as follows:</p> <p>"The protected sites listed in Policy <del>DM29</del><u>DM28</u> are identified on the Policies Map where they are within or adjoining a defined settlement."</p>	Factual correction. Text relates to DM28 not DM29
82.	DM29 Enforcement	194	<p>Paragraph 4.106, amend as follows:</p> <p>"To ensure that enforcement is managed proactively and in a way that is appropriate to Mid Devon the Council <del>will</del> <u>has published</u> a Local Enforcement Plan. This document <del>will sets</del> out the Council's approach to enforcement, including timescales for action and <del>stating</del> <u>states</u> in detail how the Council will respond to suspected breaches of planning control."</p>	To reflect the publication of the Local Enforcement Plan.

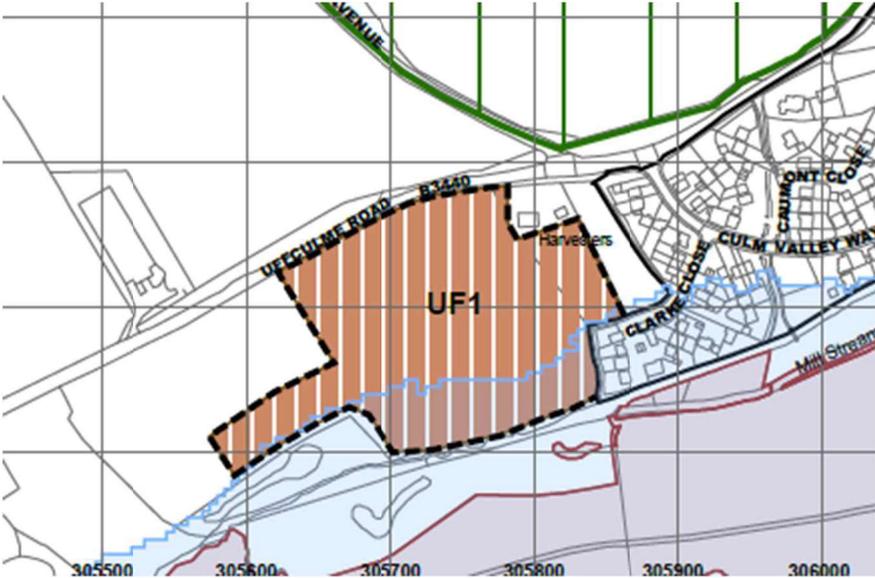
83. Tiverton Policies Map

Replace policy code AL/TIV/9 with TIV16



Amendment for greater clarity. AL/TIV/9 instead of TIV16 was added in error.

<p>84.</p>	<p>Bow Policies Map</p>	<p>Settlement limited to be extended to include BO2</p>  <p>The map displays the Bow area with various streets and zones. A red outline defines the current settlement boundary, which includes Fairpark and the area around Hobbs Way. A black outline shows the proposed extension of the settlement boundary to include the BO2 area, which is shaded in brown. The BO2 area is bounded by Cotters Lane to the west, Godfreys G to the north, and Bow Hill Lane to the east. Other streets shown include Mill Lane, Bow Bridge, and West Langford. A blue shaded area at the bottom of the map represents a water body or flood zone.</p>	<p>Amendment for greater clarity and consistency between policies.</p>
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<p>85.</p>	<p>Uffculme Policies Map</p>	<p>Policy code UF1 to be placed on the map and settlement limit extended to include UF1 proposal.</p> 	<p>Amendment for greater clarity and consistency between policies. UF1 policy code was not noted on the policies map in error.</p>
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86.	Sampford Peverell Policies Map		Policy code SP2 to be placed on the map and amendment to Green Infrastructure area proposed.	SP2 policy code was not noted on the policies map in error. The area of the Green Infrastructure has been extended to further limit the impact on the setting of the listed building (Map appended). See proposed main modification MM45.
87.	Policies Map General		Update policies map with new Mineral Consultation Area boundaries.	Amendment following the new Mineral Consultation Area boundaries adopted in the Devon Minerals Plan (February 2017).

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# Appendix 5



## **ADOPTION STATEMENT: Mid Devon Local Plan Review 2013 - 2033**

In accordance with Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012, notice is hereby given that Mid Devon District Council adopted the Mid Devon Local Plan Review 2013 -2033 (the Plan) on [*insert date of adoption*].

The Plan was submitted to the Secretary of State for independent examination on the 31<sup>st</sup> March 2017. Planning Inspector, Paul Griffiths BSc (Hons) BArch IHBC, was appointed by the Secretary of State to undertake the examination.

Preliminary public hearings were held on 20<sup>th</sup> and 21<sup>st</sup> September 2018 and main hearings were held on 14<sup>th</sup>, 15<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> of February 2019.

A number of main modifications were made to the Plan pursuant to section 23 of the Planning and Compulsory Purchase Act 2004. The main modifications were confirmed by the Inspector appointed by the Secretary of State and are set out in the published Inspector's Report. A number of additional (minor) modifications have also been included as necessary factual and grammatical corrections to the Plan.

The main and additional modifications can be viewed on the Council's website at [www.middevon.gov.uk](http://www.middevon.gov.uk).

The adopted Mid Devon Local Plan Review 2013 – 2033 now carries full weight in the consideration of planning applications and replaces the Mid Devon Core Strategy (July 2007), Local Plan Part 2 (Allocations and Infrastructure DPD)(October 2010) and Local Plan Part 3 (Development Management Policies) (November 2013).

### **Inspection of Documents**

In accordance with Regulations 26 and 35 of the 2012 Regulations, the following documents have been published on the Council's website [www.middevon.gov.uk](http://www.middevon.gov.uk). They will also be made available for inspection, free of charge at the locations listed below once this becomes possible following a relaxation of restrictions of movement and public gatherings currently in place due to the Covid-19 pandemic.

- (i) the Mid Devon Local Plan Review 2013 - 2033;
- (ii) this Adoption Statement; and
- (iii) the Sustainability Appraisal Report document and Sustainability Appraisal Post-Adoption Statement

Mid Devon District Council, Phoenix House. Phoenix Lane, Tiverton, Devon, EX16 6PP

Tiverton Library, Unit 3, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6SA

Crediton Library, Belle Parade, Crediton, Devon EX17 2AA

Cullompton Library, The Hayridge, Devon Centre, Exeter Hill, Cullompton, Devon EX15 1DJ

**Applications to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 (also known as Judicial Review)**

Any person aggrieved by the adoption of the Local Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the grounds that:

- (i) the Mid Devon Local Plan Review 2013 – 2033 is not within the powers conferred by Part 2 of the Planning and Compulsory Purchase Act 2004;
- (ii) a procedural requirement of the Act or its associated Regulations has not been complied with.

Any such application must be made promptly and in any event not later than the end of the period of six weeks starting with the date on which the Plan was adopted.

A copy of this Adoption Statement will be sent to the Secretary of State for Housing, Communities and Local Government.

Date of Notice: *[insert date]*.

Email: [fplan@middevon.gov.uk](mailto:fplan@middevon.gov.uk)

Address: Forward Planning, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton, Devon EX16 6PP

# Appendix 6

The Sustainability Appraisal Report for the Mid Devon Local Plan Review 2013 – 2033 is made up of the following documents:

Sustainability Appraisal Scoping Report (July 2013)

<https://www.middevon.gov.uk/media/103509/sustainability-appraisal-scoping-report-2013.doc>

Sustainability Appraisal Interim Report (January 2014)

[https://www.middevon.gov.uk/media/103508/sustainability\\_appraisal\\_inerim\\_report\\_2014.pdf](https://www.middevon.gov.uk/media/103508/sustainability_appraisal_inerim_report_2014.pdf)

Sustainability Appraisal 2015

[https://www.middevon.gov.uk/media/342890/1\\_sustainability\\_appraisal.pdf](https://www.middevon.gov.uk/media/342890/1_sustainability_appraisal.pdf)

Sustainability Appraisal 2015 Appendix 1 Review of Plans and Programmes

<https://www.middevon.gov.uk/media/103501/appendix-1.pdf>

Sustainability Appraisal 2015 Appendix 2 (Part 1 Strategic Policies and Town Allocations)

<https://www.middevon.gov.uk/media/103504/appendix-2-part-1.pdf>

Sustainability Appraisal 2015 Appendix 2 (Part 2 Villages Allocations)

<https://www.middevon.gov.uk/media/103505/appendix-2-part-2.pdf>

Sustainability Appraisal 2015 Appendix 2 & 3 (Part DM policies and undeliverable sites)

<https://www.middevon.gov.uk/media/103506/appendix-2-part-3-and-appendix-3.pdf>

Sustainability Appraisal 2015 Non-technical summary

<https://www.middevon.gov.uk/media/103507/non-technical-summary.pdf>

Sustainability Appraisal Addendum (January 2017)

<https://www.middevon.gov.uk/media/342723/sustainability-appraisal-update-2017.pdf>

SA Update 2018 (incorporating proposed amendments) (January 2018)

<https://www.middevon.gov.uk/media/345036/sa-update-2018.pdf>

SA of the implications of the Council's proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector (July 2019)

<https://www.middevon.gov.uk/media/347814/ed21-mddc-sa-implications-of-mddc-proposed-draft-mms-in-the-hls-update-june-2019.pdf>

Addendum to the Sustainability Appraisal (LUC) (October 2019)

<https://www.middevon.gov.uk/media/349008/ed25-addendum-to-sustainability-appraisal.pdf>

#### *Other SA Documents*

LUC SA Update Review 2018 (review of SA by independent consultants) (January 2018)

<https://www.middevon.gov.uk/media/345035/luc-sa-update-review-2018.pdf>

Schedule of Amendments made to the SA Update 2017 (January 2018)

<https://www.middevon.gov.uk/media/345037/schedule-of-amendments-made-to-the-sa-update-2017.pdf>

Executive summary of SA process (January 2018)

<https://www.middevon.gov.uk/media/345337/executive-summary-of-sa-review-process.pdf>

# Appendix 7



**Adopted Mid Devon Local Plan 2013-2033  
Sustainability Appraisal Post-Adoption Statement**

***[Insert Date]***

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3 How the Environmental/SA Report has been taken into account	10
4 How opinions of consultation bodies and the public have been taken into account	12
5 Why the adopted Local Plan was chosen in light of reasonable alternatives	14
6 How will the environmental and sustainability effects of the Local Plan be monitored?	16
Appendix 1: Signposting Table of how the SA composite meets the SEA Directive Requirements	23

## 1 Introduction

1.1 Mid Devon District Council adopted the Mid Devon Local Plan on *[Insert Date of Adoption]*.

1.2 During the preparation of the Mid Devon Local Plan the Council was required by law (Planning and Compulsory Purchase Act 2004 and Environmental Assessment of Plans and Programmes Regulations 2004 ["the SEA Regulations"]) to carry out a Sustainability Appraisal (SA) and a Strategic Environmental Assessment (SEA) of the plan as it developed. This legal requirement is an important element of testing the "soundness" of local plans that is required by National Planning Policy Framework 2012 paragraph 182. Both the SA and SEA requirements were met through a single integrated process (referred to as SA), the method and findings of which were described in a number of SA reports published alongside the different versions of the Mid Devon Local Plan during its development.

1.3 Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations (2012) requires the Council to make the final SA Report available alongside the Adopted Local Plan. The SA Report for the Mid Devon Local Plan is set out in several documents which reflects the evolving ('iterative') process of Local Plans and with them their SA's. These are:

- SA Scoping Report (2013)
- SA Interim Report (2014)
- SA Proposed Submission Consultation Report (2015)
- SA Update (2017)
- SA Update (2018)
- SA Implications in relation to the Council's proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector (2019)
- SA Addendum (2019)

1.4 The SA Scoping Report (2013) was the first stage in the preparation of an SA for the new Local Plan and was published alongside the initial consultation on the scope of the Local Plan held July-August 2013. The SA Scoping Report set out the baseline information about Mid Devon and a framework to assess sustainability as part of the SA.

1.5 The SA Interim Report (2014) was published alongside the Local Plan Review Options Consultation January-March 2014. The SA Interim Report built on the initial findings of the SA and took an initial assessment of the effects of the Local Plan against the framework of indicators proposed within the scoping report. It included a number of initial recommendations against each option policy or site in order to mitigate their negative effects.

