

Public Document Pack

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **COUNCIL** held on 22 September 2016 at 6.00 pm

Present

Councillors

W J Daw (Chairman)
Mrs E M Andrews, Mrs H Bainbridge,
Mrs A R Berry, Mrs J B Binks, K Busch,
R J Chesterton, Mrs C Collis,
Mrs F J Colthorpe, D R Coren, R M Deed,
Mrs G Doe, R J Dolley, J M Downes,
C J Eginton, R Evans, S G Flaws,
P H D Hare-Scott, P J Heal, T G Hughes,
Mrs B M Hull, F W Letch, B A Moore,
R F Radford, Mrs J Roach, F J Rosamond,
Mrs E J Slade, Miss C E L Slade,
C R Slade, J L Smith, T W Snow,
J D Squire, Mrs M E Squires, R L Stanley,
L D Taylor, Mrs N Woollatt and R Wright

Apologies

Councillors

N V Davey, Mrs C P Daw, Mrs S Griggs,
D J Knowles and N A Way

59 **Apologies**

Apologies were received from Councillors: Mrs C P Daw, N V Davey, Mrs S Griggs, D J Knowles and N A Way.

60 **Public Question Time (00-01-00)**

The Chairman stated that Procedure Rule 11(c) would be lifted to allow all those present to ask questions.

The following public questions were all posed in relation to the Local Plan Review and the allocation of land at Junction 27 for leisure, tourism and retail use:

Miss A M Phillips had submitted a number of written questions:

1. When Tiverton, and indeed Cullompton, are just beginning to show signs of recovery, both environmentally and in what the towns have to offer (including a new hotel in Tiverton), why would Mid Devon District Councillors even consider an out-of town leisure/tourism/retail area which would surely impact badly on both towns?
2. Have Councillors received any assessment of the effect of development at Junction 27 on retail or leisure businesses in the surrounding countryside, let alone the towns, or indeed how many of any 'new' jobs would be filled by those lost from the businesses, leisure facilities, and other amenities unable to compete?

3. Wouldn't it make sense to site amenities in our towns so that not everyone was required to get in their cars to reach them? (I understood that there were in any case plans for extensive development in Tiverton and feel sure that Cullompton would love to have even just a swimming pool let alone the sometime proposed surfing reef in a county whose beaches are an important part of its tourist attraction!).
4. Do Councillors really think it environmentally friendly to ruin the approach to Devon's other big tourist draw, the countryside, by allocating such a large green field site for retail/leisure/tourism?
5. Surely there must be concern about the 'coalescence' of Willand, Uffculme, and Sampford Peverell if development of large parts of agricultural land between the three communities were to go ahead at Junction 27?

Mr Simon Banbury had also provided a written submission:

I own and run Banburys Department Stores in Tiverton and Barnstaple town centres. I felt it necessary to voice my concerns about the Junction 27 development, not only for my long term businesses prospects in Tiverton, but for the vitality of Tiverton Town and the surrounding areas as well.

I would like to make it clear that I'm not against modernisation of the area with such developments, and I'm not against increased competition. However, I totally disagree with the disjointed location of the Junction 27 development, and I'm sure that it will have a detrimental effect on the vitality of Tiverton, and Cullompton town centres.

I'm aware that Junction 27's retail fashion offers will be in direct competition with my fashion, along with a Jo Amore, Snob, and Mojo's. This alone wouldn't worry me if the proposed site was in harmony with Tiverton town Centre. If it were in, or close to the centre of Tiverton I'd be brimming with positivity, however I know from experience that any 'out of town' offer is bad news for businesses in local towns. When Atlantic Village opened near Bideford they said it would affect our business by 5-10%. Well I can tell you that my homewares offer in our Barnstaple store lost 40% of trade to factory outlet shops at Atlantic Village, offering identical brands at permanently discounted prices. We have never recovered this loss, and even after diversifying our offer, we still have not gained back that level of turnover to this day. For one of our biggest departments to suffer this type of loss is not easy to deal with I can tell you.

If the retail climate was not bad enough already, with consumers still feeling the pinch from the recession, rising employment costs, and the internet, this would be the final nail in the coffin for some retailers, mine included. Footfall in the town is already low, but I've seen improvements in recent years, there is opportunity in the town, people are starting to invest in the town again, Tiverton has so much promise, but this development will only drive local shoppers, and tourists away from the town. I can guarantee that footfall will drop indefinitely.

I can understand that J27 would be a success, as anyone who has been to Gloucester Services would understand, but it WILL be at the expense of Tiverton and Cullompton. The long term vision for the prosperity of the towns is deluded and short sighted. I'm so sick of seeing once vibrant Devonshire town centres, full of people, and full of business, now only full with empty units, charity shops, and Costa Coffee shops. These towns all look the same, and they are soulless places to be. Please

don't let this happen to Tiverton. Invest in the town centre and the payback in the long term will tenfold.

The idea is great, the location wrong. Give Tiverton a chance to flourish again.

Mr Terry Payne stated that he lived in Halberton and was an educational consultant. I would like to put the concept of the development and the land allocation at J27 for all the reasons that have been stated but I would also like to raise another important dimension. Some of you already know that I am spear heading a proposal that a new secondary school, as a free school, should be built at J27 to alleviate the shortage of secondary school places that is due to occur in the coming years in this area, it is inevitable. Currently 500 free schools are either planned or existing and the Government is very keen to have another 500 built as would be a small free school probably 3-4 entry but as an 11-19 school, its sixth form would be joined by students from Tiverton to the west, Uffculme to the east, Cullompton to the south and possibly Wellington from the north making a very viable sixth form of more than 500 students offering a huge range of courses at a time when the school leaving age is being raised to 18. The re-opening of the train stations at Cullompton and Wellington could also provide transport for students from those towns.

