



Mid Devon Local Plan Review 2013-33

MDDC Schedule of Proposed Main Modifications following 2019 Examination Main Hearings and receipt of Inspector's Post Hearings Advice Note

Date: November 2019

*Proposed Main Modifications are identified in **bold** and follow the usual convention of ~~striketrough~~ for deletions from the text of the submitted plan and underlining for additions to the text.

This Schedule of Proposed Main Modifications (November 2019) should be read in conjunction with Submission Document [SD14 – Schedule of Minor Modifications following 2017 Modifications Consultation \(March 2017\)](#). Following publication of the Inspector’s post hearings advice note (ID12), the Council reviewed all modifications proposed within Submission Document SD14. Where it is considered that these modifications meaningfully change a policy, or in the case of supporting text, goes to the heart of the approach, they have been incorporated into this schedule as proposed Main Modifications.

No.	Policy/Paragraph	Local Plan Page	Proposed Changes	Reason
MM01	Overall Provision of housing and employment	26-27	Replace Table 6: Housing forecast 2013 – 2033 with the following update:	<p>To update the housing trajectory following the Inspector’s post hearings advice note.</p> <p>A detailed explanation of the replacement Table 6: Housing Forecast 2013 – 2033 is provided in the Council’s “Housing Land Supply Update – Addendum to January 2019 update in response to the Inspector’s Post Hearings Advice Note (June 2019)” which is appended to this schedule of Draft Main Modifications.</p>

		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
Tiverton																							
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
Cullompton																							
NW Cullompton		CU1-CU6							49	100	100	100	150	150	176	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	225	4035	
Crediton																							
Red Hill Cross		CRE2									12	50	50	23								135	
Woods Group		CRE4										8										8	
Pedlarspool		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
Rural sites																							
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	
Rural Sites Total			82	137	128	100	124	273	255	339	124	65	0	0	0	0	0	0	0	0	0	0	1627
Total (Mid Devon - all areas)			320	316	288	304	502	574	574	695	519	439	604	631	583	438	500	497	400	400	400	250	9234
Five year totals			1730				2801				2756				1947								
Cumulative five year totals			1730				4531				7287				9234								

MM02	S1: Sustainable development priorities		Amend criterion i) as follows: “... <u>recreational trails</u> , and -accessible land, <u>and other green infrastructure</u> , and opportunities....”	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed to reflect representation made by Natural England during the 2017 modifications consultation.
MM03	S2: Amount and distribution of development	32	“The diverse development needs of the community will be met through the provision of <u>a minimum of approximately 7,860</u> 7,200 dwellings and 147,000 154,000 square metres of commercial floorspace between 1 st April 2013 and 31 st March 2033.”	In response to the Inspector’s post hearings advice note: “...content that the OAN figure of 78 (393pa) is soundly derived, as is the extent of commercial development envisaged. That said, while I appreciated the headroom allowed for, to comply with the (2012 version of) the Framework, these figures must be expressed as a minima in Policy S2.”
MM04	S3: Meeting housing needs	34	Amend criterion a) as follows: “The diverse needs of Mid Devon will be met through the provision of <u>a minimum of approximately 7,860</u> 7,200 dwellings between 1 st April 2013 and 31 st March 2033.”	In response to the Inspector’s post hearings advice note: “...content that the OAN figure of 78 (393pa) is soundly derived, as is the extent of commercial development envisaged. That said, while I appreciated the headroom allowed for, to comply with the (2012 version of) the Framework, these figures must be expressed as a minima in Policy S2.”
MM05	Paragraph 2.31	36	Amend paragraph 2.31 of the supporting text as follows: “.... <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 a more favourable outcome for Gypsies and Travellers as described in Policy DM7. Where such a more favourable outcome can be demonstrated, off-site provision</u>	In response to the Inspector’s post hearings advice note and to ensure consistency with MM proposed for Policy DM7.