1.6 The SA Proposed Submission Consultation Report (2015) was published alongside the Local Plan Review Proposed Submission Consultation February-April 2015. The SA

Proposed Submission Consultation Report (2015) took into account representations received regarding significant effects of the plan during the consultation period of the SA Scoping Report (2013) and SA Interim Report (2014) and amendments were made to the Local Plan and SA accordingly. The SA Proposed Submission Consultation Report (2015) set out a summary of the findings of the Scoping Report and Interim Report, it assessed the sustainability of the options and reasonable alternatives considered in the preparation of the Local Plan. It identified potential significant effects resulting from the implementation of the Local Plan and outlined a proposed monitoring strategy to measure the effects of implementing the Local Plan.

- 1.7 The SA Update (2017) was published alongside the Local Plan Review Proposed Submission (incorporating proposed modifications) Consultation January-February 2017. The SA Update (2017) presented further SA work that was undertaken since the 2015 Proposed Submission consultation and addressed proposed modifications to the Local Plan Review. Specifically it included information about SA related consultation comments received in 2015, further reasonable alternative options, new information sources and SA related consultation comments where relevant. Detailed SA matrices for new and revised options and reasons for selecting or rejecting alternatives based on the information presented was set out.
- 1.8 The SA Update (2018) was published alongside an independent Review of Sustainability Appraisal Update in relation to the main Modifications made to the Mid Devon Local Plan Review: Review of Legal Compliance Consultation February-April 2018. The amendments add greater clarity to the SA but do not amend the content of the Mid Devon Local Plan Review (incorporating proposed modifications) submitted to the Inspector in 2017.
- 1.9 The SA Implications in relation to the Council's proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector (2019) was published alongside the Draft Housing Land Supply Update (2019) during the examination of the Local Plan in July 2019. This assessed the SA implications of the proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector. It summarises that the findings of this SA show that the proposed drafted Main Modifications will not have a material change on the previous assessments of sites in the SA and the assessment of further 'reasonable alternatives' is not necessary.
- 1.10 The SA Addendum (2019) was published alongside a Schedule of Proposed Main Modifications to the Plan which was prepared in response to the Main Modifications the Planning Inspector deemed necessary to make the plan sound as set out in his Post-Hearings advice note in May 2019. The SA Addendum presents an appraisal of the Proposed Main Modifications and considers their implications for the SA findings reported previously. It builds on and supersedes the appraisal work previously presented in the SA Implications in relation to the Council's proposed draft Modifications in relation to the housing trajectory and remedies suggested by the Inspector (2019).
- 1.11 On the 26 June 2020 Mid Devon District Council received the Inspector's Report on the Examination of the Mid Devon Local Plan Review 2013-2033. Following consultation

on the Main Modifications and SA Addendum (2019), the Inspector amended detailed wording and/or consequential modifications where necessary. The Inspector clearly notes that none of the amendments significantly alter the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken. As such, the Sustainability Appraisal undertaken on the Main Modifications previously, and consulted on, remains adequate. The amendments from the Inspector on the Main Modifications are summarised as follows:

- MMs to establish a proper link between the development of housing and related infrastructure and to provide for a trajectory that should ensure a rolling five-year supply of deliverable housing sites;
- A group of MMs necessary to allow the Plan to properly provide for the needs of Gypsies and Travellers and Travelling Show-People;
- MMs to ensure the major development proposed at Junction 27 of the M5 is brought forward in an acceptable way;
- MMs to deal with constraints relating to the allocation under Policy SP2; and
- Various MMs to ensure that development management policies are effective and consistent with national policy.

### ***Requirement for the Adoption Statement***

1.12 In addition to the requirement in Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for publishing the final SA Report alongside the Adopted Local Plan, the SEA Regulations<sup>1</sup> also requires steps to be taken upon adoption of a Local Plan (in this case the Mid Devon Local Plan). Specifically, SEA Regulation 16 sets out the post-adoption procedures for the SEA and requires that as soon as reasonably practicable after the adoption of a plan for which an SA/SEA has been carried out, the planning authority must make a copy of the plan publicly available alongside a copy of the SA report and an 'SEA adoption statement', and consultation bodies, persons who in relation to the plan were public consultees and the Secretary of State about the availability of these documents. The consultation bodies are Historic England, Natural England and the Environment Agency. The SEA post-adoption statement must set out:

- How environmental (and sustainability) considerations have been integrated into the plan.
- How the Environmental Report (contained within the SA Report) has been taken into account during preparation of the plan.
- How the opinions expressed by the public, consultation bodies and (where appropriate) other European Member States during consultation on the plan and the Environmental/SA Report have been taken into account.

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<sup>1</sup> The Environmental Assessment of Plans and Programmes Regulations 2004 - SI No. 1633.

- The reasons for choosing the plan as adopted, in the light of the other reasonable alternatives considered.
- The measures that are to be taken to monitor the significant environmental and sustainability effects of the implementation of the plan.

1.13 As the SEA process was incorporated into the SA process, this document constitutes the SEA Post-Adoption Statement for the Mid Devon Local Plan and given that the SEA was incorporated into the SA process it is titled the “Adopted Mid Devon Local Plan 2013-2033: SA Post-Adoption Statement *[Date to be inserted]*”. The document is structured according to the SEA Regulation requirements listed above:

- **Section 2** summarises how environmental considerations have been integrated into the plan by explaining who carried out the SA/SEA and what assessment framework was used.
- **Section 3** summarises how the Environmental/SA report has been taken into account by demonstrating its role in decision making.
- **Section 4** summarises how the opinions of consultation bodies and the public have been taken into account throughout the SA process
- **Section 5** summarises why the adopted Local Plan was chosen in light of reasonable alternatives and sets out where the Environmental/SA report outlines the reasons for selecting the alternatives dealt with.
- **Section 6** describes how the environmental and sustainability effects of the Local Plan will be monitored.

## 2 How environmental and sustainability considerations have been integrated into the Mid Devon Local Plan

2.1 The purpose of the SA is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives. The process was an opportunity to consider ways by which the plan could contribute to improvements in environmental, social and economic conditions, as well as a means of identifying and mitigating any potential adverse effects that the plan might otherwise have. In doing so, it helped make sure that the proposals in the plan are appropriate given the reasonable alternatives.

2.2 The way in which the environmental and sustainability effects of the Local Plan were described, analysed and compared was through the use of a set of SA objectives. The SA objectives for the Local Plan were developed by the Council during the Scoping stage of the SA process, drawing on a review of relevant European, national and regional policies, plans and programmes and the objectives they contained. This was originally presented in the Council’s 2013 SA Scoping Report and resulted in a SA ‘framework’ comprised of 9 SA objectives which covered all the SEA topics listed in Schedule 2 of the SEA Regulations.

2.3 This SA framework was the main tool used at each stage of the SA for assessing the likely effects of the options and policies for the Local Plan. Using the same SA framework ensured that alternatives were assessed in a comparable way to the options previously considered as part of developing the Mid Devon Local Plan. This framework is set out in Table 1 below:

<b>Sustainability objective</b>	<b>Elements covered</b>
A) Protection of the natural environment	Habitats and biodiversity; flora and fauna; protected species; landscape
B) Protection and promotion of a quality built environment	Heritage assets, including listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, locally listed assets, archaeology; design and quality of development
C) Mitigating the effects of climate change	Reduced flood risk; promotion of low carbon or renewable energy; reductions in carbon emissions; walking and cycling provision; low carbon buildings
D) Safeguarding and minimising resource use	Quality of soils, including contaminated land; water quality, including consideration of water framework directive objectives;

	minimisation of waste; impact on best and most versatile agricultural land
E) Promoting economic growth and employment	Increasing jobs; reducing out-commuting; skills training; growth of rural businesses; tourism provision
F) Supporting retail	Safeguarding the vitality and viability of town centres; relationship between new development and town centres; supporting viability of shopping facilities in villages
G) Meeting housing needs	Supply of housing; housing mix; house size; housing affordability; appropriate housing density to location; proximity to services and facilities
H) Ensuring community health and wellbeing	Community support for proposals; access to open space and recreation; limiting air, noise and light pollution to levels that do not damage human health or natural systems; integrated and sustainable forms of travel including walking, cycling and public transport; social deprivation; safe and secure environments
I) Delivering the necessary infrastructure	Roads and transportation; schools; health services; community facilities; green infrastructure; telecommunications

2.4 The Local Plan was also required to be subject to Habitats Regulations Assessment (HRA) under the Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of HRA is to assess the impacts of a land-use plan against the conservation objectives of a European designated site for nature conservation and to ascertain whether it would adversely affect the integrity of that site. The HRA process for the Mid Devon Local Plan was undertaken separately from the SA but the findings of the HRA Reports informed the SA process.

2.5 In using the SA framework to assess the potential effects of the Local Plan objectives, environmental and sustainability considerations were integrated into site options and policies as they were drafted. This included SA matrices which indicated pre and post-mitigation measures, assessment of cumulative and secondary effects and suggested policy criterion and amendments to options which has led to the final composite of the Mid Devon Local Plan.

2.6 The SA (incorporating SEA) of the Mid Devon Local Plan was commenced by Mid Devon District Council with the publishing of the SA Scoping Report in July 2013 alongside the initial consultation on the scope of the Local Plan. Iterative stages of the SA were then

published by Mid Devon District Council alongside the relevant stages of the Local Plan Review process which were the 2014 SA Interim Report, 2015 SA Proposed Submission Consultation Report, 2017 SA Update, 2018 SA Update following an independent review of the 2017 SA Update, 2019 SA Implications in relation to the Council's proposed draft Main Modifications in relation to the housing trajectory and the remedies suggested by the Inspector and 2019 SA Addendum. All of the above documents with the exception of the 2019 SA Addendum were produced in-house by Mid Devon District Council. Mid Devon District Council has also prepared this SA Post-Adoption Statement. The Independent Review of the 2017 SA Update which led to the 2018 SA Update was undertaken by consultant LUC. LUC also completed the 2019 SA Addendum which presents an appraisal of Proposed Main Modifications consulted upon and considers their implications for the SA findings reported previously.

- 2.7 The Policies and site allocations in the Local Plan and the reasonable alternatives considered during its preparation were subject to a detailed appraisal against the SA objectives. The SA was undertaken iteratively informing the development of the plan, such that at each stage of the Local Plan's preparation an assessment of the sustainability and environmental effects of the options for the Local Plan and subsequently its policies were made. SA Reports were produced alongside each published stage of the Local Plan to describe the approach taken, identify the likely effects, and put forward recommendations to avoid or minimise negative effects identified or to enhance potential positive effects.
- 2.8 It is concluded that the SA has played an integral role in the development of the Local Plan Review and has been used to consider the various strategic options and inform the most sustainable approach for the District. The SA has led to the refinement of policies to minimise adverse impacts and has ensured that sustainability issues for the District are addressed. In general, the Local Plan is found to have a wide range of positive and significant positive effects on the SA objectives, both cumulatively and through individual policies. Recommendations made in previous iterations of the SA report and the proposed submission SA report have generally been thoroughly addressed, which has provided mitigation for potential adverse effects for both individual policies/proposals and the Local Plan as a whole. In this way, environmental and sustainability considerations were integrated into the Local Plan as it was developed.

### 3 How the Environmental/SA Report has been taken into account

3.1 As already stated, the SA process for the Mid Devon Local Plan was undertaken iteratively, such that an assessment of the sustainability and environmental effects was made at each stage of the Local Plan's development. Chapter 4 in the 2015 SA Proposed Submission set out the reasons for selecting the alternatives dealt with, with much of the reasons setting out the findings of the Environmental/SA report in reaching a decision on preferred options at that time.

3.2 The 2017 SA Update responded to alternatives arising from the Local Plan Review Proposed Submission Consultation (2015) as well as new information presenting itself in which a number of modifications were made in response to this with Annex 2 of the 2017 SA Update setting out the reasons for selecting the alternatives dealt with again with much of the reasons setting out the findings of the Environmental/SA report in reaching a decision on preferred options. Annex 4 of the 2017 Update sets out the a summary of the revised SA of the Plan whereby a number of modifications to the proposed policies and supporting text were proposed and led to changes to the Local Plan before being submitted to the Planning Inspectorate in March 2017. Further to this the 2019 SA Addendum sets out reasonable alternatives and reasons for selecting the proposed Main Modifications as published during the time of examination.