Local people that I have consulted are very keen to have a school with a sixth linked to other schools to avoid students particularly having to travel to Exeter, to Taunton, to Exeter College or Richard Huish College, spending an inordinate amount of time wasted. Development therefore, which I am supporting, makes it easier to bring the school about because primarily it brings improvements to infrastructure. The school and developers with the right credentials who would support education would have a symbiotic relationship and the whole community would benefit as a result, socially, culturally and educationally. In voting for this proposal you also therefore are opening windows of opportunity for the 16-19 age group in the whole area. The time is right, the place is right and I hope that you seize this historic opportunity.

John Baynes-Reid asked, can officers please clarify what existing planning permissions there are for the site at J27?

The local media has reported that a new ordinary standard motorway services is already being proposed to include the likes of KFC and similar. If this comes forward, there will inevitably be other piecemeal development around J27.

Surely rather than accepting the inevitability of such an underwhelming prospect, could Mid Devon District Council not be as bold as its residents deserve and work with its partners to deliver something which is visionary and unique, which will act as a beacon for the South West, bringing opportunity, jobs and income for the benefit of Mid Devon?

It seems that development at J27 is inevitable – will the Council not take control of this process, by including the site in the Local Plan, thereby having a greater influence and say on what can be envisioned in the development of this rare opportunity for the future?

Ellen Vernon stated that she was the Economic Development Manager from North Devon Council and that we are supportive of the tourism and leisure uses that are proposed within this allocation. However, I have some questions around the retail. As

part of the duty to co-operate process a question was asked about whether all or some of the uses within the proposed allocation could be located with town centres within in a wider catchment area. This was raised during a duty to co-operate meeting on 16 May this year. This issue as raised by neighbouring authorities has not been sufficiently addressed by Mid Devon District Council or its consultants NLP. It remains the case that only a limited area of search has been used up to a 30 minute drive time. Arguments are made in the various reports that the retail uses within this allocation provide for a regional need. On this basis I would suggest it is imperative that an area of search of a 60 minute drive time minimum is used. The NPL advice contained within appendix 1 of your report states 'The Council can also consider the appropriate area of search for sites' so it is within your gift to do so. My question is to review the area of search and to use an area that has a drive time of 60 minutes from J27.

Cllr Jeremy Yabsley, form North Devon Council and Portfolio Holder for the Local Plan and Economic Regeneration stated that they had come today to show support for the dynamic plans of Mid Devon District Council. We are keen on the tourism and leisure elements but we have more reservations about the retail proposals. Mid Devon District Council communicated with a range of authorities in March 2016 as part of its duty to co-operate. North Devon raised the issue of retail for which Mid Devon sought additional evidence. I would like to ask if the Council would share and communicate that evidence in order to comply with the duty to co-operate?

Pat Gordon stated that she had lived in Tiverton for 33 years and was ardently in support of this scheme and that it was about time Mid Devon started getting its share of the tourism. My question is, as I understand it, the Cabinet has recommended that the Local Plan will be subject to a further 6 week consultation regardless of whether there is an allocation at J27. Can the officers confirm that this consultation will not create a further delay to the Plan and can be made with no overall impact to the timetable?

Mel Lucas, ex Councillor of the authority stated that currently South West Designer Outlet Villages are located within the town environment, for example, Poole Quay and Gloucester Quay, therefore each centre has a footfall of customers in a designated area already served by retail units, why then is J27 seen as an ideal site for a DOV when it is going to be situated in a rural area which must involve travel distance in order to stop there? That is not environmentally friendly.

The Local Plan was supported and agreed by the last administration in 2014/15. Why then in September 2016 has MDCC still not presented its plan to the Secretary of State? I know the answer to that I think, but if you read the Cabinet minutes and look at page 45 on the third paragraph, Cullompton should not be blamed for the inaccuracies of Mid Devon District Council. I find that particular point in the minutes to be rather disrespectful to Cullompton as a whole. Please take that on board.

Objections are expected regarding the re-submission from partners in the 'Duty to Co-operate'. How much weight would be given by the Inspectorate to these valid objections?

I would now like to ask about Sampford Peverell and the possible 60 houses. If an application is received to develop 60 dwellings that currently sit outside the village settlement area and that was agreed in 2014/15 in the Local Plan which has still to

be submitted, what policy has been used to revise those limits that have been in operation this century? Also, consideration of a planning application must involve both Devon County Council Education and South West Water based on sewerage and water pressures. The last large development in Sampford Peverell was Cornlands which was developed in 1999/2000. At that particular time water pressures dropped considerably for those people who lived above Cornlands. Where this site is situated will have the same concern. We were also informed in 1999/2000 by South West Water that the sewerage treatment plant within the village was inadequate to take another major development so those things need to be discussed in full if there is a possibility of 60 new houses.