			<p><u>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 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”</u></p>	
MM06	S8: Infrastructure	46	<p>Modification to include following text at the end of the policy text:</p> <p><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></p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM07	S9: Environment	48	<p>Amend criterion e) as follows:</p> <p>“The preservation and enhancement of the distinctive qualities of Mid Devon’s natural landscape, supporting opportunities identified within the landscape character areas. Within or adjoining the Blackdown Hills Area of Outstanding Natural Beauty, <u>and within the setting of the Blackdown Hills Area of Outstanding Natural Beauty</u>, and Exmoor and Dartmoor National Parks, the primary objective will be to protect the special environmental qualities of that landscape and its setting.”</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed in response to the representation made by Natural England during the 2017 modifications consultation.
MM08	S9: Environment	48	<p>Amend criterion f) as follows:</p> <p>“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</u>. Compensation measures <u>will only be considered</u> where appropriate <u>as a last resort</u>; and”</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed in response to the representation made by Natural England during the 2017 modifications consultation and to reflect the hierarchy in NPPF para 118.
MM09	S11: Cullompton	52	<p>Amend criterion a) as follows:</p> <p>“Make any necessary <u>improvements to the M5 motorway including junction 28 strategic mitigations</u> to maintain highway capacity, and safety, <u>integrity, and sustainability including the M5 and local highway network in conjunction with current and relevant infrastructure plans</u>;</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM10	S12: Crediton	55	<p>Add to the end of clause e) “”, <u>including green infrastructure</u>”</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed in response to the representation made by Natural England during the 2017 modifications consultation.

MM11	S14: Countryside and paragraph 2.82	59	<p>Amend criterion a) as follows:</p> <p>“a) Affordable and low cost housing to meet local needs, gypsy and traveller accommodation, gypsy and traveller accommodation, residential conversion of appropriate existing buildings...”</p> <p>Amend the last two sentences of supporting text in para 2.82 as follows:</p> <p>“National policy requires that new sites for travellers should be very 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>	<p>In response to the Inspector’s post hearing advice note:</p> <p>“Make Policy S14 permissive of G&T sites in the countryside while decoupling allocated G&T sites from general housing allocations and deleting the stipulation in relation to need in Policy DM7”</p>
MM12	TIV3: Eastern Urban Extension Environmental Protection and Green Infrastructure	70	<p>Amend criterion e) as follows:</p> <p>“Appropriate provision of sewerage system to serve the development and a Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance ;”</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed following the 2015 Proposed Submission consultation in response to request by the Environment Agency. Reference to Sustainable Urban Drainage is now included in criterion f).</p>
MM13	TIV4: Eastern Urban Extension Community Facilities	72	<p>Add additional policy criterion as follows:</p> <p><u>“f) Contributions towards a new recycling centre to serve Tiverton”</u></p>	<p>Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.</p>

MM14	TIV4: Eastern Urban Extension Community Facilities	72	<p>Replace criterion b) as follows:</p> <p><u>“Construction cost for one primary school of 410 places and early years provision 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>	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.
MM15	TIV15: Tiverton Infrastructure	83	<p>Add additional policy criterion as follows:</p> <p><u>“l) Provision of a replacement recycling centre facility”.</u></p>	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.
MM16	TIV16: Blundells School	84	<p>Add additional criterion as follows:</p> <p><u>“k) The creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits.”</u></p> <p>Amend paragraph 3.60c to insert at the end of the sentence <u>“subject to the provision of wider environmental and sustainability benefits”.</u></p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed to reflect the representation made by the Environment Agency (6734) which notes that this is a key consideration of the Environment Agency when consulted on development within the floodplain.
MM17	Paragraph 3.70	89	<p>Amendment to proposed modified text within paragraph 3.70 as follows:</p> <p><u>“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.”</u></p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM18	CU2: North West Cullompton Transport Provision	90	Amendment to criterion (h) as follows: “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.”	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM19	Paragraph 3.75	90	Amendment to proposed modified text within paragraph 3.75 as follows: “The Development will need to mitigate its impact upon capacity at junction 28 of the M5 by financial contributions towards junction improvements.”	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM20	CU4: North West Cullompton Community Facilities	93	Replace criterion b) as follows: “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.”	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.
MM21	CU4: North West Cullompton Community Facilities	93	Add additional policy criterion as follows: “e) Contributions towards a new recycling centre to serve Cullompton”	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.
MM22	CU6: North West Cullompton Phasing	95	Replacement policy text for criterion (i) of the policy as follows: 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	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM23	Paragraph 3.94	96	<p>Amendment to proposed modified text within paragraph 3.94 as follows:</p> <p>“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.”</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM24	CU7: East Cullompton	97	<p>Amendment to criterion (f) as follows:</p> <p>“(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;”</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM25	CU8: East Cullompton Transport Provision	99	<p>Replacement policy text for criterion (a) of the policy as follows:</p> <p>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;</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM26	CU10: East Cullompton Community Facilities	102	<p>Amend criterion a) as follows:</p> <p>a) A site of 2.5 hectares for a new primary school at no cost to the Local Education Authority <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>Amend criterion c) as follows:</p> <p>“Construction costs for a 650 place primary school or two 325 place primary schools, including provision for early years education. Construction costs for a primary school <u>capacity of for 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;</u>”</p>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.
MM27	CU10: East Cullompton Community Facilities	102	<p>Add additional policy criterion as follows:</p> <p><u>“g) Contributions towards a new recycling centre to serve Cullompton”</u></p>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.
MM28	CU12: East Cullompton Phasing	104	<p>Replacement policy text for criterion (f) as follows:</p> <p>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 <u>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> and</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM29	Paragraph 3.116	105	<p>Delete penultimate sentence within paragraph 3.116 of the supporting text as follows:</p> <p>“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.”</p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM30	CU12: East Cullompton Phasing	106	<p>Paragraph 3.120, amend as follows: “Subject to viability, affordable housing will be provided at a rate of approximately 25% 28%, in step with the market housing”.</p>	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed to correct typographical error and to ensure supporting text is consistent with policy.
MM31	CU17: Week Farm	110	<p>Replacement policy text for proposed criterion (g) as follows:</p> <p>(g) “Provision of M5 access improvements before any commercial floorspace is brought into use <u>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>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM32	CU18: Venn Farm	111	<p>Replacement policy text for proposed criterion (g) as follows:</p> <p>(g) “Provision of M5 access improvements before any commercial floorspace is brought into use <u>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>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.