3.3 In the SA Update 2018 a series of amendments were made to add clarity to the SA. This included a signposting table which set out the SEA Directive Requirements and how this is met by the Mid Devon Local Plan SA composite. An updated signposting table is provided in Appendix 1 to reflect how the SA Addendum 2019 and this document "Adopted Mid Devon local Plan 2013-2033: SA Post-Adoption Statement [Insert Date]" adds to the SA composite in meeting the SEA directive requirements. Within this table how the environmental/SA report and the results of consultations were taken into account in decision making is detailed. In summary in relation to how the Environmental/SA Report has been taken into account this is as follows:

- **Sustainability Appraisal Scoping Report (2013)** – Consultation commenced on the Local Plan Review Scoping Report and the SA Scoping Report.
- **Interim Sustainability Appraisal Report (2014)** –The Local Plan Review Options Consultation was agreed at Cabinet on 9 July 2014. Consultation included the Interim Sustainability Appraisal Report (2014).
- **Sustainability Appraisal Proposed Submission Report (2015)** – The Local Plan Review Proposed Submission report was submitted to three Cabinet meetings for approval for publication and submission subject to confirmation by Full Council by area. Relevant extracts from the Sustainability Appraisal Proposed Submission Report was provided at each Cabinet meeting. The full Sustainability Appraisal was also made available to members on the Council's website to be considered alongside reports pack. Approval was also sought for the Sustainability Appraisal and other evidence produced in the process of the plan's preparation to be published for consultation alongside the Local Plan. Final approval by Full Council was made on the

17<sup>th</sup> December 2014 for consultation in 2015. Comments received in previous consultations and how the sustainability appraisal results were taken into account in decision-making are also demonstrated through the Local Plan Review Proposed Submission (February 2015) Consultation Summary Document.

- **Request for a J27 implications Report (2016)** - A request by members was made in 2016 for a J27 implications Report which looked at the implications if members were minded to allocate J27 as part of the Local Plan Review Proposed Submission. This included the implication for an additional 260 dwellings if members were minded to make a modification to the plan to allocate land at J27. Alternative housing option sites were set out to members based on a selection criteria and the sustainability references in the report synergised with those in the Sustainability Appraisal (2015). Further to this Land at Junction 27 and associated additional housing was recommended to be allocated at Blundells Road, Tiverton and Higher Town, Sampford Peverell. The recommendations of Cabinet as set out above were taken to Council on 22 September 2016 and were approved. The plan as a whole was subsequently considered at the meetings of Cabinet on 21 November and Council 01 December 2016 where it was agreed that the Local Plan Review incorporating proposed modifications be publicised and consulted on.
- **Sustainability Appraisal Update (2017)** - The Local Plan Review Proposed Submission report (incorporating proposed modifications) was submitted to Cabinet on 21 November 2016 for a recommendation of approval for publication and consultation with its supporting documentation to full Council. A summary of the modifications proposed were summarised in the report pack with the full schedule of modifications appended to the report for viewing. The report references the Sustainability Appraisal and the findings of the Sustainability Appraisal process. The report also makes reference to the Planning Policy Advisory Group which considered all paperwork accompanying the report. The report summarises the considerations of the group and their recommendations to Cabinet. The recommendations to Cabinet on the 21 November 2016 were agreed and were submitted to full Council on 01 December 2016. The submission to full Council included the report pack presented to Cabinet which contained reference to the Sustainability Appraisal for approval and were agreed.
- **Sustainability Appraisal Addendum (2019)** – The Main Modifications report along with the SA Addendum (2019) was approved for consultation at Cabinet 21 November 2019 and Council 4 December 2019. The Cabinet report included a summary of the conclusions of the SA Addendum (2019) and included the full SA Addendum at Appendix 3 of the Cabinet report.

#### 4 How opinions of consultation bodies and the public have been taken into account

4.1 At each stage of the Local Plan's development, an SA Report was published alongside the Local Plan for consultation with the public and the consultation bodies specifically relating to the SEA Directive i.e. Historic England (formerly English Heritage), the Environment Agency and Natural England.

4.2 In the SA Update 2018 a series of amendments were made to add clarity to the SA. This included a signposting table which set out the SEA Directive Requirements and how this is met by the Mid Devon Local Plan SA composite. An updated signposting table is provided in Appendix 1 to reflect how the SA Addendum 2019 and this document "Adopted Mid Devon local Plan 2013-2033: SA Post-Adoption Statement [Insert Date]" adds to the SA composite in meeting the SEA directive requirements. Within the table how the environmental/SA report and the results of consultations were taken into account in decision making is detailed. In summary in relation to how the opinions of consultation bodies and the public have been taken into account are as follows:

- **Sustainability Appraisal Scoping Report (2013)** - Consultation was undertaken on the Local Plan Review Scoping Report and the Sustainability Appraisal Scoping Report.
- **Interim Sustainability Appraisal Report (2014)** - Chapter 3 'Sustainability appraisal methodology' of the Interim Sustainability Appraisal Report (2014) sets out a summary of the consultation responses received during 2013 consultation Local Plan Review Scoping Report and the Sustainability Appraisal Scoping Report (2013) and noted that the SA would be updated following consultation to take account of the responses received during the consultation.
- **Sustainability Appraisal Proposed Submission Report (2015)** - Chapter 3 'Sustainability appraisal methodology' of the Sustainability Appraisal Proposed Submission Report (2015) sets out a summary of the consultation responses received during the two previous consultations on the Local Plan Review and Sustainability Appraisal and notes that the comments were incorporated into the Sustainability Appraisal Proposed Submission Report (2015). A statement of consultation before Local Plan publication was provided at the same time of consultation which set out the main issues raised during previous consultation and how these were responded to. Comments received in previous consultations and how the sustainability appraisal results were taken into account in decision-making are also demonstrated through the Local Plan Review Proposed Submission (February 2015) Consultation Summary Document.
- **Sustainability Appraisal Update (2017)** - Para 1 of the Sustainability Appraisal Update (2017) sets out that this update to the Sustainability Appraisal has been undertaken to take into account comments made at the 2015 Proposed Submission Stage consultation and proposed modification to the Local Plan Review. Consultation

was undertaken on the Sustainability Appraisal Update (2017) and the Local Plan Review Proposed Submission (incorporating proposed modifications) (2017). A statement of consultation was provided at the same time as this consultation which set out the main issues raised during previous three consultations and how these were responded to. Schedule of Proposed Modifications (Proposed Submission consultation) (November 2016) and the Sustainability Appraisal Update (2017) also demonstrate how the results of the consultations were taken into account.

- **Sustainability Appraisal Addendum (2019)** – The Mid Devon Local Plan Review: Proposed Main Modifications Sustainability Appraisal Addendum was subject to a six week public consultation between 6 January and 17 February 2020. Following this, all representations were submitted to the Planning Inspector responsible for examining the Plan in order to inform his final report. A consultation summary document was provided at the same time which set out any comments received on the Sustainability Appraisal Addendum of the Main Modifications.
- **Inspectors Report (2020)** – Further to the consultation on the Main Modifications together with the SA Addendum (2019) and other associated documents, the Inspectors Report on the Mid Devon Local Plan 2013-2033 was published on the 26th June 2020. Having regard to all representations received, the Inspector issued a revised schedule of Main Modifications and recommended their inclusion in the plan. This concluded that none of the amendments significantly alters the contents of the modifications as published for the consultation or undermines the participatory process and SA that has been undertaken. In response to this Mid Devon District Council proposed the further amendments to reflect the recommendations provided within the Inspectors Report and the Local Plan was adopted on the *[Insert Date of Adoption]*.

## **5 Why the adopted Local Plan was chosen in light of reasonable alternatives**

5.1 The vision of the Plan is to bring benefits to local communities by promoting community well-being; supporting economic success; conserving and enhancing the area; and respecting environmental limits. In order to bring that vision to fruition, the intention through the Plan is to create a prosperous economy with increased inward investment; meet objectively assessed needs for development in locations best suited to accommodate it, with a suitable balance of housing, employment and other facilities within towns, smaller settlements, and rural areas; reduce the use of the private car and encourage more use of public transport, walking and cycling; reduce carbon emissions; and promote social inclusion and reduce inequality by providing better access to jobs, services, and housing. This is positive and consistent with national policy that seeks to marry economic growth with sustainable forms of development and environmental improvement.

5.2 The spatial strategy of the Plan is to make the market town of Cullompton the strategic focus of new development which reflects its existing status as one of the larger settlements in the District as well as its accessibility, economic potential and environmental capacity. The market towns of Tiverton and Crediton are treated as secondary focal points for development which is a reflection of their infrastructures, economies, characters, and constraints. Limited development is also envisaged for some of the larger and better-served villages commensurate with their scale while development in smaller settlements, lower in the hierarchy, and the countryside, will be limited to forms of development that bring benefit to the rural economy. In parallel with this a major development is proposed adjacent to J27 of the M5 motorway to bring a high-quality tourist, leisure and retail attraction to the District, attracting visitors to the District, thereby generating economic activity and jobs, and acting as a gateway to the South-West. The Plan uses its evidence base to identify the overall provision in the Plan for housing and commercial development and to meet this need a sequence of sites are allocated in line with the spatial strategy outlined above. A sequence of other strategic and development management policies with a view to meet the vision above are also provided.

5.3 The Policies and site allocations in the Local Plan and the reasonable alternatives considered during its preparation were subject to a detailed appraisal against the SA objectives which were developed at the scoping stage of the SA process. It is concluded that the SA has played an integral role in the development of the Local Plan Review and has been used to consider the various strategic options and inform the most sustainable approach for the District. The SA has led to the refinement of options and the subsequent adopted policies to minimise adverse impacts and has ensured that sustainability issues for the District are addressed. In general, the Local Plan is found to have a wide range of positive and significant positive effects on the SA objectives, both cumulatively and through individual policies. Recommendations made in previous iterations of the SA report and the proposed submission SA report have generally been

thoroughly addressed, which has provided mitigation for potential adverse effects for both individual policies/proposals and the Local Plan as a whole.

5.4 In the SA Update 2018 a series of amendments were made to add clarity to the SA. This included a signposting table which set out the SEA Directive Requirements and how this is met by the Mid Devon Local Plan SA composite. An updated signposting table is provided in Appendix 1 to reflect how the SA Addendum 2019 and this document “Adopted Mid Devon local Plan 2013-2033: SA Post-Adoption Statement (insert date)” adds to the SA composite in meeting the SEA directive requirements. Within the table an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information is detailed. In summary in relation to the outline of the reasons for selecting the alternatives dealt with are as follows:

- **Sustainability Appraisal Scoping Report (2013)** - This appraisal first introduces the proposed framework to assess sustainability in Chapter 5 ‘A framework to assess sustainability’.
- **Interim Sustainability Appraisal (2014)** - Chapter 3 ‘Sustainability appraisal methodology’ sets out a description of the methodology use to undertake the assessment and the assessment of policy options is undertaken in Appendix 2. Alternatives were not selected at this stage as the report was based on policy options.
- **Sustainability Appraisal Proposed Submission (2015)** - Chapter 3 ‘Sustainability appraisal methodology’ sets out a description of the methodology use to undertake the assessment. Chapter 4 ‘Reasons for selecting/rejecting policy alternatives’ sets out an outline of the reasons for selecting the alternatives dealt with. Appendix 3 ‘Undeliverable site options’ sets out the sites which were not deemed deliverable by the SHLAA panel.
- **Sustainability Appraisal Update (2017)** - Paragraphs 2-9 of the SA Update describe the methodology that has been used throughout the SA process. The table following paragraph 9 sets out the assumptions that have been applied to the SA of potential site allocations. Information about the reasons for selecting additional reasonable options for appraisal is provided in Annex 2 of the SA Update.
- **Sustainability Addendum (2019)** – Following the Inspector’s Post-Hearings Advice Note of Main Modifications in May 2019 the Planning Inspector deemed necessary to make the plan sound Table 1 presents a summary of the SA implications of each of the Inspector’s four suggested remedies, including variations within them. Table 2 presents the schedule of Proposed Modifications and reasons for proposing each change along with the implications of each Main Modification for the SA conclusions reported previously. No further reasonable alternatives to the Proposed Main Modifications were identified, given that reasonable alternatives were appraised up to the submission of the Local Plan, and that preparation of the Proposed Main

Modifications was led by the Inspector. Where the Inspector identified alternative options, these have been appraised.