Robert Marshall stated that he had googled 'Tiverton' where it had stated that Tiverton had become a popular dormitory town for commuters to Exeter and Taunton and this growth has been supported by large housing projects by most national developers including Westbury Homes, Barrett Homes and Bellway Homes. Further down the page there is the dubious boast that Tiverton won one of the 15 positions in the round two pilot scheme of the Portas Project. This situation of popular dormitory town status for our towns and villages did not happen overnight but has developed over many years. I can totally accept the result of study that suggests we need to have many more new homes as the population increases, what I find difficult to understand and accept is the view that we should carry on as we have always done and development at J27 will not help our economy. I have read the Mid Devon District Council Corporate Plan 2016 – 2020, the Eden Westwood team have produced a fantastic once in a lifetime opportunity to further those visions for Mid Devon's tourism, economy and the future of our youth. Should there be an allocation of land within the Local plan? I applaud the bold and ambitious plans to invest at J27. We need to send out a positive message to potential investors who will no doubt be watching for indicators that Mid Devon really is open for business. My question is, as much as I totally support in principle what was presented at the Eden Westwood roadshows I do have a very slight niggling worry that I would like to pose as a two part question. Am I correct in thinking that this meeting is only to consider an allocation of land for development at J27 and if our Council does not allocate land, what happened next, who will get control of this land? The Inspector's report for the Local Plan 12 years ago, from 2004, made comments about an allocation of land at J27, one of those comments, he said 'Finally whatever decision the Council does make, it should be made expeditiously as it has a duty to ensure that there are adequate employment opportunities in Tiverton and the district for the local people within the plan period'. I urge this Council to please consider that duty to the people of Mid Devon. In the wake of Brexit evidence exists of a huge rise in staycation holidays in the UK. The decision to proceed with Hinkley should also be looked upon as an opportunity for all local councils in the area to boost their economy. I urge this Council to be brave, bold, radical, forward thinking, vision driven with joined up strategies that will further the aims and produce a sound local plan to the Planning Inspector.

We have now within our grasp a real opportunity to produce a solid future with a healthy, viable economic future for Mid Devon. We can continue down that path that led us to Portas and dormitory town status or we can choose the bold, radical, forward thinking alternative and seize this wonderful, once in a lifetime opportunity that many other district councils would die for.

Chris Prentis, ex Chairman of the Mid Devon branch of the Federation of Small Businesses asked whether this Council acknowledged that tourism is of paramount importance to Devon's Economic Strategy over the decade? If Mid Devon is to make a positive contribution in helping Devon compete with the rest of the UK in this billion pound industry then surely they have a responsibility to bring forward the sites where internationally renowned brands wish to have a presence. It would be interesting to know what the interest rate benefit would be to the Council, are these figures available?

Cllr Barry Warren Chairman of Willand Parish Council stated that they had asked two questions in April, neither of which had been answered so we begin to wonder what is the point? Let us put it on record that Willand Parish Council do not support the allocation of this land for reasons that we have gone into many times and should be on record. Secondly, we do ask why it is necessary to cause even more delay by including this land because we certainly are suffering by the land supply delay issue in that we have got an application that started off with 300 houses that has come down to 260. Your officers report clearly says that Willand cannot take that and Devon County Council will not support it on traffic grounds yet certainly my ward councillors here know that we have had a recent meeting with the developers who are re-jigging their transport assessment to put it in. Equally a number of the Parish Councils around here are very aware of land agents going around using this delay to try and canvas much more additional land for more houses which we haven't got the infrastructure for. Please think about causing further delay because if it is that J 27 is included and it is moved forward as promised there might be two or three million pounds coming into the local economy through rents and rates but you will devastate a lot of the parishes around.

Karen Berkley stated that she had lived locally in the Culm Valley for the last 26 years. My interest in the Eden Westwood project is simply that I believe that we have a fine opportunity to create something that is truly unique and I want to make sure that this opportunity is not lost. Getting the Local Plan submitted as soon as possible is a very significant concern for this Council and rightly so, however, would the officers agree that ensuring that the plan is absolutely sound is of equal concern to the speed of submission and the extra round of consultation on the whole plan is therefore a welcome development following last week's steer from the Cabinet? Am I right in thinking that a major modification at J27 will not cause any additional delay in getting the local plan submitted?

Mr Alan Miller stated that he was a newcomer to the area having moved here two years ago. I would to remind you of the success of Bicester village and its impact in Bicester which was a very sad and run down country town and Bicester Village was regarded as probably the death nail for Bicester when it was first produced but in actual fact Bicester has become the most dynamic and well respected towns in north Oxfordshire. Do not be put off by the prospect of retail outlets on your doorstep, it can have a distinct plus to it. On 15 September the Cabinet decided to undertake a further round of consultation on the entire Local Plan. When the North Devon Local Plan was submitted for examination the Inspector instructed a further round of consultation should be conducted on the changes to the plan which the Council had made since their last consultation. For clarity can the officers confirm that, regardless of the decision taken this evening the additional consultation on changes to our Local Plan will mean the submitted Mid Devon Local Plan is more robust and defensible in front of the Inspector following the Cabinet's decision?

Cllr Keith Grantham from Willand Parish Council stated that he strongly objected to any development at J27. This was thrown out by MDDC in 2014 by a resounding overall majority, what has changed? Two years later we have a report from the Head of Planning and Regeneration saying that 'The Local Plan will be safe and sound without land at J27 being included'. Let us look at what has happened over the last two years. The developers had constant meetings with the Head of Planning and in the press we have been inundated with different designs and concepts for this land resulting with the latest plan. It now no longer includes an enormous distribution hub because there was wide opposition to this, how long before it rears its ugly head again or is it to become an extension to the leisure park? The land make up has changed again because some landowners will not sell. The additional land now required is some 30 acres towards Willand and reaches the access road to more houses and the working Mountstephen Farm.

