

REPORT OF THE HEAD OF PLANNING AND REGENERATION

IMPLICATIONS OF MAKING A MAJOR MODIFICATION TO THE LOCAL PLAN REVIEW TO ALLOCATE LAND AT JUNCTION 27 OF THE M5 FOR A LEISURE/RETAIL/TOURISM AND EMPLOYMENT DEVELOPMENT.

Cabinet Member Cllr Richard Chesterton
Responsible Officer Jenny Clifford, Head of Planning and Regeneration

Reason for Report:

At the Council Meeting on the 27th April 2016 the Council considered the following Motion (Motion 525) in respect of the current Local Plan Review.

1. That the outcomes of the Local Plan Review pre-submission consultation and subsequent technical work together with officer recommendations be considered by Cabinet and Council prior to plan submission and;
2. That the report of these outcomes include the implications to the local plan of making a major modification to the Local Plan Review to allocate land at J27 of the M5 for a leisure/retail/tourism and employment development.

Both parts of the motion were carried.

Issue 1 will be reported to Cabinet and Council at future meetings in October / November 2016.

Issue 2 is addressed in this report.

OPTIONS FOR DECISION.

- 1) RESOLVE NOT TO ALLOCATE THE SITE, OR**
- 2) RESOLVE TO ALLOCATE THE SITE FOR TOURISM, LEISURE AND RETAIL DEVELOPMENT**
and in the event of the decision to allocate land at J27
- 3) ALLOCATE THE ASSOCIATED ADDITIONAL HOUSING SITES GIVING THE EXTRA PROVISION FOR 260 ADDITIONAL HOUSES.**

Relationship to Corporate Plan:

The Mid Devon Corporate Plan 2016 to 2020 seeks to bring new businesses into the district and grow the tourism sector. It sets out under priority 1, the economy section of the plan, the following aims:

Aim 1 - Attract new businesses to the District

- Focus on particular sectors and their supply chains e.g. agriculture, food and drink offer, leisure and tourism, professional scientific and technical, etc

Aim 4 - Grow the tourism sector

- Increase the number of people visiting, staying and spending money in the District

- Improve the marketing of Mid Devon as a visitor destination.
- It sets out under the priority 4, the environment section of the plan the following aim
- Increase understanding of environmental sustainability and recycling initiatives through education and promotional activities

The J27 proposals have the potential to accord with these corporate plan aims.

There will be some potential conflict with priority 4, Aim 3 which seeks to Protect the natural environment.

- Protect the natural environment and encourage biodiversity.

Balancing the advantages of increased economic activity and additional jobs against the loss of open agricultural land is often a competing consideration in creating new development opportunities.

Financial Implications:

There will be additional costs in making a major modification to the Local Plan at this stage. There are the additional costs of redrafting significant parts of the plan, tables and policies. There are the additional costs of an extra round of consultation, printing, notifications, venues and staffing. There may be extra costs in updating the evidence base. These additional costs estimated at £15,000 will not be significant when considered in the context of the overall Local Plan budget and are also not considered a significant factor in making the decision whether to make an allocation.

Legal Implications:

The National Planning policy Framework states that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

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

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

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

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

The ‘options for decision’ detailed above are considered to be consistent with these tests of soundness.

The work undertaken in connection with the emerging Local Plan Review is consistent with the ‘duty to co-operate’ as set out in the Localism Act 2011 and the Planning and Compulsory Purchase Act 2004.

Risk Assessment:

The Local Plan Review pre-submission consultation and subsequent technical work together with officer recommendations proposing minor modifications is to be considered by Cabinet on the 17th October and Council on 24th October. These dates will be moved to November if J27 is added as a major modification.

Any decision in relation to this report to include the commercial site at J27 and any necessary additional housing sites will require a major modification to the Submission Plan. Making a major modification to the Local Plan will require a further period of consultation (minimum 6 weeks). This will delay the submission of the Local Plan by about 5 to 6 months to March 2017 (See section **9.0**)

The inclusion of an allocation at J27 is likely to result in some objections being expressed from some of our duty to co-operate partners (see report). The duty to cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.

The duty to cooperate is not a duty to agree.

Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their Local Plans. Local planning authorities will need to satisfy themselves about whether they have complied with the duty. As part of their consideration, local planning authorities will need to bear in mind that the cooperation should produce effective and deliverable policies on strategic cross boundary matters.