MM33	Paragraph 3.143a	114	Amend paragraph 3.143a as follows: “...the final scheme will need to incorporate design solutions which mitigate such impacts. <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 the provision of appropriate ecological and biodiversity enhancements.</u> ”	Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed in response to the representation made by the Environment Agency during the 2017 modifications consultation.
MM34	CU20: Cullompton Infrastructure	114	Add additional policy criterion as follows: <u>“n) Provision of a replacement recycling centre facility”.</u>	Modification proposed following Devon County Council's hearing statement, and MDDC's acceptance of Devon County Council's position at the hearings.
MM35	CU21: Land at Colebrook	115	Remove contingency status. Modifications proposed as follows: Land at Colebrook CONTINGENCY SITE A site of 4.8 hectares at Colebrook is identified as a contingency site allocated for residential development to be released in accordance with Policy S4 , subject to the following: a) 100 dwellings with 28% affordable housing; b) The development shall not commence until the Town Centre Relief Road has been provided; 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; c) Provision of two points of access from Siskins Chase; d) Provisions 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; e) Measures to protect and enhance trees, hedgerows and other environmental features which contribute to the	Contingency status removed in response to the Inspector's post hearing advice note. Devon County Council has advised the timing of the development of the site is not dependent on the Cullompton Town Centre Relief Road coming forward as long as financial contributions are made towards the delivery of the relief road. Please refer to the updated housing land supply statement. Criterion b) deleted following Devon County Council's highway consultation response to MDDC in March 2019, to the current planning application reference 19/00118/MOUT (outline application for up to 105 dwellings on land at Colebrook Lane). Devon County Council has updated its previous highways advice and there is no longer a requirement for the prior completion of the North West Cullompton distributor road (Tiverton Road to Willand Road link).

			<p>character and biodiversity, maintaining a wildlife network within the site and linking to the surrounding countryside;</p> <p>f) Archaeological investigation and appropriate mitigation; and</p> <p>g) Transport assessment and implementation of travel plans and other measures to minimise carbon footprint and air quality impacts.</p> <p>Delete paragraph 3.148 from the supporting text.</p> <p>Delete penultimate sentence from paragraph 3.149 as follows: “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.”</p> <p><i>Modify the Policies Map as shown on Plan MM35.</i></p>	
MM36	Paragraph 3.149	116	<p>Amend paragraph 3.149 of the supporting text as follows:</p> <p>3.149 If this site comes forward for development, it must contribute to the provision of offsite highways infrastructure. 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.</p>	<p>Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.</p> <p>Further amendment to remove the words “...which cannot be mitigated” to improve clarity.</p>