Flooding is a feature on all of this land because of a high water table and surface water levels. All the surface water that drains from the surrounding area and all the water from the B3181 drains on to this land at J27. The crossroads at Leonards Moor Cross floods, it is the road to Uffculme School. I can supply numerous photographs of flooding at the road junction and also over J27 land. Some of the photographs have actually been published in the Mid Devon Gazette. I have read several surveys done for developers at J27 and they all confirm what I have said before. Their answer is Sustainable Drainage Systems (SUDS). I have seen this on a small housing estate, the area needed for SUDS tanks on this site to cope with the proposed surfing lake, the water must be changed on a regular basis to conform with HSE regulations and the run off from the buildings will be enormous. They have not considered either the four acres of mature oak, ash trees and ancient woodlands at all. Some of these trees are over 200 years old which takes gallons of water each day from the site creating sustainable urban drainage. They will have to be annihilated to make way for this development. If this Devon green field site known for its agriculture, farming and horticulture is concreted over it will cause even more surface water. There is no major river next to it to take all the extra water that will come from the leisure site, just a small stream on the other side of the M5. In conclusion who is going to pick up the bill for the flooding at J27, Willand and Cullompton, when the developers have scarpered?

Debbie Brett stated that she was a resident of Mid Devon and that this was an important development and it was a great opportunity. I feel very positive towards it and I think that the Eden link makes it particularly special. Can you confirm that the Eden Westwood project depends on the result on this evening's vote and that if no allocation is made in the Local Plan for the J27 site, the promoters of the Eden Westwood project have made it clear that they will have to effectively close the scheme?

Mr David Disney asked a question about employment. Mid Devon can be very proud of the fact that it has a very low unemployment level, however, 60% of the working age population migrate out of Mid Devon to gain employment, that is something not to be proud of. To actually find something that is offering employment opportunity which will interrupt travel to work distance is something that should be encouraged. How can Mid Devon find a way of reducing this 60% migration out of Mid Devon if it does not accept bold opportunities as are being presented by the allocation of J27 as employment opportunity? The Eden Westwood project is one that is being made

available to you and also with the finance to actually deliver it. How can it be done otherwise?

Jamie Byron resident of Sampford Peverell stated that he did understand the duty of the Council to promote commerce and employment but there is a huge duty on the Council to open transparent processes in making decisions like this, I am seriously concerned at some of the ways this is being done. On 20 September I emailed Councillors concerns about the lack of transparency on the Local Plan procedures. The Leader asked the Head of Planning to respond on their behalf, however, the response I was given frequently missed the key points I was making. I would like Members who read my document to pursue any of those points they think warrant analysis in the main meeting especially around the reasons why a delay has come about and the cross over with the reasons given for the delay with J28 and the Cullompton developments and then in that time all the J27 stuff going on. I understand the difference between the Local Plan site allocation and an actual application to develop on the site but I'm worried that councillors and officers may not since why are the two allowed to run side by side. Eden Westwood since April 2016 have been engaged in pre-application meetings with Mid Devon Council officers and elected Members. These allow potential beneficiaries of any decision to allocate a site in the plan to spend time with many of the very people who recommend or even decide what the outcome of the allocation debate should be. In this unusual context, that the Local Plan discussion runs alongside the application discussions, the otherwise standard pre-application advice from Mid Devon seems inappropriate especially when the Mid Devon document is afforded complete confidentiality in a way that runs counter to national advice on best practice in pre-application support.

I'm very uncomfortable that Mid Devon documentation shows that it offers total confidentiality when the national advice is that there should be community involvement in pre-application work. Jenny Clifford's response tells me that there have been several pre-application meetings. I have a document that says that between May and August 2016 Mid Devon District Council and Eden Westwood have met a total of 48 times. £21k has been paid into Mid Devon's account between May and the end of August with a further £21k by December. Please would members quiz all those details, if there is an easy explanation then I want to hear it? Secondly are Members happy to vote for the allocation of land at J27 within the Local Plan knowing that the would be developer signed an agreement with Mid Devon District Council to gain regular, extended confidential face to face access to pre-planning advice with those that make the recommendation and decision on any allocation. On 27 April you were told an allocation in the Local Plan would help a planning application. The two things have been allowed to cross over and it worries me greatly.

Jerry Allen, owner of a company on Kingsmill Industrial Estate in Cullompton stated that he was Vice Chair of Culm Valley in Business. For years we have described J27 as Mid Devon's greatest untapped resource, now is the time to tap it, the sooner we do the sooner we can reap the benefits. I understand that the Designer Outlet Village could be promoted on the site which is not an option that we fully support, however, can the officers reassure me and the town centre traders that I represent that a range of planning restrictions can be imposed to ensure that retail on the site does not compete with local town centres. Those businesses located at the Designer Outlet Village will be very different to the types of retailers we have in Cullompton, Silverton and in the wider Mid Devon and so if this can be guaranteed then such a development will led to a huge increase in retail spend in the district not just a

relocation of spend, however, I am seeking reassurance from the Council officers that appropriate safeguards can be put in place. What type of controls will the Council be able to impose if any retail offering as set out in the proposed plan?

Ruth Taylor-Jones, asked when will we ever get an opportunity to build something new and exciting within our local catchment area which will encourage people to come to the area and provide up to 1000 jobs as opposed to the EDF project drawing people away from the area? Surely once Eden Westwood gets visitors here, then Devon can play to its strengths and Eden are committed to highlighting all that Devon has to offer.