## **6 How will the environmental and sustainability effects of the Local Plan be monitored?**

6.1 Chapter 5 'Monitoring' of the Sustainability Appraisal Proposed Submission (2015) sets out how the plan will be monitored and is replicated below:

### **Monitoring**

Monitoring is important to understand the characteristics of the local area, assess the impact of policies and determine whether the strategy is delivering sustainable development so that the policies can be reviewed as appropriate. The Local Plan Review contains local indicators and targets to measure the Council's performance against relevant policies and legislation as well as any significant environmental effects. The monitoring outcomes are reported annually in Mid Devon District Councils' Monitoring Report which provides information on the following matters:

- Progress of local plans including the timetable for completion, stage reached and reasons for any delay;
- Any local plans or supplementary planning documents that have been approved or adopted, including relevant dates;
- Decisions not to implement any Local Plan Review policy including reasons and steps to implement the policy in the future;
- The number of market and affordable dwellings built in the reporting period and since the relevant Local Plan Review policy target was introduced;
- Any neighbourhood plans or development orders made in the district;
- Progress on the implementation of the Community Infrastructure Levy, if any; and
- Actions taken to ensure cooperation with other local authorities and prescribed organisations under the 'duty to cooperate'.

For convenience the Local Plan Review monitoring indicators, relevant policies and targets are reproduced in the table below.

## Monitoring indicators

Indicator	Relevant Policies	Target	Implementation Agencies	Comments
<b>Housing</b>				
Housing trajectory showing net additional dwellings from 2013-2033	S2; S3; S4; S10; S11; S12; S13	Annual completions of 360 dwellings	Development industry, MDDC	
Affordable housing completions; number of dwellings	S1; S3	Annual average completions 100 per year.	MDDC, development industry, registered providers, Housing and Communities Agency	
Affordable housing on rural exception sites	S3; DM6	>50% affordable housing	MDDC, development industry, registered providers, Housing and Communities Agency	Proportion of market housing on rural exception sites should be lower than that of affordable housing.
Net additional gypsy and traveller pitches	S3; DM7		MDDC	
Self-build completions	S3	5% on sites of 20+ dwellings	MDDC, development industry	
Sizes and types of dwellings completed	S1; S3; DM13	No target	MDDC, development industry	

<b>Indicator</b>	<b>Relevant Policies</b>	<b>Target</b>	<b>Implementation Agencies</b>	<b>Comments</b>
Net density of new residential development	S9; DM1	None	MDDC, development industry	Policies do not set minimum housing densities but promote the efficient and effective use of land.
Availability of land for housing	S3; S4	>105% housing supply against requirement	MDDC, development industry	Target applied to whole district. Target will be revised to >120% if persistent under-delivery of housing is proven.
Development of housing on allocated sites	S3 S4 All housing allocations	>50% of completions	MDDC, development industry	
Total amount and percentage of housing development (including conversions) on previously developed land.	S1	No target	MDDC, development industry	
Number of parking spaces provided in new residential developments	DM5	≥1.7 car parking spaces per dwelling	MDDC, development industry	
<b>Commercial</b>				

<b>Indicator</b>	<b>Relevant Policies</b>	<b>Target</b>	<b>Implementation Agencies</b>	<b>Comments</b>
Total amount of additional commercial floorspace for the whole district and individually for Tiverton, Cullompton, Crediton and rural areas	S2; S6; S10; S11; S12; S13; DM14; DM15, DM18	Average annual completions (square metres) Mid Devon 7700 Tiverton 1540 Cullompton 3850 Crediton 770 Rural Areas 1540	MDDC, development industry	Monitoring reports will break down the provision of use classes A1-A5, B1-B8, C1-C2, D1-D2 and sui generis uses.
Development of employment on allocated sites	S6; All commercial allocations	>50% of completions	MDDC, development industry	
Losses of commercial land in local authority area	S6; DM14; DM15; DM19	No Target	Mid Devon District Council, development industry, businesses	Loss of commercial land will be broken down according to use class.
Number of active businesses	S1; S2; S6	Maintain or increase number of active businesses.	MDDC, Heart of the South West Local Enterprise Partnership, private sector	
Job Seekers Allowance as a proportion of working age population each April	S1; S6	Remain below regional average	MDDC, development industry, business sector	Gives indicator for deprivation and employment.
Total amount of floorspace for town centre uses, in total and within town centres (Classes A1, A2, B1a and D2)	S6; S7	No target	MDDC, development industry, retail business sector, leisure industry.	

<b>Indicator</b>	<b>Relevant Policies</b>	<b>Target</b>	<b>Implementation Agencies</b>	<b>Comments</b>
Total amount of floorspace for town centre uses out of town centres (Classes A1, A2, B1a and D2)	S6; DM14; DM15	No target	Mid Devon District Council, development industry, retail business sector, leisure industry.	To monitor edge-of-centre and out-of-centre development, mainly retail.
A1 shops in primary shopping frontages.	S7; DM14	>65%	Mid Devon District Council, development industry, retailers	
Total amount and percentage of commercial floorspace on previously developed land.	S1	No target	MDDC, development industry	
<b>Infrastructure</b>				
Community Infrastructure Levy. Monitor annual receipt of CIL.	S8	No target.	MDDC, development industry	
Public open space provision and accessibility. Applications complying/failing to comply with quantity and access standards in Policy S5	S1; S5; S8	No target	MDDC, development industry, town and parish councils, Sport England, private and voluntary organisations.	Policy S5 sets out standards for open space provision. Smaller sites may provide financial contributions in lieu of onsite open space, with these funds being directed to the provision or improvement of public open space elsewhere.

<b>Indicator</b>	<b>Relevant Policies</b>	<b>Target</b>	<b>Implementation Agencies</b>	<b>Comments</b>
Strategic Housing and Commercial Land Availability Assessment	S3; S4; S6	To review SHLAA/SCLAA when the Local Plan is reviewed	MDDC, development industry, infrastructure providers	
Services available in towns and rural areas	S8; S10; S11, S12; S13; S14	No reduction in services	MDDC, Devon County Council, other organisations	Services include: Public transport, educational facilities, convenience stores, community halls
Loss of community facilities	S1; DM23	No total loss in settlement	MDDC, development industry	
<b>Environment</b>				
Number of Conservation Area Appraisals and Conservation Area Management Plans	S9	1 new or updated CAA/MP per year	MDDC	
Habitat surveys (where applicable) for consented developments demonstrate no loss in biodiversity.	S1; S9	100%	Natural England, MDDC, development industry	No loss may be achieved through avoidance, mitigation and compensation of impacts.
Developments permitted on protected sites (habitats)	S1; S9; DM28	No target	MDDC, Natural England, development industry	Policy directs development away from protected sites subject to criteria, so the number of consents should be low.

<b>Indicator</b>	<b>Relevant Policies</b>	<b>Target</b>	<b>Implementation Agencies</b>	<b>Comments</b>
Ecological status of water bodies	S1; S9; DM4	No target	MDDC, development industry, Environment Agency.	Target in South West River Basin Management Plan is to achieve good ecological status for water bodies and protected areas by 2015. The Environment Agency monitors water quality.
Consented renewable energy development by type and megawatts.	S1; S9 DM2	No target	Mid Devon District Council, development industry.	
Number of heritage assets added to the local register	DM25	No target	Mid Devon District Council, development industry, English Heritage	
Air Quality Management Areas	S1; S11; S12; DM3; DM4	Reduction in air pollutants within AQMAs	MDDC, development industry, Devon County Council, Highways Agency	
<b>Enforcement</b>				
Number of planning enforcement cases, notices and prosecutions	DM29	No target	MDDC	

**Appendix 1: Signposting Table of how the SA composite meets the SEA Directive requirements**

Signposting Table	
SEA Directive Requirements	Covered in SA
<b>Information to be included in the Environmental Report – Article 5 and Annex 1 of SEA Directive</b>	
<p>a) an outline of the contents, main objectives of the plan, and relationship with other relevant plans and programmes;</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>‘Chapter 1 Introduction’ of this report sets out the contents and main objectives of the plan.</p> <p>‘Chapter 2 Relevant plans and programmes’ of this report sets out the relationship with other relevant plans and programmes.</p> <p>‘Chapter 7 Appendix: Reviewed plans and programmes (full list)’ provides a full list of reviewed plans and programmes.</p> <p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Chapter 1 Background’ of this report sets out an outline of the contents and main objectives of the Local Plan. This chapter also identifies the compliance of report at the time of publication with the SEA Directive and Regulations.</p> <p>‘Chapter 2 Sustainability Context’. This chapter sets out the conclusions from the review of relevant plans and programmes.</p> <p>‘Appendix 1: Full review of plans and programmes’. This appendix provides a full review of plans and programmes.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Chapter 1 Background’ of this report sets out the contents and main objectives of the Local plan. This chapter also identifies the compliance of the report at the time of publication with the SEA Directive and Regulations.</p>

**Signposting Table**

SEA Directive Requirements	Covered in SA
	<p>‘Chapter 2 Sustainability Context’. This chapter sets out the conclusions from the review of relevant plans and programmes.</p> <p>‘Appendix 1: Full review of plans and programmes’. This appendix provides a full review of plans and programmes.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>Appendix 2 provides updates Baseline and Evidence Base including a review of plans and programmes.</p>
<p>b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan;</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>‘Chapter 3 Baseline information about Mid Devon’ of this report considers the relevant aspects of the current state of the environment and considers trends that are likely to continue without the implementation of the plan e.g. likely historic trends of biodiversity expected to continue and the trend for the delivery of sustainable homes based on existing relevant plans and programmes.</p> <p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Chapter 2 Sustainability Context’ looks at the relevant aspects of the state of the environment and considers trends that are likely to continue without the implementation of the plan.</p> <p><b>Sustainability Appraisal Proposed Modifications Report (2015):</b></p> <p>‘Chapter 2 Sustainability Context’ looks at the relevant aspects of the state of the environment and considers trends that are likely to continue without the implementation of the plan. The likely Evolution of the State of the Environment without Implementation of the Local Plan Review is set out in full at para 2.60 and accompanying table.</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
<p>c) the environmental characteristics of areas likely to be significantly affected;</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>‘Chapter 2 Relevant plans and programmes’ of this report sets out the relationship with other relevant plans and programmes which have been grouped into themed areas. This first picks up on the potential impact of the Plan, in particular how the promotion of new development may impact on these themes.</p> <p>‘Chapter 3 Baseline information about Mid Devon’ of this report considers the relevant aspects of the current state of the environment, it provides some identification of existing environmental characteristics that could be affected by the Plan e.g. Natural England has advised that any development that encourages through-traffic through the A361 may impact on the Culm Grasslands SAC.</p> <p>‘Chapter 4 Sustainability issues and problems’ of this report summarises the sustainability issues within Mid Devon identified by the Sustainability Appraisal scoping report.</p> <p>‘Chapter 7 Appendix: Reviewed plans and programmes (full list)’ provides a full list of reviewed plans and programmes and provides greater detail on environmental characteristics likely to be affected and therefore which should be considered as part of the Local Plan Review.</p> <p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Chapter 2 Sustainability context’ looks at the relevant aspects of the state of the environment including the consideration of environmental characteristics of areas likely to be significantly affected.</p> <p>‘Appendix 1: Full review of plans and programmes’ provides a full list of reviewed plans and programmes and provides greater detail on environmental characteristics likely to be affected</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>and therefore which should be considered as part of the Local Plan Review.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Chapter 2 Sustainability context’ looks at the relevant aspects of the state of the environment including the consideration of environmental characteristics of areas likely to be significantly affected.</p> <p>‘Appendix 1: Full review of plans and programmes’ provides a full list of reviewed plans and programmes and provides greater detail on environmental characteristics likely to be affected and therefore which should be considered as part of the Local Plan Review.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>The SA Update is an addendum to the SA work undertaken to date. As such the context and methodology previously set out in the SA still applies. The SA framework objectives borne out of previous iterations of the SA are repeated in the SA Update for clarity.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>The SA Update is an addendum to the SA work undertaken to date. As such the context and methodology previously set out in the SA still applies. The SA framework objectives borne out of previous iterations of the SA are repeated at Appendix 1 for clarity.</p>
<p>d) any existing environmental problems which are relevant to the plan including, in particular, those relating to any areas of a particular environmental importance, such as areas</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>‘Chapter 3 Baseline information about Mid Devon’ of this report considers the relevant aspects of the current state of the environment, it provides some identification of existing environmental problems which are relevant to the plan including advice from</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
<p>designated pursuant to Directives 79/409/EEC and 92/43/EEC;</p>	<p>Natural England on the impact of through-traffic on the A361 on the Culm Grasslands SAC.</p> <p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Chapter 2 Sustainability Context’ looks at the relevant aspects of the state of the environment it provides some identification of existing environmental problems which are relevant to the plan including advice from Natural England on the impact of through-traffic on the A361 on the Culm Grasslands SAC.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Chapter 2 Sustainability Context’ looks at the relevant aspects of the state of the environment it provides some identification of existing environmental problems which are relevant to the plan including advice from Natural England on the impact of through-traffic on the A361 on the Culm Grasslands SAC.</p>
<p>e) the environmental protection objectives, established at international, Community or national level, which are relevant to the plan and the way those objectives and any environmental considerations have been taken into account during its preparation;</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>‘Chapter 2 Relevant plans and programmes’ of this report sets out the relationship with other relevant plans and programmes which have been grouped into themed areas. This chapter identifies factors and policy defined by EU or UK legislation, national policies and other plans and strategies at a local level which are relevant to the plan, including environmental considerations to be taken into account during the Plan preparation.</p> <p>‘Chapter 7 Appendix: Reviewed plans and programmes (full list)’ provides a full list of reviewed plans and programmes which is summarised in Chapter 2. The chapter provides sustainability conclusions under each theme which include environmental considerations to be taken into account in the Plan’s preparation.</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Chapter 2 Sustainability Context’ of this report sets out the relationship with other relevant plans and programmes which have been grouped into themed areas. This chapter identifies factors and policy defined by EU or UK legislation, national policies and other plans and strategies at a local level which are relevant to the plan, including environmental considerations to be taken into account during the Plan preparation.</p> <p>‘Appendix 1 Full review of plans and programmes’ provides the full list of reviewed plans and programmes which is summarised in Chapter 2. The chapter provides sustainability conclusions under each theme which include environmental considerations to be taken into account in the Plan’s preparation.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Chapter 2 Sustainability Context’ of this report sets out the relationship with other relevant plans and programmes which have been grouped into themed areas. This chapter identifies factors and policy defined by EU or UK legislation, national policies and other plans and strategies at a local level which are relevant to the plan, including environmental considerations to be taken into account during the Plan preparation.</p> <p>‘Appendix 1 Full review of plans and programmes’ provides the full list of reviewed plans and programmes which is summarised in Chapter 2. The chapter provides sustainability conclusions under each theme which include environmental considerations to be taken into account in the Plan’s preparation.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p>