			<p>Development in this location would increase traffic through the town centre, so would not be permissible until the Town Centre Relief Road has been provided, offering an alternative route.</p> <p>The development would also be expected to provide two points of access from Siskins Chase.</p>	
MM37	CRE5: Pedlerspool, Exhibition Road	121	<p>Amendment to criterion (b) to include reference to <u>“with early years provision and children’s centre service delivery base”</u>.</p>	Modification proposed following Devon County Council’s hearing statement, and MDDC’s acceptance of Devon County Council’s position at the hearings.
MM38	J27: Land at Junction 27 of the M5 Motorway	128	<p>Replace criterion b) as follows:</p> <p><u>“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”</u></p>	Amendment agreed within Statement of Common Ground (SCG-10) between MDDC, Devon County Council and Highways England.
MM39	J27: Land at Junction 27 of the M5 Motorway and paragraph 3.184d	128	<p>Delete criterion e):</p> <p><u>“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.”</u></p> <p>Para3.184d, amend as follows:</p> <p><u>“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,</u></p>	<p>Taken from Submission Document SD14.</p> <p>Included as a main modification in accordance with the Inspector’s post hearing advice note.</p> <p>Deletion of the reference to mitigation measures with regard to the Culm Grasslands Special Area of Conservation to reflect the latest evidence in the J27 proposals: Habitat Regulations Assessment Appropriate Assessment Report (2016) and representation made by Natural England (6242). Reference to floodplain in response to representation made by the Environment Agency (6734) to the 2017 modifications consultation.</p>

			<p>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 and would need to ensure appropriate mechanisms are in place to ensure that the integrity of the Culm Grasslands SAC will not be adversely affected."</p>	
MM40	J27: Land at Junction 27 of the M5 Motorway	128	<p>Include additional criterion in policy as follows:</p> <p><u>"a) Any planning application which includes a 'designer outlet shopping centre' should be accompanied by a full Retail and Leisure Impact Assessment"</u>.</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to ensure the potential impact is appropriately and adequately assessed at the planning application stage. Amendment also reflects comments made by The Crown Estate and TH Real Estate c/o Montagu Evans (6234).</p>
MM41	Paragraph 3.184d	129	<p>Include the following text at the end of the paragraph 3.184d:</p> <p><u>"Priority habitats exist within the site and in line with criterion c) of Policy J27 should be protected and enhanced."</u></p>	<p>Amendment as agreed with Natural England (see Statement of Common Ground SCG-6 MDDC and Natural England)</p>

MM42	SP2: Higher Town Sampford Peverell	146	<p>Amend Policy SP2 as follows:</p> <p>"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:"</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"...Given that the Policy SP2 allocation is designed to address part of that overall housing requirement, the tie serves no purpose. Reference to it should be removed."</p>
MM43	SP2: Higher Town Sampford Peverell and paragraph 3.224c	146	<p>Delete criterion b) and re-label the remaining criteria accordingly.</p> <p>b) No development until the completion of improved access works to the A361;</p> <p>Delete paragraph 3.224c of the supporting text.</p> <p>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.</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"It was clear from the helpful submissions of the Highway Authority, that the limitation on development until the completion of improved access works to the A361 is unnecessary. Criterion b) needs to be removed."</p>
MM44	SP2: Higher Town Sampford Peverell	146	<p>Include new criterion:</p> <p><u>"Improved access to the village for pedestrians and cyclists"</u></p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. Modification proposed to provide greater clarity in response to a number of representations from individuals and through agreement of inclusion of criterion by Devon County Council.</p>

MM45	SP2: Higher Town Sampford Peverell	146	<p>Amend criterion g) as follows:</p> <p><u>“2 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space.”</u></p> <p><i>Modify the Policies Map as shown on Plan MM45.</i></p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. The area of Green Infrastructure has been further extended to limit the impact of the setting of the listed building.</p>
MM46	DM1: High Quality Design and new paragraph 4.5b	153-154	<p>Insert additional criteria as follows:</p> <p><u>“g) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</u></p> <p><u>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</u></p> <p><u>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.’</u></p> <p>Insert additional supporting text as follows:</p> <p><u>“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 buildings regulations, criterion i) will be implemented through a condition attached to the planning permission.”</u></p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“Criteria a) and c) [of DM12] seem to me to be more about design and might find a more comfortable home as part of Policy DM1. I take a similar view in relation to criterion b).”</p> <p>“the general size and configuration of a dwelling, and the proper handling of recycling, refuse and cycle storage, are design-based considerations and the reference to the Nationally Described Space Standard seems to be unnecessary.’ If these criteria are adjusted to make plain that they refer to the design of new housing, and relocated in Policy DM1, then that would be a more efficient way of dealing with the matter.”</p> <p>“I am not convinced that the requirement for 30% of houses on sites of 10 houses or more to be built to Level 2 of Building Regulations Part M has been made out. I believe 20, as a carry forward from the existing policy that refers to Lifetime Homes standards is reasonable but again, this requirement could be moved into Policy DM1.”</p> <p>Reference to the Nationally Described Space Standard is retained in the policy. This is since MDDC’s experience of applying minimum size standards for decision making purposes on</p>