Stephen Hurst resident of Sampford Peverell stated that he would like the Council to consider the happy community of Sampford Peverell. In what way is the development of J27 and the extra housing across farming fields going to benefit the happy community of Sampford Peverell?

Michael Lloyd, resident of Cullompton, asked whether the Council would agree that economic growth was one of their primary objectives? For this economic growth surely you need a catalyst and a catalyst that will spur on existing businesses, inspire new ones and attract investors to the region. In addition we need to stop the brain drain of the young people and entrepreneurs out of the district and out of the county. There would be few more impressive catalysts that could achieve this than a major tourism, leisure and retail development at J27, the gateway to our district which millions of people have to pass through each year especially when it involves attracting such premium brands such that we have heard about. The commercial potential and ripple effect of having a brand like this cannot and must not be underestimated. Local hoteliers, businesses and business associations such as the FSB, Devon and Cornwall Business Council, the CViB and others are supportive because they understand the supply and demand arguments i.e. that you create more supply and demand of businesses and the tourism and business pie grows for everyone. 95% of local authorities would bite your hand off for an economic stimulant like the one proposed at J27 especially post Brexit when the UK must be more self-reliant with investment and job creation. What other opportunities has Mid Devon District Council generated that can rival the proposal of land at J27 in terms of scale and excitement, exceptional and positive impact in our district before us by allocating land at J27?

Gillian Beardsworth moved to Tiverton 12 years ago when Tiverton was a thriving market town with a good selection of independent shops. Sadly businesses within the town have followed a downward spiral with more and more independents giving way to multi nationals or charity shops and the town increasingly becoming a dormitory to Exeter and Taunton. The proposal for development at J27 as exhibited by Eden Westwood showed what can be done in our area to attract visitors both those passing on the motorway and also people who will actually travel especially to enjoy the experience. If you've visited the new Gloucester Services you will understand that they are excellent in their way and that people do actually travel just to go there. We are not proposing a service station on this site but an even better attraction. The development would provide a showcase for local businesses as well as providing employment and educational opportunities for young people both from the surrounding area and also for visitors to our county. Would Councillors agree that this is a golden opportunity to put Mid Devon and the rest of the South West on the map of England? An opportunity even more relevant now that Great Britain will shortly be

leaving the EU. This meeting is not being held to approve any particular application but to consider inclusion of the land at J27. Please will Councillors seize the opportunity to open the door to development on this site I therefore appeal to you all to vote in favour of the proposal.

Hayley Keary, stated that the land in Higher Town, Sampford Peverell was highly unsuitable. In your Strategic Housing Availability Assessment in 2013 you state the property is outside the settlement limit, is adjacent to conservation land and the development would have significant landscape impact. You yourselves have stated that the adjoining road at Turnpike is a dangerous road for pedestrians and there may be no safe point of access. You yourselves were unable to walk around the field due to the crop presence, therefore you were unable to see the impact on the cottages below. These I assume are amongst your reasons for not including this site in the Local Plan originally. What has changed in the topography since 2013 when you decided not to include it in the Local Plan to change your decision now. The argument that the allocation of land changes everything is not a suitable answer. What has changed in the field, the land and the topography in Higher Town since 2013?

The Willand site has been excluded due to fact that it would worsen traffic problems until planned road improvements are made. You also say yourselves that the Highways Authority states that housing development at Sampford Peverell would depend on improved access to the A361. Why then does the same exclusion not apply to Sampford Peverell as it does to Willand?

I attended the meeting last week and I heard a lot of talk about young people and how they would benefit, I wonder what your evidence is for this? Please do not assume this is an ideal scheme for young people as many that I have spoken to and work with do not want it. Are statements about young people wanting the results of a phone poll and therefore lacking in evidence? Do you have any more evidence of young people wanting this scheme? I urge you to vote and give a voice to the local people, your villagers, your parishioners, the people who it is going to directly affect. If you yourselves have any doubt at all then you must vote against it because you represent the people who voted you into this privileged and responsible position.

Debbie Miller, Vice Principal at Petroc College stated that Petroc was interested in J27 and Eden Westwood for the potential link between development and education and research connected to sectors vital for Devon in terms of what that could do for raising aspirations and opportunities for our students. The Local Plan is about planning for the future and our future is about our young people. Can Mid Devon confirm that more than 1000 jobs will be made available if this site is allocated and that many of these jobs will be skilled and permanent and not zero hours and part time? I would also like to know how the local economy would be boosted by this development and these jobs?

Verity Aldridge stated she was representing Uffculme Parish Council. On behalf of the people of Uffculme we cannot help but feel that the officers supporting Members are making up policy and changing deadlines as they seemingly wish. Rules and policies are being introduced or amended that cause us to conclude that there is a determination to accommodate, leisure, tourism and retail at any cost on our doorstep. The report prepared to Cabinet Members for the meeting on 15 September states that a consultation period for a major change for a major modification to the