**Signposting Table**

SEA Directive Requirements	Covered in SA
	Appendix 2 provides updates Baseline and Evidence Base including a review of plans and programmes.
<p>f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors (these effects should include secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative impacts);</p>	<p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Appendix 2 Sustainability appraisal of policies and site options’ presents the findings of appraisal work that has been carried out. The effects are illustrated using matrices and scoring system set out in ‘Chapter 3 Sustainability appraisal methodology’. The likely significant positive and negative effects are shown by applying the scores +3 and -3 respectively. The SA objectives used throughout the SA process address all the required SEA topics. Appendix 2 also includes secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary impacts.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Appendix 2 Sustainability appraisal of policies and site options’ presents the findings of appraisal work that has been carried out. The effects are illustrated using matrices and scoring system set out in ‘Chapter 3 Sustainability appraisal methodology’. The likely significant positive and negative effects are shown by applying the scores +3 and -3 respectively. The SA objectives used throughout the SA process address all the required SEA topics. Appendix 2 also includes secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary impacts.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>Annex 1 ‘Sustainability Appraisal text, methodology and cumulative impact comments’ updates the cumulative effects noted in appendix 2 of the Sustainability Appraisal Proposed Submission Report (2015)</p> <p>Annexes 2 and 3 in the SA Update present the findings of the additional appraisal work that has been carried out. Effects are illustrated using the same matrices and scoring system that was used</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>earlier in the SA process and that is described in paragraphs 2-9 of the SA Update. As described in paragraph 6, likely significant positive and significant negative effects are shown by applying the scores +3 and -3 respectively. The SA objectives used throughout the SA process address all of the required SEA topics.</p> <p>Annex 4 in the SA Update summarises the updated cumulative sustainability effects of the Local Plan review as a whole, taking into account the changes proposed to the Plan.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>Table 1 and Table 2 within the addendum assesses the likely significant effects of the options presented. Table 3 summarises these effects and the conclusions in the SA Addendum assesses cumulative effects.</p>
<p>g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan;</p>	<p><b>Interim Sustainability Appraisal (2014):</b></p> <p>‘Appendix 2 Sustainability appraisal of policies and site options’ presents the findings of appraisal work that has been carried out. Under each appraisal a summary of recommendations are made to prevent, reduce or as fully as possible offset any significant adverse effects on the environment of implementing the plan.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015):</b></p> <p>‘Appendix 2 Sustainability appraisal of policies and site options’ presents the findings of the appraisal work that has been carried out. This updated version of the SA introduces a column considering potential mitigation measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan. The revised scores in the final column of the SA matrices illustrate how the proposed mitigation</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>would affect the SA scores. In a number of places this results in potential significant effects being reduced.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>Annex 2 considers further reasonable alternatives, new information and comments on the sustainability appraisal of policies and site. Where appropriate measures are recommended as ‘Changes to the Plan’ to prevent, reduce and as fully possible offset any significant adverse effects on the environment of implementing the plan.</p> <p>The detailed SA matrices in Annex 3 include a column considering potential mitigation measures, and the revised scores in the final column of the SA matrices illustrate how the proposed mitigation would affect the SA scores. In a number of places this results in potential significant negative effects being reduced.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>A number of the Main Modifications assessed identify a positive effect.</p>
<p>h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;</p>	<p><b>Sustainability Appraisal Scoping Report (2013)</b></p> <p>This appraisal first introduces the proposed framework to assess sustainability in Chapter 5 ‘A framework to assess sustainability’.</p> <p><b>Interim Sustainability Appraisal (2014)</b></p> <p>Chapter 3 ‘Sustainability appraisal methodology’ sets out a description of the methodology use to undertake the assessment and the assessment of policy options is undertaken in Appendix 2. Alternatives were not selected at this stage as the report was based on policy options.</p> <p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>Chapter 3 ‘Sustainability appraisal methodology’ sets out a description of the methodology use to undertake the assessment. This chapter also sets out</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>where there were technical deficiencies in which specific data was not available at the time of the SA assessments an uncertain effect was identified in the full appraisals.</p> <p>Chapter 4 'Reasons for selecting/rejecting policy alternatives' sets out an outline of the reasons for selecting the alternatives dealt with.</p> <p>Appendix 2 'Sustainability appraisal of policies and site options' provides the full appraisal of policy and site options. The appraisal applies the sustainability appraisal methodology including identifying any difficulties encountered in compiling the required information, where there were technical deficiencies in which specific data was not available at the time of the SA assessments, an uncertain effect was identified in the full appraisals. Page 192 sets out the appraisal guidance followed when applying the pre-mitigation scoring system to potential allocation sites. It's noted that in some cases the scoring could differ from the guidance due to site specific context and a cumulative approach was taken when assessing allocation sites within each objective.</p> <p>Appendix 3 'Undeliverable site options' sets out the sites which were not deemed deliverable by the SHLAA panel.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>Paragraphs 2-9 of the SA Update describe the methodology that has been used throughout the SA process including where there were technical deficiencies in which specific data was not available at the time of the SA assessments an uncertain effect was identified in the full appraisals. The table following paragraph 9 sets out the assumptions that have been applied to the SA of potential site allocations.</p>

Signposting Table	
SEA Directive Requirements	Covered in SA
	<p>Information about the reasons for selecting additional reasonable options for appraisal is provided in Annex 2 of the SA Update.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>The reasonable alternatives and reasons for selecting the proposed Main Modifications is set out in the SA Addendum. Uncertainties are identified in the assessment of options.</p>
i) a description of the measures envisaged concerning monitoring;	<p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>Chapter 5 'Monitoring' of the report sets out a description of the measures envisaged concerning monitoring.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>The SA Addendum references the monitoring indicators set out in the 2015 SA report. Following the review and appraisal of all of the Proposed Main Modifications to the Local Plan, it is considered that the same monitoring indicators remain appropriate and no changes to the SA monitoring framework are proposed.</p>
j) a non-technical summary of the information provided under the above headings.	<p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>A non-technical summary was published with the full Sustainability Appraisal Proposed Submission Report (2015).</p>
The report must include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters	<p><b>Sustainability Appraisal Scoping Report (2013)</b></p> <p>Provided an introduction and context of Mid Devon District and the proposed Plan. The Report considered relevant plans and programmes, baseline information about Mid Devon, Sustainability issues and problems and set out a framework to assess sustainability for consultation.</p> <p><b>Interim Sustainability Appraisal (2014)</b></p>

## Signposting Table

SEA Directive Requirements	Covered in SA
<p>are more appropriately assessed at different levels in that process to avoid duplication of the assessment (Article 5.2)</p>	<p>Provided the same provisions as the Sustainability Appraisal Scoping Report (2013) and was updated to demonstrate the latest information available at the time of publication and in response to the initial consultation the Sustainability Appraisal Scoping Report (2013). This report also first introduces the findings of appraisal work on the policies proposed in the Local Plan Review and the likely significant effects. It provides a description of how the assessment was undertaken including any difficulties encountered in compiling the required information. It also makes recommendations for mitigation measures. However decisions for preferred alternatives were not taken at this stage as the Plan was out for consultation on the options for the Local Plan Review. Chapter 1 set out the compliance with the Strategic Environmental Assessment Directive and Regulations which identifies three areas that would be more appropriately addressed at a later stage of the SA process; the outline of the reasons for selecting alternatives dealt with, a description of the measures envisaged concerning monitoring and the non-technical summary.</p> <p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>Provided the same provisions of the Interim Sustainability Appraisal (2014) and was updated to demonstrate the latest information available at the time of publication. The update also responded to the consultation on the Interim Sustainability Appraisal (2014). This report introduces a mitigation column in the appraisals which sets out revised scores demonstrating how the mitigation proposed could affect the SA scores. The Sustainability Appraisal Proposed Submission (2015) also sets out an outline of reasons for selecting the alternatives dealt with, a description of the measures envisaged concerning monitoring and provides a non-technical</p>

**Signposting Table**

SEA Directive Requirements	Covered in SA
	<p>summary. The SA Proposed Submission incorporates all of the information reasonably required.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>As noted in paragraph 1 of the update report, the update to the Sustainability Appraisal has been undertaken to take into account comments made at the 2015 Proposed Submission Stage consultation and proposed modifications to the Local Plan Review. The requirements not met in the SA Update are met in previous iterations of the Sustainability Appraisal.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>Appendix 2 provides updates to the Baseline and Evidence Base.</p>