				development proposals requires that the Nationally Described Space Standards are explicit in local plan policy.
MM47	DM2: Renewable and low carbon energy	154	<p>Amend the third sentence in Policy DM2 as follows:</p> <p>“Proposals must demonstrate that impacts are or can be made acceptable <u>in relation to: and that the development will preserve:</u>”</p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“I have some concerns about the wording of Policy DM2 because the first part seeks to avoid any significant adverse impacts, but the second part requires renewable and low carbon energy to preserve (which I take to mean cause no harm to) landscape character, the setting of heritage assets, living conditions, and so on. The former is the correct approach and the second part needs to be adjusted to remove the contradiction. This will require a MM.”</p>
MM48	DM7: Traveller sites and paragraph 4.29	164-165	<p>Amend Policy DM7 as follows:</p> <p>1) <u>Planning applications for Pitches and Plots</u></p> <p>Planning applications for gypsy and traveller pitches, or plots for travelling showpeople, will be permitted where:</p> <p>a) The need cannot be met on another suitable site in Mid Devon which has consent or is allocated for gypsy and traveller pitches;</p> <p>b) Local services can be accessed without the use of a car;</p> <p>a) Suitable onsite facilities will be provided including space for children’s play;</p> <p>b) The proposal will have suitable environmental quality for residents including non-isolating boundary treatments;</p> <p><u>c) 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><u>d) Occupation will be limited to those who meet the Government’s published definition of gypsies and</u></p>	<p>In response to the Inspector’s post hearings advice note on the provision for Gypsies and Travellers.</p>

			<p>travellers, including travelling showpeople <u>or their dependents; and</u> <u>e) Safe and convenient access to local facilities is provided</u></p> <p>Where development proposals are considered under S13 “Villages”, local services can be accessed without the use of a car.</p> <p>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.</p> <p>Sites with associated employment or storage elements may 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.</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 a more favourable outcome for Gypsies and Travellers taking into account:</u></p> <ul style="list-style-type: none"> i) <u>Pitch numbers;</u> ii) <u>Site facilities;</u> iii) <u>Accessibility to services, including health and education;</u> iv) <u>Early delivery of serviced pitches or plots which are available for occupation; and</u> v) <u>The provision of an effective mechanism for delivery.</u> 	
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			<p><u>Such sites must also meet the requirements of part 1 of Policy DM7 above.</u></p> <p>Amend supporting text in paragraph 4.29 as follows:</p> <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. The need for gypsy and traveller accommodation is identified to be in the region of 25 pitches across the plan period. These are to be included within</p> <p><u>allocated developments at Tiverton Eastern Urban Extension, North West Cullompton, and Pedlerspool in Crediton. Pitches must be provided on-site unless the more favourable outcome described by Policy DM7 is demonstrated. Any proposals for more favourable 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 a more favourable outcome for the travelling community must be identified.</u></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</u></p>	
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			<p><u>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.</u> Where gypsy and traveller pitches are provided <u>on-site</u> 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.</p>	
MM49	DM12: Housing Standards	170	<p>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.</p> <p>Policy DM12</p> <p>Housing Standards</p> <p>New housing development should be designed to deliver:</p> <p>a) Adequate levels of daylight, sunlight and privacy to private amenity spaces and principal windows;</p> <p>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;</p> <p>c) Private amenity space that reflects the size, location, floorspace and orientation of the property; and</p>	In response to the Inspector's post hearings advice note. Please refer to MM46.