plan will take 4 – 6 months yet in the minutes of the Cabinet meeting its stated that the consultation period will now take 3 months. How can the timescales have varied so much and which is correct? Again, in the report, your officers state that the plan is sound and will be ready to put forward to Inspectors by November. We now hear that one week later the Local Plan is not sound and we have to go back out to consultation, is that opinion or are there hard facts to show such a step has been taken, again which is correct? I and other local residents can see delays, the residents of Uffculme are aware of the delay in submitting the Local Plan, remind yourselves of the Harvesters Planning Appeal. All the time speculative housing applications are being submitted. I understand the number to date is in excess of 800 houses and rising, something your officers predicted would happen post the Harvesters appeal. Furthermore such applications are likely to continue until the plan has been through examination, this undermines your town centre plan that was voted in by your full Council in January 2015. What is also worrying is that we are seen as a 'not at risk Council' and we will be put towards the end of the Inspectorate queue. How long before our plan comes up for review, weeks, months? Are we looking at a timeline of some 12 and 18 months before our plan has been through thorough examination and is ready for adoption? No matter how long it is before we have a plan that has been adopted, we are an open door for speculative applications. Surely the quicker we can proceed the better. Voting 'no' to any allocation does not mean the end of any land coming forward. A planning application can be made at any time allowing a full debate on any such proposals.

Honorary Alderman Susan Meads stated that she had been a Member of this Council for 34 years, that last 4 years of which she served as Chairman of the Planning Committee, at the end of that time we agreed to set in motion the construction of a Local Plan, that was in 2007. The review started in 2011. No one could argue that the provisions of the Local Plan as they stand have not been carefully considered, I am dismayed to see a preposterous scheme of development has been dangled in front of the Councillors and you are now considering facilitating it. Such a scheme could be brought forward at a later date but in the meantime the Local Plan which you have been considering for all those years does need to go ahead without any more delay. Please will you now allow that plan to go ahead? I am dismayed to hear that such employment will be created on this site, that is not helpful to reducing traffic miles. I also do not think people travelling down on the motorway are going to be interested in seeing a pastiche of everything. It is an elaborate and preposterous plan. Please process the plan as it stands, rejecting this amendment and get the district properly moving. Planning is Planning.

Paul Withers, a livestock farmer near Tiverton, stating how exciting it was to get behind such a proposal. J27 was going to be developed one day or another and now was the opportunity. As a local farmer I would like to ask what is Mid Devon is going to do to generate income and at the same time promote the local economy which is greatly dependent on farming and tourism. From what I can see the development at J27 will not only promote tourism with the associated Eden brand but it will also promote the link between our beautiful rolling hills and the job that farmers do day in, day out. Farmers have had a prolonged period of tough times and low prices so anything that promotes the idea of food being linked to farming has got to be a good thing. Will you please include J27 in your Local Plan so that we have the opportunity to promote the link between farming and food rather than let it slip out of your control? From the process of allocating land the Council will generate income which

they might be able to use to reduce the parking charges in Tiverton and it would put Mid Devon on the destination map.

Karina Balado, stated that she lived and worked in Uffculme. I am more confused than ever having listened to a lot of the questions this evening. I attended the meeting in April where the implications of allocating the land were discussed. At that time we were told we were not allowed to discuss the merits or otherwise of any project as it would be prejudicial to any future planning application. Two weeks ago I attended the Eden Westwood exhibition at the Town Hall. When I asked why this consultation had not been brought to the villages it most affects I was told this is only about allocation of land not planning permission. Can I therefore ask why in the report to the Cabinet in paragraph 12.4 that there is a proposal that should land be allocated at J27 a draft policy is suggested. A draft policy that is not only lifted from Eden Westwood literature that appears to prevent any development other than that which is being currently promoted? What happens if the Eden Westwood developers are not successful in raising the funding or fail in their bid in obtaining land? Will any other developers have to build a surf lake or lagoon, hotels, a transport hub and a designer outlet shopping village? I fail to see how that will prevent a brain drain from Devon or be very in line with the Eden project. Even discussing a project is predetermining.

Tim Jones had provided the following written submission:

We are writing in support of the above project. We understand that your Council will be meeting 22.09.16 to review the allocation within this area.

Our Council has been monitoring this scheme. Specifically we have been looking at the economic impact that will arise. We are satisfied that there is a significant benefit that will accrue not only for the Mid Devon catchment but also for the wider sub regional economy. We would therefore be grateful if you could register our support for this important strategic opportunity.

Please note that our comments have not involved consideration of the planning issues that are relevant.

It is hoped that either myself or a representative from this Council might be able to attend and contribute to the public discussion and consultation process. If however this proves impossible this letter of support reflects our views.

61 Chairman's Announcements (00-14-00)

The Chairman had no announcements to make.

62 Petitions

There were no petitions received.

63 Notices of Motions

No motions had been received for this meeting.

64 **Cabinet Report - 15 September 2016 (1-15-00)**

The Leader presented the report of the special meeting of the Cabinet held on 15 September 2016

Arising thereon:

- 1) Local Plan Review (Junction 27 and any associated housing need)

Councillor Mrs J Roach **MOVED** in accordance with Procedure Rule 19.4:

“THAT the vote in respect of all three **MOTIONS** before the Council shall be by Roll Call”

This was **AGREED**

The Head of Planning and Regeneration was invited to give a presentation to Members:

She stated that before the meeting today was the issue of land allocation and that Council were not being requested to determine any particular scheme by the land promoter or an application by the land promotor. She also clarified that business rate revenue was not a material planning consideration and should not form part of consideration of an allocation. She outlined the history of the site and the various plan options and representations made over many years, the agreement for the new area of growth identified east of Cullompton and that a new settlement limit option north of Willand was not pursued; the proposed submission plan of 2014 that had omitted J27 as allocated land and the work that had taken place to date to address the issues raised in 2014.