A series of meetings have been held with our duty to co-operate partners covering a numbers of issues. The reports commissioned by the Council have addressed the concerns raised particularly over retail and other town centre uses. A number of town centre uses have been withdrawn from the earlier promoted schemes and the need, siting and impact of the retail proposals J27 have been addressed. Allocation for retail development at J27 will potentially mean some duty to co-operate partners will object.

1.0 HISTORY & BACKGROUND

1.1 Following a call for sites at the start of the Local Plan Review a site was put forward for development at J27 (M5) and alongside the motorway north of Willand for commercial and housing development. At the options stage of the Local Plan Review (*public consultation held between 24 January and 24 March 2014*) an option was included for land east of the M5, principally south of the A38, with a small area to the north, as follows:

Option M5 Junction on 27 and adjoining Willand

A site of approximately 200 hectares between M5 Junction 27 and Willand could be allocated for mixed commercial and residential development as follows:

a) 3,000 dwellings with 35% affordable housing, to commence after 1st April 2026 or the completion of 5,460 dwellings elsewhere, whichever is the sooner.

b) 96 hectares for mixed commercial floorspace subject to an impact assessment which demonstrates no adverse impact on town centre vitality and viability. Development might comprise:

- 1) 25 hectares for B8 storage and distribution/logistics development***
- 2) 13 hectares outdoor leisure destination***
- 3) 8 hectares for designer retail outlet/village***
- 4) 4.5 hectares Devon produce promotion centre***
- 5) 3.3 hectares for sports and activity centre including associated retail***
- 6) 3 hectares for plant/horticulture centre***
- 7) 2.4 hectares for cinema***
- 8) 1.9 hectares for motorway service area, parking and refuelling services***
- 9) 1.8 hectares for hotel, conference venue and concert hall***
- 10) 0.8 hectares for regional visitor centre***

c) Transport provision to ensure appropriate accessibility for all modes, improvement to Junction 27 of the M5 motorway and provision of a dedicated pedestrian and cycle route to the Tiverton Parkway railway station

d) Environmental protection and enhancement including strategic green infrastructure which delivers multiple environmental benefits

e) Community facilities to meet local needs arising from housing development

f) Carbon reduction and air quality improvements

g) An agreed phasing strategy to bring forward development and infrastructure in step and retain the overall viability of development

h) A public Masterplanning exercise to be undertaken before any planning application is made.

1.2 As well as containing the above policy as an option, the Local Plan Options Consultation, set out two options for meeting Mid Devon's future housing need which were:-

1. Continuing with the current town centred approach (as established in the Allocation and Infrastructure Development Plan Document part of the Local Plan 2010), or
2. Pursuing one of two other alternative options for a new settlement
 - a) either to the east of Cullompton, or
 - b) to the north of Willand (as set out in the policy option above)

Representations were received to the Options Consultation from Hallam Land Management who were supporting the commercial /housing option and from Friends Life Ltd/Eden Westwood who were promoting only the commercial element.

1.3 In September 2014 a report was taken to Cabinet. The purpose of that report was to consider the progress of the Local Plan Review and identify preliminary preferences on the strategic direction of the Local Plan.

1.4 The Cabinet **RESOLVED at that meeting:**

- A preference for the new settlement strategy, the location identified as the large urban extension to the east of Cullompton.

1.5 This new settlement housing option north of Willand (J27) was not pursued.

1.6 At Cabinet meetings in November and December 2014 and Council Meetings in December 2014 and January 2015 Mid Devon District Council considered the content of the Local Plan Proposed Submission document.

- The Council confirmed the new settlement strategy east of Cullompton.
- They approved a plan which did not include any proposed allocation at J27 or north of Willand

1.7 The J27 site was not included in the Proposed Submission Local Plan in December 2014 principally for the following reasons

Retail:

- i) The quantitative need for the proposed retail element of the development has not been demonstrated.
- ii) The proposal had not adequately addressed sequential test requirements set out in the National Planning Policy Framework.
- iii) The potential impacts on the roles and functions of existing centres and other development plan proposals elsewhere had not been fully addressed.

Housing:

- iv) An additional 3,200 homes would be required over the plan period to cater for the 3,500 jobs created at the site, thereby requiring significant amendment to the housing strategy in the emerging Plan.

Highways:

- v) The combination of commercial and residential development at J27 would require the provision of a new motorway junction.