**Who should be consulted during SEA/SA process**

<p>Authorities with environmental responsibility, when deciding on the scope and level of detail of the information which must be included in the environmental report (Article 5.4)</p>	<p><b>Sustainability Appraisal Scoping Report (2013):</b></p> <p>Chapter 6 ‘Consultation’ identifies that the Council provided the opportunity to the three statutory environmental consultation bodies at the time of the scoping report which were Natural England, the Environment Agency and English Heritage (now Historic England). The opportunity to comment on the scope and level of detail of the information contained within the scoping report was also provided to local communities and other bodies on 8 July 2013 for 6 weeks. Every person and organisation including statutory consultees that appeared on the Mid Devon Local Development Framework database at the time of publication was informed of the opportunity to comment on the Local Plan Review Scoping Report and associated documents including the Sustainability Appraisal.</p>
<p>Authorities with environmental responsibility and the public, shall be given an early and effective opportunity within appropriate</p>	<p><b>Interim Sustainability Appraisal (2014):</b></p> <p>Chapter 4 ‘Next steps’ invites representations on the contents of the Local Plan Review and this</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
<p>time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme (Article 6.1, 6.2)</p>	<p>accompanying Sustainability Appraisal. Consultation was held on 24<sup>th</sup> January 2014 for 8 weeks. Every person and organisation including statutory consultees that appeared on the Mid Devon Local Development Framework database at the time of publication was informed of the opportunity to comment on the Local Plan Review Options Consultation Report and associated documents including the Sustainability Appraisal.</p> <p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>Consultation was held on 9<sup>th</sup> February 2015 for 11 weeks. Every person and organisation including statutory consultees that appeared on the Mid Devon Local Development Framework database at the time of publication was informed of the opportunity to comment on the Local Plan Review Proposed Submission Report and associated documents including the Sustainability Appraisal.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>Consultation was held on 3<sup>rd</sup> January 2017 for 6 weeks. Every person and organisation including statutory consultees that appeared on the Mid Devon Local Development Framework database at the time of publication was informed of the opportunity to comment on the Local Plan Review Proposed Submission Report (incorporating proposed modifications) and associated documents including the Sustainability Appraisal.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>Consultation was held on 6<sup>th</sup> January 2020 for 6 weeks. Every person and organisation including statutory consultees that appeared on the Mid Devon Local Development Framework database at the time of publication was informed of the opportunity to comment on Proposed Main</p>

Signposting Table	
SEA Directive Requirements	Covered in SA
	Modifications to the Plan and associated documents including the Sustainability Appraisal.
Other EU Member States, where the implementation of the plan or programme is likely to have significant effects on the environment of that country (Article 7)	Not relevant to the SA of the Mid Devon Local Plan.
Decision-making	
The environmental report and the results of the consultations must be taken into account in decision-making (Article 8)	<p><b>Sustainability Appraisal Scoping Report (2013)</b></p> <p>Consultation was undertaken on the Local Plan Review Scoping Report and the Sustainability Appraisal Scoping Report.</p> <p><b>Interim Sustainability Appraisal Report (2014)</b></p> <p>The Local Plan Review Options Consultation report was submitted to Cabinet on 9 January 2014 and was agreed for approval for public consultation and authority to be given to the Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning, to make minor editorial changes to the text and maps.</p> <p>Chapter 3 ‘Sustainability appraisal methodology’ of the Interim Sustainability Appraisal Report (2014) sets out a summary of the consultation responses received during 2013 consultation Local Plan Review Scoping Report and the Sustainability Appraisal Scoping Report (2013) and noted that the SA would be updated following consultation to take account of the responses received during the consultation.</p> <p><b>Sustainability Appraisal Proposed Submission Report (2015)</b></p> <p>The Local Plan Review Proposed Submission report was submitted to three Cabinet meetings for approval for publication and submission subject to confirmation by Full Council by area (West, Central and East) on 27 November, 4 December and 11</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>December 2014. Relevant extracts from the Sustainability Appraisal Proposed Submission Report was provided at each Cabinet meeting. The full Sustainability Appraisal was also made available to members on the Council’s website to be considered alongside reports pack. Approval was also sought for the Sustainability Appraisal incorporating the Strategic Environmental Assessment, the Draft Habitats Regulations Assessment and other evidence produced in the process of the plan’s preparation to be published for consultation alongside the Local Plan. Thirdly approval was sought for authority given to the Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning, to make minor changes to the text and maps. Final approval by Full Council was made on the 17<sup>th</sup> December 2014 for consultation in 2015.</p> <p>Chapter 3 ‘Sustainability appraisal methodology’ of the Sustainability Appraisal Proposed Submission Report (2015) sets out a summary of the consultation responses received during the two previous consultations on the Local Plan Review and Sustainability Appraisal and notes that the comments were incorporated into the Sustainability Appraisal Proposed Submission Report (2015).</p> <p>Chapter 4 ‘Reasons for selecting/rejecting policy alternatives’ sets out a summary of the reasons for selecting/rejecting the strategic, allocation and development management policy alternatives.</p> <p>A statement of consultation before Local Plan publication was provided at the same time of consultation which set out the main issues raised during previous consultation and how these were responded to. Comments received in previous consultations and how the sustainability appraisal results were taken into account in decision-making are also demonstrated through the Local Plan Review</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>Proposed Submission (February 2015) Consultation Summary Document.</p> <p><b>Request for a J27 implications Report (2016)</b></p> <p>A request by members was made in 2016 for a J27 implications Report which looked at the implications if members were minded to allocate J27 as part of the Local Plan Review Proposed Submission. This report was taken to Cabinet on the 15 September 2016 which set out the history of the J27 proposal and decisions previously made by members and the implications of allocating J27. The report also identified that if members were minded to make a modification to the plan to allocate land at J27, sites for an additional 260 dwellings will also need to be allocated in the Local Plan. Alternative housing option sites were set out to members based on a selection criteria as follows: sites previously consulted on as part of the Local Plan Review Options consultation (January 2014) or received as a local plan representation; sites considered by the Strategic Housing Land Availability Assessment Panel; compliance with the Local Plan Review Distribution Strategy; and proximate to the development proposal at Junction 27.</p> <p>The 2015 SA was publically available at the time the Implications Report was presented to members in 2016 and the draft 2015 SA was presented to members previously in the 2014 Cabinet (27 November, 4 December, 11 December) and Council meetings (17 December 2014). The Sustainability Appraisal was not mentioned in the Implications Report; however there is an apparent synergy in the reasons set out in the Implications Report and the Sustainability Appraisal (2015).</p> <p>Cabinet proposed a recommendation to Council that a 6 week consultation period take place prior to the submission of the Local Plan, Land at Junction 27 of the M5 be allocated for leisure retail and tourism</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>development and associated additional housing sites giving the extra provision of 260 additional homes be allocated at Blundells Road, Tiverton and Higher Town, Sampford Peverell. The recommendations of Cabinet as set out above were taken to Council on 22 September 2016 and were approved. The plan as a whole was subsequently considered at the meetings of Cabinet on 21 November and Council 01 December 2016 where it was agreed that the Local Plan Review incorporating proposed modifications be publicised and consulted on for 6 weeks, and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning for the plan's subsequent submission to the Planning Inspectorate for examination together with its supporting documentation. After consultation, the plan was submitted to the Planning Inspectorate together with supporting documentation on 31<sup>st</sup> March 2017 under the delegated authority.</p> <p><b>Sustainability Appraisal Update (2017)</b></p> <p>The Local Plan Review Proposed Submission report (incorporating proposed modifications) was submitted to Cabinet on 21 November 2016 for a recommendation of approval for publication and consultation, and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning for the plan's subsequent submission to the Planning Inspectorate for examination together with its supporting documentation to full Council. The amended Local Plan Review incorporated the recommendations made at Council on 22 September 2016. A summary of the modifications proposed were summarised in the report pack with the full schedule of modifications appended to the report for viewing.</p> <p>The report references the Sustainability Appraisal and the findings of the Sustainability Appraisal</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>process. The report notes that the Local Plan Review has been subject to Sustainability Appraisal during its preparation. The appraisal is an iterative process informing the development of the Local Plan Review and has been published alongside each stage of consultation. The Sustainability Appraisal assesses the likely significant effects of the Local Plan, focussing on the environmental, economic and social impacts. The latest version was updated to consider the latest available evidence including reasonable alternatives proposed through consultation responses. The Sustainability Appraisal Update concludes that the proposals set out in the Local Plan Review together with the schedule of modifications are the most appropriate given the reasonable alternatives available. The report identifies that the Sustainability Appraisal and other updated evidence produced in the process of the plan's preparation will be made available for comment during the Local Plan Review proposed modifications consultation.</p> <p>The report also makes reference to the Planning Policy Advisory Group which considered all paperwork accompanying the report. The report summarises the considerations of the group and their recommendations to Cabinet. The recommendations to Cabinet on the 21 November 2016 were agreed and were submitted to full Council on 01 December 2016. The submission to full Council included the report pack presented to Cabinet which contained reference to the Sustainability Appraisal for approval and were agreed.</p> <p>Para 1 of the Sustainability Appraisal Update (2017) sets out that this update to the Sustainability Appraisal has been undertaken to take into account comments made at the 2015 Proposed Submission Stage consultation and proposed modification to the Local Plan Review. The summary matrices in Annex 2 relating to the additional reasonable alternative options considered for each policy topic include a</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
	<p>final row which states which option has been taken forward as a proposed change to the Plan if relevant, or if no changes are proposed to the Plan policies, why this is.</p> <p>Consultation was undertaken on the Sustainability Appraisal Update (2017) and the Local Plan Review Proposed Submission (incorporating proposed modifications) (2017). A statement of consultation was provided at the same time as this consultation which set out the main issues raised during previous three consultations and how these were responded to. Schedule of Proposed Modifications (Proposed Submission consultation) (November 2016) and the Sustainability Appraisal Update (2017) also demonstrate how the results of the consultations were taken into account.</p> <p>Comments received during this consultation including how the sustainability appraisal results were taken into account in decision-making are demonstrated through the Local Plan Review Proposed Submission (January 2017) Consultation Summary Document and the schedule of Proposed Minor Modifications (2017).</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>The Main Modifications report along with the SA Addendum (2019) was approved for consultation at Cabinet 21 November 2019 and Council 4 December 2019. The Cabinet report summarised the conclusions of the SA Addendum (2019) and included the full SA Addendum at Appendix 3 of the Cabinet report.</p>
<p><b>Provision of information on the decision</b></p>	
<p>When the plan or programme is adopted, the public and any countries consulted under Article 7 must be informed and the</p>	<p><b>Adopted Mid Devon Local Plan Sustainability Appraisal Post-Adoption Statement – [Insert Date]</b></p> <p>This document is published alongside the adoption of the Local Plan and sets out a statement</p>

## Signposting Table

SEA Directive Requirements	Covered in SA
<p>following made available to those so informed:</p> <ul style="list-style-type: none"> <li>• the plan or programme as adopted</li> <li>• a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report of Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8, and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with; and</li> <li>• the measures decided concerning monitoring (Article 9)</li> </ul>	<p>summarising how environmental considerations have been integrated into the plan, how the Environmental Report (contained within the SA Report) has been taken into account during the preparation of the plan, how the options expressed by the public and consultation bodies on the plan and the Environmental/SA report have been taken into account, the reasons for choosing the plan as adopted in light of the other reasonable alternatives considered and measures that are to be taken to monitor the significant environmental effects of the implementation of the plan.</p>
<b>Monitoring</b>	
<p>Monitoring of the significant environmental effects of the plan's or programme's implementation must be undertaken (Article 10)</p>	<p><b>Sustainability Appraisal Proposed Submission (2015)</b></p> <p>Chapter 5 'Monitoring' sets out how the Plan will be monitored.</p> <p><b>Sustainability Appraisal Addendum (2019)</b></p> <p>The SA Addendum references the monitoring indicators set out in the 2015 SA report. Following the review and appraisal of all of the Proposed Main Modifications to the Local Plan, it is considered that the same monitoring indicators remain appropriate and no changes to the SA monitoring framework are proposed.</p>

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## Appendix 8



Mr P Griffiths  
c/o The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Forward Planning  
Development Management**  
Phoenix House  
Phoenix Lane  
Tiverton  
Devon  
EX16 6PP

**Tel:** 01884 234344  
**Fax:** 01884 234235  
**e-mail:** tpeat@middevon.gov.uk

**Your Ref:**

**Date:** 5<sup>th</sup> December 2019

**My Ref:**

**Contact:** Mr Tristan Peat

Dear Mr Griffiths,

### **Mid Devon Local Plan Review examination / Request for Main Modifications / Planning and Compulsory Purchase Act 2004 Section 20 (7C)**

I am writing to confirm that the Council requests you to recommend main modifications to the Mid Devon Local Plan Review, under section 20(7c) of the Planning and Compulsory Purchase Act 2004, in order for it to be made sound and legally compliant.

I also wish to let you know that following your communication on 27<sup>th</sup> September 2019 the Council will now proceed to consult on proposed Main Modifications in early January 2020. These proposed Main Modifications follow the advice contained in your Post Hearings Advice Note dated 21<sup>st</sup> May 2019, together with additional (minor) modifications, an addendum to the Sustainability Appraisal, an addendum to the Habitat Regulations Assessment and an addendum to the Equalities Impact Assessment. Following this consultation these documents (with the exception of the additional (minor) modifications) will be submitted to you together with the consultation responses received on them.