She identified the site by way of presentation, highlighting the elements of the allocation and the land ownership evidence. In reply to a question posed at public question time with regard to previous planning on the site, there was still an outline permission for a road side services area which was still capable of being developed out which included a 350 sqm shop, a rest area, a tourist information centre, parking and service yard.

The tourism and leisure opportunity would be supported by a retail facility in the form of a designer outlet village. She addressed the work that had taken place by the Council’s Retail Consultant and the issue of trade draw which had been highlighted during public question time, it had been suggested that there would be some trade draw impact but that this would be offset by comparison goods expenditure growth. Consultant advice was that overall impact of trade draw was not considered significant.

She also explained the “Duty to Cooperate” consultation that had taken place with surrounding local authorities and highlighted the issues raised by representatives from North Devon Council earlier in the meeting with regard to the impact on local retail and the search for other sites within certain drive times, which could be extended if requested. There was some comparison goods expenditure leakage out of the district and it was thought that allocation of land at J27 could clawback some of

the spend into the district. Although some concerns had been raised with regard to the impact on retail, an allocation was still thought to be sound.

The officer addressed the housing issue identified during public question time. An updated assessment for the whole of the Local Plan had resulted in an additional 400 houses as the result of finalisation of the Strategic Housing Market Assessment. It was felt that the additional dwellings could be met within allocated sites taking into account permissions granted. The National Planning Policy Framework acknowledged the importance of ensuring housing numbers and employment opportunities were considered in tandem. There was a need to allocate additional land to accommodate 260 dwellings in the vicinity of Junction 27 if the land were to be put forward.

Again referring to questions posed in public question time with regard to unemployment rates, this was 3% in Mid Devon, 3.9% across the south west against 5.2% nationally.

She highlighted a table of potential sites that had previously been consulted on. There was a need to consider sites that had a geographical relationship with J27. Because the main focus of growth within the Local Plan review would be directed to Cullompton and additional infrastructure improvements would be required before this land could come forward, the housing allocation in question at Cullompton would not be added to, Crediton and the western villages had been discounted due to distance, Hartnoll Farm on the outskirts of Tiverton had also been discounted because of its size, land at Hemyock had already been granted planning permission for 22 dwellings, land at Kentisbeare had received objections from the Parish Council and additional development in Willand had raised highway concerns. Therefore the land at Blundells Road, Tiverton and Higher Town, Sampford Peverell had been supported by the Cabinet. The site at Sampford Peverell would be for 60 dwellings allowing for part of the land to be used to mitigate against the access and landscaping issues.

Referring again to public question time and the questions referring to the allocation of land at Sampford Peverell, this had not been included in the emerging plan as the additional number of houses was not felt to be required at that time. The Highway Authority had no issues with regard to the creation of a safe access and that discussions were ongoing with regard to additional infrastructure on the A361 in the area of J27.

The tourism study and tourism policy were also highlighted, it was felt that there was an identified tourism need and that the allocation would make a significant contribution to tourism in the area meeting certain themes within the study. Extensive discussions were taking place with Devon County Council Highway Authority and Highway England with regard to junction improvements should the allocation be approved. Landscaping and ecology issues were also addressed including the need for appropriate assessment.

She addressed issues raised with regard to the timescale for submission of the Local Plan Review upon which advice had been sought from the Planning Inspectorate. Without the inclusion of J27 the plan could be submitted in November of this year with a possible adoption date of July 2017. With the inclusion of land at J27, there would be an additional 6 week consultation period with the plan being submitted by

the end of March 2017 and possible adoption in October 2017; she also addressed the financial implications of making a J27 allocation.

Referring again to the questions posed at the beginning of the meeting, she felt that she had addressed the issues with regard to previous applications at J27, possible time delays, business rates, further consultation, the physical character of the Sampford Peverell site, the duty to cooperate and weight to be given to objections; any proposals regarding a school at J27 had not been put before the planning authority. The need for additional evidence collection for the allocation at Junction 28 was the reason why the plan had been delayed. Any constraints with regard to infrastructure at Sampford Peverell would be dealt with at the application stage. With regard to flooding issues, this was not a high risk area and mitigation against any possible flooding could take place. With regard to the possible migration of workers, 1100 jobs on the site could reclaim some of that migration. Liaison between the land promoters and the Local Planning Authority had taken place as part of pre-app discussions. There was nothing to prevent this taking place, these were totally separate matters; further with regard to pre-app discussions being confidential, the authority did ask that the developer consult with the public and she believed such public consultation sessions had taken place. It would be unusual for a proposal of this scale to not have pre-application discussions. With regard to planning restrictions on any retail development at J27, planning restrictions could be progressed via conditions or Section 106 agreements. It was not unusual for a Local Authority to have issue with a 5 year land supply.

Consideration was then given to the subject by Members of the Council:

- The additional period of consultation
- Why the components of the allocation were highlighted in the presentation
- Land availability within the proposed site
- The additional housing required
- The reduction in the size of the site and why the area north of the A38 was no longer included
- The planning performance agreement as part of the pre-app discussions
- Concerns of local residents and the consultation process
- The impact on local trade
- Inward investment and the regeneration of Mid Devon
- Employment for young people in the area
- The need for tourism attractions in the district
- How other areas have thrived following the creation of tourist attractions
- The impact of the delay in submission of the plan and the possibility of the continuation of 5 year land supply problems

a) The Leader **MOVED** seconded by Councillor P H D Hare-Scott

THAT the recommendation of the Cabinet as set out in Minute 62 (a) be **ADOPTED**

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, Mrs G Doe, J M Downes, C J Eginton, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F W Letch, B A Moore, R F Radford, F J Rosamond, C R

Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire, Mrs M E Squires, L D Taylor, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors R J Chesterton, R J Dolley, R Evans, S G Flaws, Mrs J Roach, J L Smith and R L Stanley.