Biodiversity / Environmental Designations:

- vi) Commercial development at Junction 27 would increase traffic through the Culm Grasslands Special Area for Conservation (SAC) with greater potential for increased impact on the wildlife value of the site.

- 1.8 The cabinet report concluded *“A commercially led tourism proposal in the same location was also assessed but was lacking sufficient information at the time of writing to fulfil the Council’s requirements and the Duty to Cooperate.”*
- 1.9 The Proposed Submission Local Plan was subject to public consultation between 9thFebruary and 27thApril 2015. Representations were received from both the promoters (Hallam Land Management and Eden Westwood) of the J27 options allocation.
- 1.10 They both identify why, in their view, the Proposed Submission Local Plan as published would **not be sound** without an allocation at J27.
- 1.11 Hallam Land’s Representation – seeks the inclusion of the whole J27 policy option, 200 hectares, as originally consulted on for both employment and housing. This representation promotes this site as an alternative to the strategic mixed development site east of Cullompton.
- 1.12 Eden Westwood’s Representation - is promoting a commercial allocation only, seeking the allocation of 98 hectares of land north and south of the A38 east of Junction 27 (M5) for tourism, leisure, retail and employment development for the following components:
- ‘The Eden Ark’ an Agronomy Centre visitor attraction
 - Outdoor surfing reef and leisure activity zone
 - A themed hotel
 - Visitor centre serving Devon and the south west
 - 17000 sq m Designer Outlet Village (2000 of which is A3 Café’s and restaurants)
 - Roadside Services (including a budget hotel)
 - 750,000 sq ft Warehousing and Distribution (Class B8).
- 1.13 The east of Cullompton strategic housing proposal remains the Council’s preferred option for housing in the plan.
- 1.14 This implications report therefore **only considers a potential commercial allocation at J27.**

2.0 IMPLICATIONS OF A MAJOR MODIFICATION TO ALLOCATE LAND FOR COMMERCIAL DEVELOPMENT AT JUNCTION 27

Matters for consideration

3.0 Retail and Town Centre issues.

Summary of Assessment (More detail contained in **Appendix 1.**)

- 3.1 Since the Council last considered whether to allocate land at J27 for commercial purposes the promoters have submitted their representation to the Local Plan (April 2015).
- 3.2 Eden Westwood’s representation is promoting only the commercial allocation and has sought to address the Council’s previously identified reasons in their representation to the Local Plan.(submitted April 2015). The scheme put

forward in their local plan representation has removed some of the previously proposed town centre uses and other uses listed in the options policy such as, the cinema, the conference centre and concert hall and the garden centre.

- 3.3 The evidence they have submitted has addressed the need for the individual components having regard to the availability of spending capacity/demand within the catchment area. In each case their report suggests that there is both significant headroom within these sectors and/or a gap in the type of provision that an allocation at J27 would have limited impact on town centres and other tourist attractions in the study area.
- 3.4 Their report also assesses the scheme as proposed, incorporating all the components that in the promoter's view combine to create the unique visitor attraction. It considers whether there are available, sequentially preferable sites that could accommodate it within the centres of Tiverton, Crediton, Exeter, Exmouth, Taunton and Bridgwater and concludes that there are no available sites that would be more suitable. Their report also assesses the health of 14 town and city centres within an agreed catchment (Tiverton, Taunton, Bridgwater, Crediton, Exeter, Torquay; Newton Abbott, Plymouth, Tavistock, Bideford, Barnstaple, Yeovil, Dorchester and Weymouth) and finds that none would be adversely affected by the proposals, with all centres continuing to achieve higher future trading turnovers than at the assessment year and with none impacted by more than 5.21% in terms of trade diversion. Cullompton has also been considered by the promoter's consultant. The conclusion reached is that it serves the population living in the immediate area and has an absence of national retailers and as such it is not vulnerable to trade diversion. The report suggests that the impact of comparison goods trade draw upon Cullompton as a result of the proposal would be 'barely detectable'.
- 3.5 Their report concludes that the scheme would not adversely affect any adjoining centres or put any planned investments at risk and that an allocation comprising the format and range of occupiers proposals like those put forward by the promoter would be sound and consistent with national policy.
- 3.6 This Council sought independent analysis of the submitted evidence of the retail proposals. The Council employed Nathaniel Lichfield and Partners (NLP). NLP's first report (July 2015) on the submitted representation concluded that:-
- the proposal comes as a package, and the tourism components are largely financially dependent on the retail and hotel elements, and that as a local plan allocation, it is the duty of the Council to assess the need for the development and undertake a sequential test of site selection.*
- 3.7 NLP had noted the proposal offered a significant opportunity to address 2 out of the 6 recommendations within the Mid Devon Tourism Study (**see Section 6**). In the absence of the necessary evidence that demonstrates:-
1. *need,*
 2. *a complete sequential site analysis and*
 3. *a complete study of the potential impacts on other development plan proposals and retail draw*