Yours sincerely,

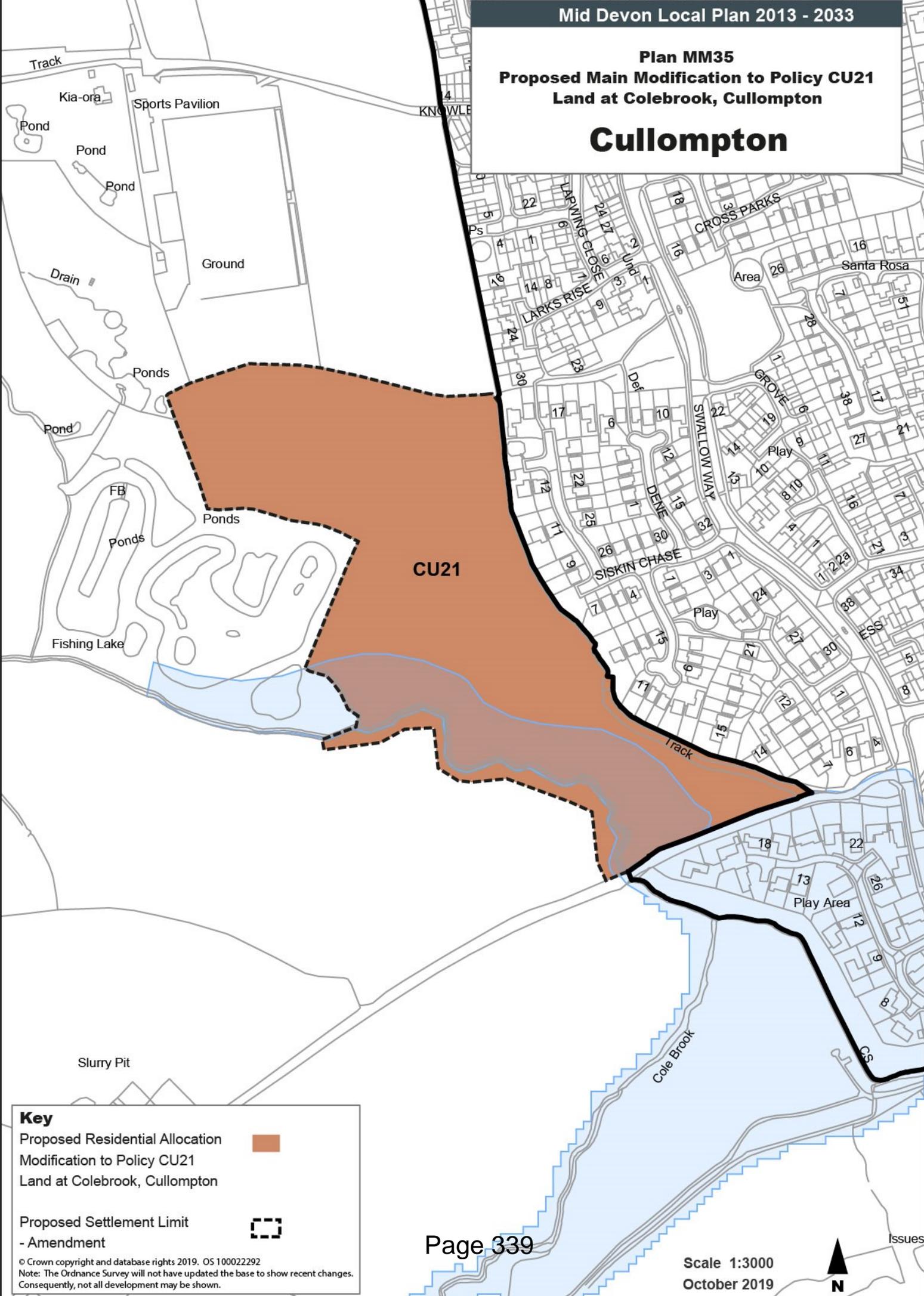
*Tristan Peat*

Tristan Peat  
**Forward Planning Team Leader for Mid Devon District Council**

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**Plan MM35**  
**Proposed Main Modification to Policy CU21**  
**Land at Colebrook, Cullompton**

# Cullompton



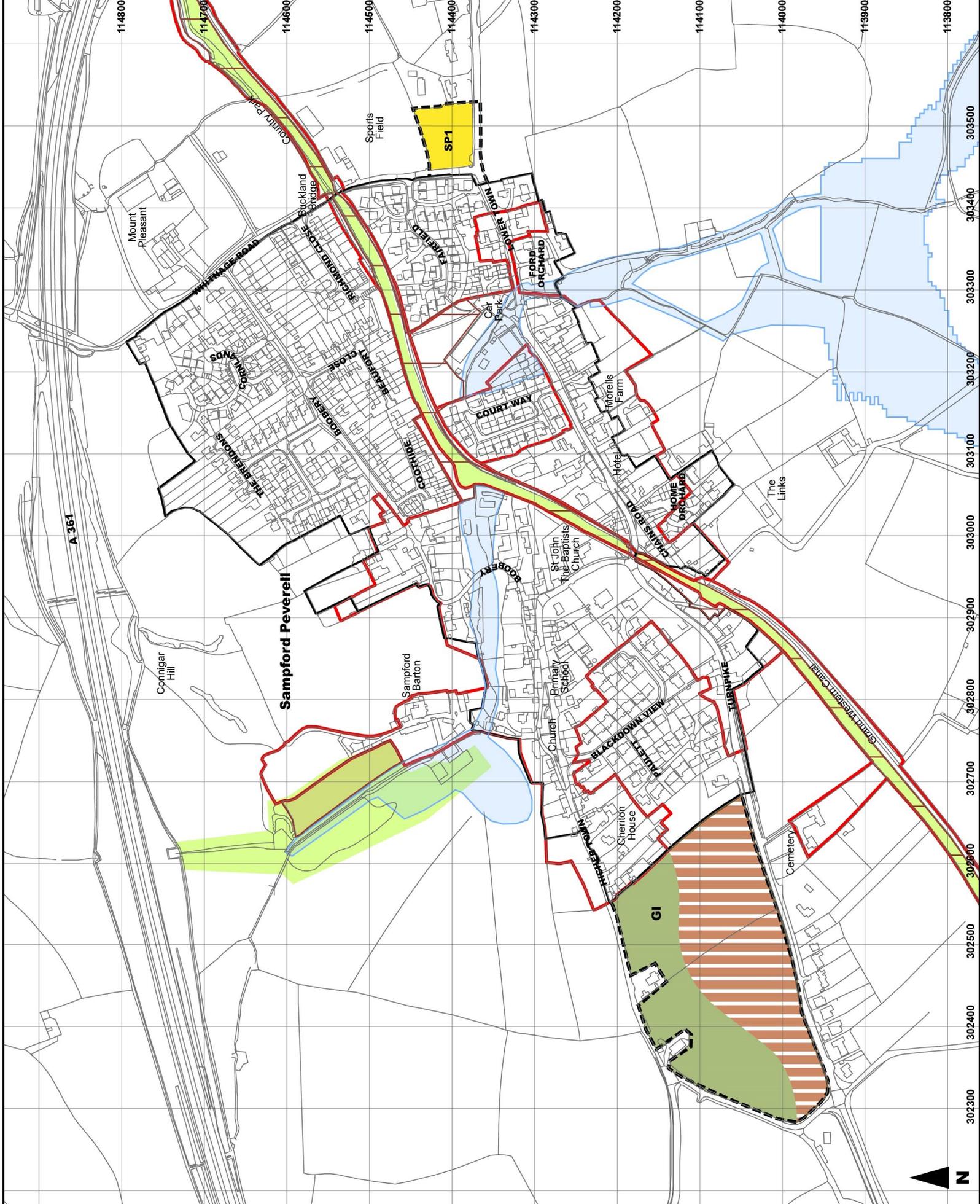
**Key**

- Proposed Residential Allocation Modification to Policy CU21 Land at Colebrook, Cullompton
- Proposed Settlement Limit - Amendment

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Note: The Ordnance Survey will not have updated the base to show recent changes. Consequently, not all development may be shown.



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- Settlement Limit
- Proposed Settlement Limit Amendment -
- Proposed Residential and GP Surgery Allocation
- County Wildlife Site (2007 data)
- Conservation Area
- Local Nature Reserve
- Priority Habitats
- Floodplain
- PROPOSED CHANGES**
- Proposed Residential
- Proposed Green Infrastructure
- GI

**Mid Devon Local Plan 2013 - 2033**

**Plan MM45**

**Proposed Main Modification to Policy SP2**

**Higher Town, Sampford Peverell**

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**COUNCIL**  
**29 JULY 2020**

## **PART 2 BUSINESS – MINUTES AND DRAFTING CONVENTIONS**

**Responsible Officer:** Kathryn Tebbey, Head of Legal (Monitoring Officer)

**Reason for Report:** in light of recent concerns raised with the Monitoring Officer, to provide Members with the opportunity to consider and discuss the drafting conventions for minutes of Part 2 business.

**RECOMMENDATION:** that the Council agrees that future minutes of Part 2 business (Council-wide) are drafted in line with:

- (a) with Option 2 in Appendix 2 to this report; or
- (b) such other directions as they may choose to give.

**Financial Implications:** None.

**Budget and Policy Framework:** None.

**Legal Implications:** As set out in this report.

**Risk Assessment:** The risk identified is compliance with legislative requirements as set out in the report.

**Equality Impact Assessment:** None.

**Relationship to Corporate Plan:** None.

**Impact on Climate Change:** None.

### **1.0 Introduction/Background**

1.1 As Members will be aware, where they consider that an item of business contains exempt information (as set out in Schedule 12A to the Local Government Act 1972), the press and public may be excluded if the meeting agrees that it is in the public interest to do so – this is typically referred to as moving “into Part 2”.

1.2 Section 100C of the Local Government Act 1972 requires councils to make certain documents available for inspection by the public after a meeting. These documents are to be available for a period of 6 years from the date of the meeting and include the minutes, or a copy of the minutes – excluding so much of the minutes of proceedings during which the meeting was not open to the public due to exempt information.

1.3 There is no template or model form of minutes. One of the principal texts on local authority meeting governance, *Knowles on Local Authority Meetings*, states:

*“There is no right or wrong way of preparing minutes: the form adopted by any particular local authority is a matter of individual choice or local custom.”*

Even where Part 1 minutes are concerned, brevity is common and encouraged – there should not be a verbatim account of the meeting. The purpose then of minutes is to establish an accurate record of the decisions taken. They must also comply with legal requirements and provide adequate information on the authority’s business for press and public.

*“In practice it is difficult, if not impossible, to meet these several and sometimes conflicting objectives satisfactorily... the course of time a number of cardinal principles or good practice have become in widely accepted. Thus, for example, a minute should be:*

- *brief, i.e. precise and concise, recording exactly what was done and no more;*
- *self-contained, i.e. complete in itself and intelligible without reference to other documents; and*
- *decisive, i.e. there must be no ambiguity or doubt as to the intention; and thus clarity is an indispensable part of the accuracy of the record.”*

1.4 Whilst minutes are entirely a matter for the decision-maker to approve (i.e. Council, Cabinet, Scrutiny etc.), it is helpful if there is a consistent approach to drafting across the Council, notwithstanding that there will be some subtle differences in the minuting of each decision.

1.5 In recent weeks, questions have been asked about how Part 2 business should be minuted – not just from a legal compliance standpoint, but also with the expressed desire for greater transparency. This report considers the Council’s current practice and convention in the drafting of the public minute of Part 2 business and presents some options.

## 2.0 **The Council’s current drafting convention**

2.1 Currently, the Council produces a public minute of Part 2 business in very streamlined form and this is a practice dating back many, many years. An example would be -

Agenda item XYZ

The Cabinet Member for [ ] presented a report setting out options for the future redevelopment of XYZ and the property, planning, contractual and financial implications arising.