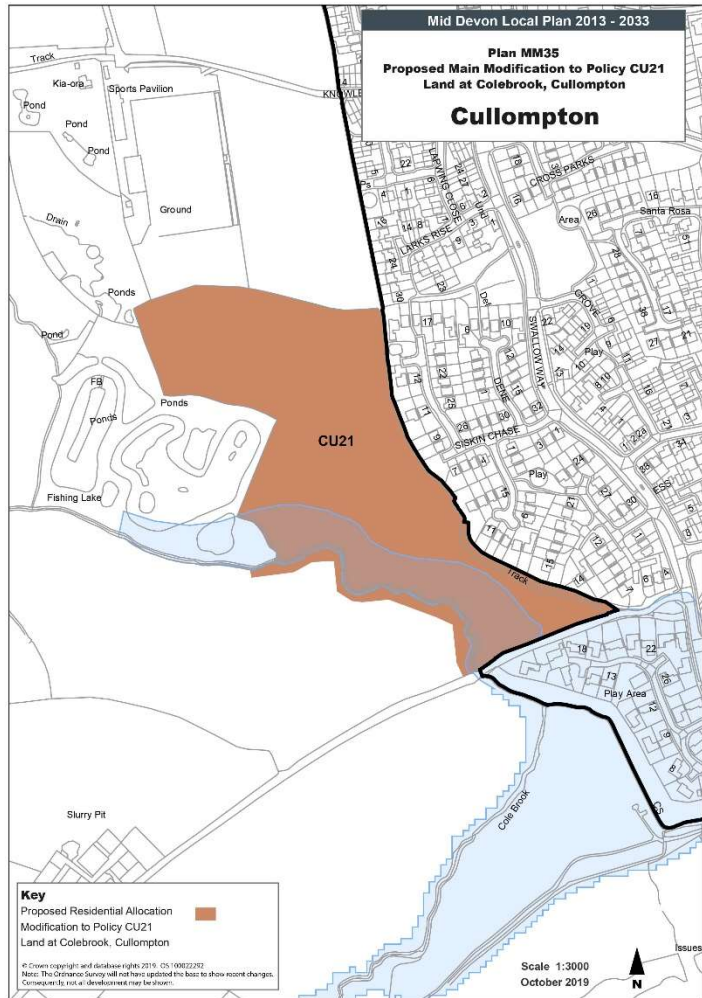
			<p>d) On sites of 10 houses or more the provision of 30% of dwellings built to Level 2 of Building Regulations Part M 'access to and use of dwellings'</p>	
MM50	DM19: Protection of employment land and paragraph 4.60	179	<p>Delete Policy DM19 criterion c)</p> <p>c) A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing:</p> <p>i) Mixed use of the site that incorporates an employment-generating use, then</p> <p>ii) Non-employment use.</p> <p>Amend para 4.60 of the supporting text as follows:</p> <p>...“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 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.”</p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“There was some discussion about criterion c) of Policy DM19 which deals with the protection of employment land. In my view, if criterion b is satisfied, and suitable marketing (which might include for mixed use purposes) has taken place at an appropriate price, for at least 18 months without any interest, then an alternative use (which may take the form of a mixed use) should be allowed to come forward. Criterion c) which requires an additional sequential viability test is far too onerous a requirement and should be removed through a MM.”</p> <p>Supporting text deleted to accord with proposed MM.</p>