NLP recommended it was not possible for the Council to allocate the site for the proposed development until further work had been undertaken:

1. *To complete the sequential test, to include the additional sites of Exeter Bus and Coach Station, the Eastern Urban Extension of Tiverton , North West Cullompton and East Cullompton,*
2. *To estimate what proportion of trade would be drawn from beyond MDDC, and the origin of the trade.*
3. *To assess what allocations exist in the 17 Local Authority areas that make up the -core catchment area, and then extrapolate how the EW proposal would reduce the need for the allocations, and consider in greater detail than has been put forward by CBRE, how the surrounding town centres might be impacted, and*
4. *Once the retail implications of the allocation are established for the 17 surrounding Local Authorities, the Duty to Co-operate would need to be considered, given that the allocation would effectively be reducing the need in some local authority areas.*

3.8 The Council requested NLP to carry this further work to address the issues identified (in NLP July 2015 report).

3.9 NLP's second report (March 2016) concentrates on the following four areas, which were highlighted as needing further analysis in their previous report:

- the need for the proposed development, in particular the Designer Outlet Village (DOV);
- a sequential analysis of the Local Plan allocations within the Submission Plan, as well as providing further analysis of the Exeter Coach and Bus Station site;
- a fine grain analysis of the trade draw pattern of the development; and
- a corresponding fine grain analysis of the trade diversion and impact of the proposal in monetary and floorspace terms, and how that impacts on emerging or existing local plan allocations in the region.

3.10 Retail need.

NLP considered the proposed food hall is also likely to serve a dual purpose, and they are satisfied there is a need for the modest scale of convenience goods retail development proposed.

3.11 The Designer Outlet Village (DOV) will have an extensive catchment area and 20% of this turnover is expected to come from beyond the core area zones. The DOV will account for only 4.8% of growth up to 2024 (£70.2 million out of £1.46 billion). There is according to NLP's analysis sufficient headroom and growth within the Core Area to support the need for the DOV. (Information on the retail offer within Designer Outlet Villages, how they differ from that in town centres and how they can be controlled via planning is at **Appendix 2.**)

3.12 Based on evidence from other DOV's across the country and NLP's experience, they accept the DOV will attract trade from a wide area,

particularly if it is linked with a major tourist attraction. NLP report indicates **there is sufficient retail growth to accommodate the DOV without significant impact on other nearby centres, commitments or development plan proposals. The DOV would meet a regional need not a Mid Devon need for comparison goods retail growth but they conclude there is no reason why this regional need cannot be accommodated in Mid Devon.**

3.13 NLP suggest the need for tourism attractions will be qualitative in nature, recognising these attractions also have a wide draw. The need for these facilities cannot always be quantified in terms of the local area. The scale of facility proposed is of a regional nature.

3.14 NLP suggest the need for tourism attractions should be aligned with the tourism strategy/vision for the area rather than an analysis of the local catchment population and expenditure. The Mid Devon Tourism Study identifies areas where Mid Devon can develop its tourism draw and facilities. The land promoters at J27 consider the Mid Devon Plan is not sound without provision being made within the planning policies of the Local Plan to reflect the recommendations of the Tourism Study.

3.15 NLP's report considers a themed hotel is likely to be linked to the generation of visitors to the tourist attraction. Many tourist attractions have associated hotel accommodation.

3.16 The proposed restaurant and café uses can be considered ancillary to the proposed tourist attraction, and therefore NLP conclude the need for these uses is generated by the visitors to the tourist attraction rather than a need generated by the local catchment population.

3.17 Sequential test

Taking into account the original sequential assessment undertaken by CBRE and the additional site analysis undertaken, NLP conclude that there are no sequentially preferable alternative sites that could accommodate the development proposed. This is also referred to above.