**RESOLVED** that the recommendations set out in the report be approved.

2.2 The advantage of minutes produced in this way is ease of drafting and complete consistency across the Council. It ensures that there is no question of inadvertent disclosure of exempt information. It avoids one decision and its minute (and one part of the Council) being set against another - by way of a challenge to how another minute is drafted. It may also help any address any

criticism arising from which particular points or recommendations are made public and which not – and how that decision/selection is made. However, there are issues arising from this approach.

- 2.3 Importantly, section 100C(2) requires the publication of a written summary where the business is transacted in Part 2. This summary is only required where the minutes do not provide members of the public with a reasonably fair and coherent record. However, the summary is not expected to disclose exempt information. As the *Encyclopaedia on Local Government Law* puts it – “*this will clearly develop into a fine art!*”
- 2.4 The minutes, as currently drafted in the outline above, do not provide this reasonably fair and coherent record. A summary could be prepared, but this would be a separate document. It is suggested that a better approach is to look to provide that summary in the minutes – a single point of reference. Some options are considered in the next section, but Members may have their own suggestions.

### **3.0 Future options for drafting minutes of Part 2 business**

- 3.1 No two councils adopt precisely the same approach and there is no firm evidence that there is widespread full compliance with the legislation – at times it may be extremely challenging to do so without straying into revealing exempt information. It would be possible to search around the country to find an example which meets one preference or another. That is not the intention of this report.
- 3.2 Some examples are set out in Appendix 1. These have not been selected as necessarily preferred examples – the purpose is simple to show a snapshot the vast difference which can be found. The range is evident, from those with significant detail to those which are similar to this Council’s approach. This range may also derive from the nature and detail of the business discussed, but it does not appear to be solely down to that.
- 3.3 Some drafting options are set out in Appendix 2 to this report. Members may have other ideas. The Monitoring Officer would recommend Option 2. If Members are minded to go with Option 3, a summary reason may need to be included for the minute of each item of business in Part 1 for a consistent approach. This may not be either necessary or proportionate – the more detailed minutes of Part 1 items, combined with the published report, should provide sufficient explanation of the reasons leading to the decision. The Monitoring Officer would ask for acceptance that the precise level of detail to be included will vary somewhat depending on the business transacted.

**Contact for more Information:** Kathryn Tebbey, Head of Legal (Monitoring Officer) (01884) 234950 [ktebbey@middevon.gov.uk](mailto:ktebbey@middevon.gov.uk)

**Circulation of the Report:** None.

**List of Background Papers:** None.

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**Wirral Council**

**101. Wirral Growth Company - Exempt Appendices**

Exempt appendices to agenda item 4.

**Minutes:**

Having declared prejudicial interests, Councillors Tony Jones and Tom Usher left the room.

**Resolved -**

**That further to Minute No 94 above the content of the exempt appendix circulated with the agenda be noted.**

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**Exeter City**

**RAMM Lift - Part 2**

To consider the report of the Director (J-PH).

**Minutes:**

The Executive considered the report for additional funding for the Queen Street lift at Royal Albert Memorial Museum (RAMM), following a recent procurement process. The replacement of the lift would support residents with mobility issues and for pushchairs to gain access to the museum.

**RECOMMENDED** that Council approve the budget as indicated at the meeting for the project to be completed. The budget and associated work will be overseen by the Corporate Property Assets team.

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**Bristol City**

**17. Bristol Energy Update**

**Decision:**

Cabinet approved the recommendations as set out in the report.

Cabinet was of the view that the decision to be implemented was urgent and therefore would not be subject to call-in.

**East Devon**

**Sailor's Rest**

This report seeks to update members on the purchase of 18A & 18B St Andrews Road, Exmouth.

**Minutes:**

The report updated Members on the purchase of 18A & 18B St Andrews Road, Exmouth and made members aware of additional expenditure that would be required after acquisition, to ensure the property was fully compliant with fire safety legislation and was fit for letting to tenants.

**RESOLVED** that

1. the position detailed in the report be noted and to proceed with the purchase of the Property at the revised purchase price as detailed in the report, and
2. funding from the void budget and Right to Buy receipts be used to undertake the necessary repair / improvement works to the Property.

**REASON:**

To add suitable properties to the Council's housing stock and help ensure the use of Right to Buy receipts.

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**Exeter Science Park Ltd - Request for Shareholders decision and to note implications of key proposals**

To progress further development and enabling activities for ESPL in concert with the other stakeholders: Devon County (DCC), Exeter City Council (ECC) and the University of Exeter (UoE). EDDC has a shareholding of 18.75% in Exeter Science Park Ltd (ESPL).

**Minutes:**

To progress further development and enabling activities for ESPL in concert with the other stakeholders: Devon County (DCC), Exeter City Council (ECC) and the University of Exeter (UoE). EDDC have a shareholding of 18.75% in Exeter Science Park Ltd (ESPL). ESPL was seeking to obtain approval on matters that falls outside the operational powers of the company as required under the Shareholder Agreement. Unlike the other shareholder authorities, EDDC did not have the same delegations in place, in that they have delegations in place which permit decisions to be taken on behalf of the authorities, hence the report coming to Cabinet.

**RESOLVED** that Cabinet agree;

1. to give Shareholder Consent to ESPL entering into the construction contract with Midas for the Open Innovation Centre on the basis set out in paragraph 3.1 of the report, and
2. to delegate authority for the giving of Shareholder Consent for any request made by ESPL under the Shareholder Agreement to the Chief Executive in consultation with the Deputy CEO, Strategic Leads for Finance and Governance & Licensing, Leader, Deputy Leader and Portfolio Holder for Finance (as the council's shareholder representative in ESPL) provided the giving of consent would not constitute a Key Decision and / or would not be contrary to the budget.

**RECOMMENDED** to Council;

3. to agree a rent guarantee of £31,875 year one and thereafter increased annually at 3% for the rental payment by Exeter Science Park Limited to University of Exeter for Grow on Building 2 for the rental term of 18 years with delegated authority to the Strategic Lead (Governance & Licensing) to agree the wording of the guarantee.

**REASON**

For Cabinet to understand the importance of these transactions to the future development of Science Park and enable an informed delegated decision-making arrangement to be put in place, to ensure that ESPL was not adversely impacted by unnecessary delays going forward and was able to progress the construction contract for the latest building on the Science Park. For the Council to act as rent guarantor for ESPL this required a Council decision.

.....

**North Devon**

**Seven Brethren - Securing a Delivery Partner**

Report by Regeneration Manager (attached).

**Minutes:**

The Committee considered a report by the Regeneration Manager (circulated previously) regarding securing a Delivery Partner for the Seven Brethren project.

The Regeneration Manager advised that the Land Release Fund was administered by the Local Government Association. She would ascertain whether a request could be made for the extension to the deadline for the Land Release Fund and would update Members accordingly.

RESOLVED that the Chief Executive be authorised to use an alternative method of bringing forward this site for development, should use of the Homes England 'delivery partner panel' prove unsuccessful.

## Torbay

### **TDA Business Plan 2020-2025**

To make recommendations to the Council on the final proposed TDA Business Plan 2020-2025 (Policy Framework document).

#### **Additional documents:**

#### **Minutes:**

Vince Flower, Chairman of the TDA Board joined the meeting for this item and outlined the reason and direction of travel of the TDA Business Plan 2020-2025.

(Note: during consideration of the item in Minute 101e, the press and public were formally excluded from the meeting on the grounds that exempt information (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) was likely to be disclosed.)

### **CSW Group Ltd: Reforming Group Governance and Operations to Meet Future Need**

To consider the submitted report on the above.

#### **Additional documents:**

#### **Minutes:**

(Note: Councillor Douglas-Dunbar arrived during discussion of this item.)

## Somerset West and Taunton

### **Taunton Bus Station**

This matter is the responsibility of Executive Councillor Marcus Kravis, Portfolio Holder for Economic Development and Executive Councillor Ross Henley, Portfolio Holder for Corporate Resources.

#### **Minutes:**

Executive Councillor Kravis, Portfolio Holder for Economic Development introduced this confidential report.

**RECOMMENDED** to Council to agree the recommendations as written in the confidential report.

### **Taunton Business Improvement District Ballot**

This matter is the responsibility of Executive Councillor Marcus Kravis, Portfolio Holder for Economic Development.

#### **Minutes:**

Executive Councillor Marcus Kravis, Portfolio Holder for Economic Development and Asset Management introduced the confidential report.

#### **RESOLVED** to;

1. Consider the Council's position in relation to the ballot and recommended to Council a position from the available options.
2. Recommended to Council the approval of the three other confidential recommendations included within the report.

The following options/suggestions are not intended to provide a strict model, but to illustrate how a Part 2 minute might be framed in a consistent form.

**Option 1 – limited information**

Example:

The [ ] considered a report of [ ] providing an update on potential strategic land purchases in 2021/22 and seeking delegated authority to negotiate in accordance with the scope and terms of the report.

**RESOLVED** that the report be noted and delegated authority given to [ ] to negotiate the purchase of sites A, B and C in the report.

Example:

The [ ] considered a report of [ ] setting out certain recommendations arising from confidential discussions on a contractual dispute.

**RESOLVED** that the recommendations as set out in the report be agreed.

.....

**Option 2 – including a summary**

Example:

The [ ] considered a report of [ ] providing an update on potential strategic land purchases in 2021/22 and seeking delegated authority to negotiate in accordance with the scope and terms of the report.

[ ] provided a summary of the sites potentially available in the district and the reasons why their purchase might further the strategic aims of the Council in its corporate plan. Out of twelve such sites, it was recommended that three had particular strategic value, whether for regeneration or future social housing development. At this stage, it was not appropriate to identify in public the sites of interest, nor the negotiating position of the Council. However, in the event that negotiations were successful, a public statement could be issued at that time.

**RESOLVED** that the report be noted and delegated authority be given to [ ] to negotiate the purchase of sites A, B and C in the report.

Example:

The [ ] considered a report of [ ] setting out certain recommendations arising from confidential discussions on a contractual dispute.

The Council had let a contract to supplier A which was struggling to adapt to a change in applicable legislation and the increased cost burden that this created. The Council had not been able to agree an acceptable change to the contract and the parties were now in a formal

dispute. The options in relation to the dispute and the anticipated costs were set out in the report. This information was commercially sensitive to both parties during the course of the dispute and potentially beyond. However, the Council did report financial and transactional information in its public accounts, published payments to suppliers over £500 and maintained a public contracts register.

**RESOLVED** that the Deputy Chief Executive (Section 151 Officer) proceed with the steps and measures set out in paragraphs 2.4 and 2.5 of the report.

### **Option 3 – include a summary (as above) plus reason(s)**

Example:

The [ ] considered a report of [ ] providing an update on potential strategic land purchases in 2021/22 and seeking delegated authority to negotiate in accordance with the scope and terms of the report.

[ ] provided a summary of the sites potentially available in the district and the reasons why their purchase might further the strategic aims of the Council in its corporate plan. Out of twelve such sites, it was recommended that three had particular strategic value, whether for regeneration or future housing development. At this stage, it was not appropriate to identify in public the sites of interest, nor the negotiating position of the Council. However, in the event that negotiations were successful, a public statement could be issued at that time.

**RESOLVED** that the report be noted and delegated authority be given to [ ] to negotiate the purchase of sites A, B and C in the report.

Reason: Sites A, B and C were considered to be the sites most likely to deliver outcomes closely aligned to the objectives of the Council in the period of the Corporate Plan and would, if purchased and developed as intended, ensure the wider economic and social prosperity of the district in the longer term.

Example:

The [ ] considered a report of [ ] setting out certain recommendations arising from confidential discussions on a contractual dispute.

The Council had let a contract to supplier A which was struggling to adapt to a change in applicable legislation and the increased cost burden that this created. The Council had not been able to agree an acceptable change to the contract and the parties were now in a formal dispute. The options in relation to the dispute and the anticipated costs were set out in the report. This information was commercially sensitive to both parties during the course of the dispute and potentially beyond. However, the Council did report financial and transactional information in its public accounts, published payments to suppliers over £500 and maintained a public contracts register.

**RESOLVED** that the Deputy Chief Executive (Section 151 Officer) proceed with the steps and measures set out in paragraphs 2.4 and 2.5 of the report.

Reason: Changes to contracts were permissible, subject to the agreement of the parties, the terms of the contract, financial regulations and applicable legislation. However, in the absence of agreement, the dispute clauses may be invoked by either or both parties.