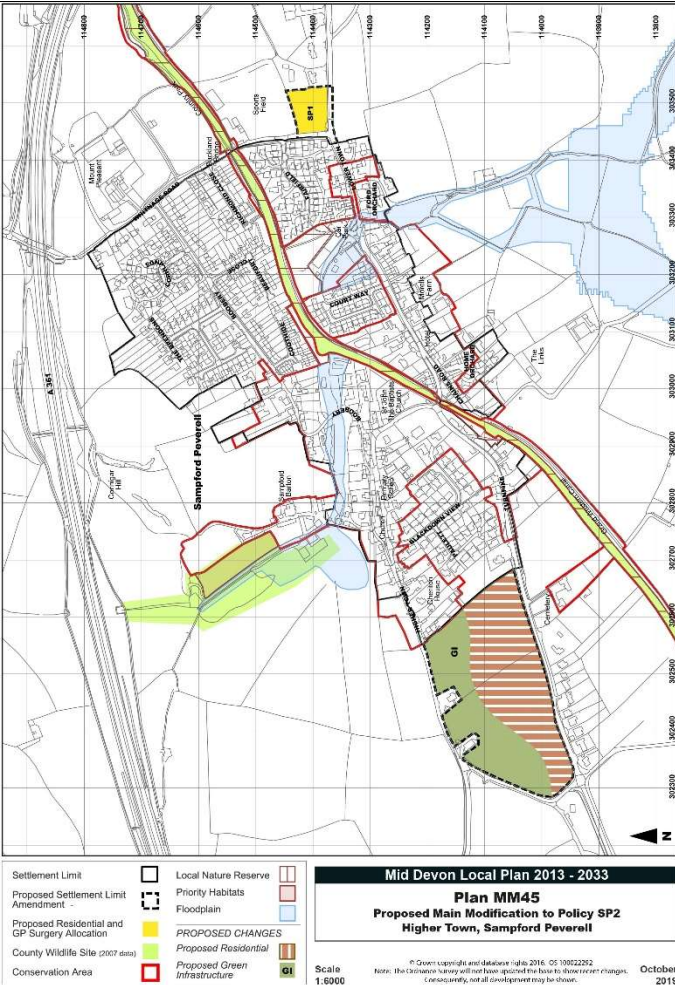
MM51	DM25: Development affecting heritage assets	186	<p>Amend Policy DM25 as follows:</p> <p>“a) Apply a presumption in favour of <u>preserving or enhancing all designated preservation in situ in respect of the most important</u> heritage assets <u>and their settings</u>;</p> <p>b) Require development proposals likely to <u>affect the significance of</u> heritage assets <u>and their settings</u>, 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 be likely to substantially harm heritage assets and their settings if substantial public benefit outweighs that harm</u> or the requirements <u>of paragraph 133</u> of the National Planning Policy Framework are met;</p> <p>d) Where a development proposal <u>would will</u> lead to less than substantial harm <u>to the significance of a designated heritage asset, this that</u> harm <u>will should</u> be weighed against <u>the public benefits of the proposal any public benefit</u>, 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</u> impact on <u>the</u> setting <u>and thereby the significance of heritage asset(s) down in the guidance from English Heritage: “The Setting of Heritage Assets” Historic England: “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning: 3.”</u></p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“To comply with statute, criterion a) should apply a presumption in favour of preserving or enhancing all designated heritage assets, not just the most important ones. A reference to their setting would assist too”.</p> <p>“Criterion b) needs to refer to the significance of heritage assets rather than heritage assets and their settings.”</p> <p>“Criterion c) needs to properly reflect the wording of paragraph 133 of the (2012 version of the) Framework by referring to significance. The direct reference to paragraph 133 should be removed because planning applications will be determined using the latest version of the Framework.”</p> <p>“Criterion d) should properly reflect paragraph 134 of the (2012) Framework and refer to significance.”</p> <p>“Criterion e) could confine itself to ‘require developers to make a proportionate and systematic assessment of any impact on the setting and thereby the significance of heritage asset(s)’ Pointing to HE guidance in the manner proposed seems to me to run the risk of that guidance changing.”</p>
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MM52	Paragraph 4.88	189	<p>Amend paragraph 4.88 as follows:</p> <p>... “Green Infrastructure functions can coexist in one place, so the land coverage does not have to be extensive in every case, <u>although developments should recognise that floodplain cannot necessarily provide year-round amenity access.</u>”</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed following representation made by the Environment Agency (673) which provides greater clarity of the ability of floodplain to be considered as Green Infrastructure but with limitations of year-round amenity access.</p>
MM53	Paragraph 4.88	189	<p>At the end of paragraph 4.88 include the following sentence:</p> <p><u>“Development incorporating green infrastructure will be required to submit management and maintenance details for the proposed green infrastructure.”</u></p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note. Modification proposed following the representation made by the Environment Agency to ensure green infrastructure is protected and managed beyond the initial construction/development.</p>
MM54	DM27: Protected landscapes, and paragraph 4.94	190	<p>Amend Policy DM27 as follows:</p> <p>“Development proposals within or 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>Amend paragraph 4.94 as follows: “Where major developments are proposed within or adjoining protected landscapes <u>or within the setting of or adjoining the protected landscapes or the National Parks,</u> ”</p>	<p>In response to the Inspector’s post hearings advice note:</p> <p>“The phrase ‘development proposals within or affecting’ at the beginning of Policy DM27 is a little confusing. A development proposal within a protected landscape will obviously affect it. If the intention is to offer some protection to views into or out of the protected landscape, which seems reasonable, then it may be clearer to make a specific reference to such views. This would mean a MM. Alternatively, reference could be made to the setting of a protected landscape but that is more difficult and require some form of definition in the explanatory text.”</p>