Those **ABSTAINING** from voting; Councillor Mrs C A Collis.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

b) The Leader **MOVED** seconded by Councillor C R Slade

THAT the recommendation of the Cabinet as set out in Minute 62 (b) be **ADOPTED**

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs E M Andrews, Mrs Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, J M Downes, C J Eginton, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F W Letch, B A Moore, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, T W Snow, J D Squire, Mrs M E Squires, L D Taylor, Mrs N Woollatt and R Wright.

Those voting **AGAINST** the **MOTION**: Councillors: R J Chesterton, Mrs C A Collis, Mrs G Doe, R J Dolley, R Evans, S G Flaws, R F Radford, Mrs J Roach, J L Smith and R L Stanley

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

c) The Leader **MOVED** seconded by Councillor P H D Hare-Scott

THAT the recommendation of the Cabinet as set out in Minute 62 (c) be **ADOPTED**

A roll call of Members present at the meeting was then taken:

Those voting **FOR** the **MOTION**: Councillors: Mrs H Bainbridge, Mrs A R Berry, Mrs J B Binks, K Busch, R J Chesterton, Mrs F J Colthorpe, D R Coren, W J Daw, R M Deed, Mrs G Doe, C J Eginton, R Evans, P H D Hare-Scott, P J Heal, T G Hughes, Mrs B M Hull, F J Rosamond, C R Slade, Miss C E L Slade, Mrs E J Slade, J D Squire, Mrs M E Squires, R L Stanley and Mrs N Woollatt

Those voting **AGAINST** the **MOTION**: Councillors: Mrs E M Andrews, Mrs C A Collis, R J Dolley, J M Downes, S G Flaws, F W Letch, B A Moore, R F Radford, Mrs J Roach, J L Smith, T W Snow, L D Taylor and R Wright.

Following discussion and upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

The Council had before it questions * submitted by Councillor Mrs J Roach in accordance with Procedure Rule 13.2(1) together with responses from the Cabinet Member for Planning and Regeneration.

Notes:

- (i) Councillor P H D Hare-Scott made the following statement: "I have sought advice from the Monitoring Officer over whether I have a Disclosable Pecuniary Interest in terms of my pension from Friends Life (who are associated with Eden Westwood). As this decision is about whether or not to allocate land at J27 as a major modification to the Local Plan, which could be implemented by any developer and is not a decision on proposals from Eden Westwood, I have been advised that I do not need to make any declaration"
- (ii) Councillor R L Stanley also stated that he had a pension with Friends Life;
- (iii) Councillor Mrs H Bainbridge declared a personal interest as she owned a small holiday complex
- (iv) It was noted that all Members had either received correspondence, telephone calls and/or attended public exhibitions

65 Ungrouped Vacancy

It was necessary to appoint one Member of the Ungrouped to the list of Planning Committee substitutes.

Councillor Mrs N Woollatt **MOVED**, seconded by Councillor R J Dolley

THAT Councillor Mrs J Roach fill the vacancy on the list of Planning Committee substitutes.

Upon a vote being taken, the **MOTION** was declared to have been **CARRIED**.

Written Questions and Responses

(The meeting ended at 10.15 pm)

CHAIRMAN

This page is intentionally left blank

Minute Annex

WRITTEN QUESTIONS –EXTRAORDINARY MEETING OF FULL COUNCIL

22 SEPTEMBER 2016

1. CABINET - 15 SEPTEMBER 2016

MINUTE - 62

Questions submitted by Councillor Mrs J Roach and the response of the Cabinet Member for Planning and Economic Regeneration.

a) What was the date of the original call for land?

Response: May – June 2013. The last public consultation (on the pre-submission plan) took place February to March 2015. Cabinet were mindful of the length of time since this in their recommendation to go out to consultation prior to submission irrespective of whether land at J27 is allocated.

b) How much has been spent on consultants in relation to the local plan? In October 2015 this was estimated at £100k.

Response: Since then a further £85,000 has been spent with a further £68,000 committed towards the technical flood modelling /highway work at J28 for which invoices have not yet been received.

c) In October 2015 I asked whether the Council would be at risk in relation to the Housing and Planning Bill 2015. The response to that question was that 'we already have an adopted local plan place and many LA's do not. The current timetable is for the emerging local plan to be adopted by January 2017 which would be in line with the Government target in any case. The latest advice from the Planning Advisory Service is that we are not likely to be at risk.'

Given that circumstances have changed considerably since I asked that question. We now have clear evidence that the lack of a five year land supply is putting the Council at risk of unallocated land being allocated via the Planning Inspectorate at appeal. I now ask the same question in two parts,

1, What is the risk, in relation to the Housing and Planning Bill if we delay the submission of the local plan?

2, What is the risk, in relation to the Housing and Planning Bill if we submit the local plan as soon as possible?

Response: The degree of plan risk associated with the Housing and Planning Act 2016 is considered the same between submitting the plan in November 2016 and submitting it at the end of March 2017. Issues raised within the Act in relation to starter homes, self and custom build will need to be addressed at examination irrespective of submission timescale.

This page is intentionally left blank