				<p>The Council has considered the Inspector's post hearings advice note and proposes a modification accordingly.</p> <p>The retention of the word "affecting" in the opening sentence of amended Policy DM27 is consistent with Section 62 of the Environment Act 1995, section 11A (2 in respect of National Parks, and also Section 85 (1) of the Countryside and Rights of Way Act 2000 in respect of Areas of Outstanding Natural Beauty.</p> <p>Section 62 of the Environment Act 1995 places a duty on the Council to have regard to the purposes of National Parks in exercising any functions in relation to or <u>affecting</u> land in a National Park. Similarly, Section 85 of Countryside and Rights of Way Act imposes a duty on the Council to have regard to the purpose of conserving and enhancing the natural beauty within an AONB in exercising any functions in relation to or <u>affecting</u> land in an AONB.</p> <p>Modification proposed following representation made by Natural England (6242) to reflect the fact that the special character of protected landscapes includes the setting rather than only the adjoining land and follows National Planning Policy Guidance.</p>
MM55	DM28: Other protected sites and paragraphs 4.102 and 4.95		<p>Amend Policy DM28 as follows:</p> <p>Delete the final paragraph:</p> <p>"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</p>	<p>In response to the Inspector's post hearings advice note:</p> <p>"I have a concern that Policy DM28, and in particular the way it approaches mitigation and compensation in criterion c), fails to comply with 'People over Wind' and subsequent judgements.</p>

		<p>integrity of the features of the Natura 2000 site would not be affected</p> <p>Replace the deleted final paragraph with:</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>Amend supporting paragraph 4.102 as follows:</p> <p>Delete the sentence:</p> <p>“... 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.”</p> <p>Replace the deleted sentence with:</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>Amend the paragraph 4.95 through the deletion of the words “Natura 2000 sites” and “Natura 2000 site” and the</p>	<p>I suggest at this stage that the Council checks this point with their expert advisors.”</p> <p>MDDC has taken expert legal advice that has considered the wording of Policy DM28 and its supporting text at paragraph 4.102 require modification.</p> <p>Two modifications will be required to paragraph 4.95 to make this consistent with the modifications to Policy DM28 and paragraph 4.102.</p> <p>Modification to paragraph 4.94 taken from Submission Document SD14. Included as a main modification in accordance with the Inspector’s post hearing advice note.</p>
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			replacement of these words with the words “ European Sites ” and “ European Site ”.	
Plan MM35	CU21: Land at Colebrook	Policies Map	 <p>Mid Devon Local Plan 2013 - 2033</p> <p>Plan MM35 Proposed Main Modification to Policy CU21 Land at Colebrook, Cullompton</p> <p>Cullompton</p> <p>CU21</p> <p>Key Proposed Residential Allocation Modification to Policy CU21 Land at Colebrook, Cullompton</p> <p><small>© Crown copyright and database right 2018. OS 100022703. Note: This document is a copy and not a legal document. It is for information only and does not constitute a contract. Consequently, no actual development may be shown.</small></p> <p>Scale 1:3000 October 2019</p>	<p>Contingency status removed in response to the Inspector's post hearing advice note.</p> <p>The notation on the Policies Map has been modified to show site allocation CU21 as a proposed residential allocation. This modification is necessary to reflect the proposed Main Modification to the wording of site allocation Policy CU21.</p> <p>Please refer to proposed Main Modification MM35.</p>

Plan MM45	SP2: Higher Town, Sampford Peverell	Policies Map	 <p>Mid Devon Local Plan 2013 - 2033</p> <p>Plan MM45</p> <p>Proposed Main Modification to Policy SP2</p> <p>Higher Town, Sampford Peverell</p> <p>Scale 1:5000</p> <p>October 2019</p>	<p>Taken from Submission Document SD14. Included as a main modification in accordance with the Inspector's post hearing advice note. The area of Green Infrastructure has been further extended to limit the impact of the setting of the listed building.</p> <p>The notation on the Policies Map has been modified to show the increased area of Green Infrastructure to reflect the proposed Main Modification to criterion g) in the site allocation Policy SP2 Higher Town, Sampford Peverell</p> <p>Please refer to proposed Main Modification MM45.</p>
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