3.18 Trade draw and impact.

Having undertaken a fine grain analysis of anticipated trade draw, trade diversion and impact, NLP is satisfied that the impacts of the DOV are not significant. Trade diversion will be offset by expenditure growth. The scale of reduction in comparison goods retail capacity projections within neighbouring authorities within the Core Area is modest when compared with total projections over plan periods. There is no evidence to suggest this impact would significantly delay or jeopardise planned investment in other town centres or result in a reduction in consumer choice.

3.19 NLP advised at this stage (March 2016), if the Council seek to include the promoter's scheme as an allocation, this would not render the Plan unsound.

3.20 The March 2016 NLP report was shared with our **duty to co-operate** partners (meeting held 16th May 2016) A number of the neighbouring authorities expressed their objections and concerns to the possible inclusion of the J27

site in the local plan and do not necessarily accept or agree with the conclusions of the NLP's reports.

3.21 MDDC asked NLP to prepare supplementary work to build on the previous advice and to respond to the retail issues raised including those under duty to cooperate. They were asked to address the following:

- The Pre-publication Draft Exeter and West End of East Devon Retail and Leisure Study (Draft E&WEDRLS) prepared by GVA contains more recent information. MDDC wishes to understand whether any changes to NLP's advice would be required, in particular feedback regarding comparison goods expenditure growth levels.
- There were concerns over the reliance placed on long term projections, and that a cautious approach should be employed.
- Earlier NLP reports suggest there is no quantitative need for the DOV comparison floorspace, over and above other allocations within Mid Devon, based on local expenditure generated within the District. They were asked to clarify whether therefore this would suggest the scale of DOV proposed will result in unsustainable planning with an overprovision of retail floorspace. Would this cause an adverse impact on the vitality and viability of existing centres?
- Earlier NLP reports did not consider all current commitments in Exeter and other neighbouring authorities, i.e. in Exeter's case the Ikea store, the Bus and Coach Station scheme and the outstanding Moor Exchange Scheme (up to an additional 16,288 sq.m floorspace of which 11,102 sq.m is A1).
- In terms of the sequential approach and disaggregation, can the proposals be located within town centres within the wider catchment area, including separate components of the proposals?

3.22 NLP's conclusions in response to these queries are set out in the paragraphs below (and in more detail in **Appendix 1**):

3.23 **Expenditure growth levels.**

Concerns have been raised by duty to cooperate partners regarding the level of comparison expenditure growth adopted. Adopting latest expenditure forecast could reduce expenditure projections at 2024 by about 5%. A 5% reduction in projected expenditure at 2024 would only marginally increase the impact percentages previously calculated by NLP and would not change the overall conclusions. Impact on Exeter would increase from 2.15% to 2.26% and the impact on Tiverton would increase from 5.40% to 5.68%.

3.24 It's been suggested the trend of increasing expenditure growth is "*reaching a peak*" NLP suggest this approach should not be adopted. The development plan should plan positively for growth and investment. Failure to plan for growth would lead to a high risk the development plan will be found unsound.

3.25 NLP has reviewed the comments received by Mid Devon Council and at this stage NLP's previous advice relating to retail impact remains.

3.26 **Long term projections**

A ten year period is not a particularly long period to make expenditure and population projections over. The draft (E&WEofEDRLS) includes even longer projections. There is no suggestion within the draft (E&WEofEDRLS) that these longer term projections are unreliable. NPPF requires LPA`s to assess the need for development over plan period up to 15 to 20 yrs. NLP recommends cautious approach when planning for growth. NLP adopts Experian cautious expenditure forecasts (around 3% p.a. for comparison goods) rather than 5.8% Experian`s annual average trend growth rate. All the consultants have adopted cautious growth rates. National Planning Policy Framework (NPPF) indicates major schemes where full impact will not be realised in five years should also be assessed up to ten years from the time of application. There is no suggestion in NPPF that retail impact assessment will be unreliable if projections over a ten year period are adopted. Development plan allocations should be based on longer term projections than planning applications.

3.27 Retail Need and Capacity.

The DOV need can only be demonstrated in terms of growth within the wider sub-region and as a result it is necessary to consider the implications for surrounding authorities within the sub region.

3.28 Mid Devon`s comparison goods retail facilities only retain around 25% of the comparison expenditure available from residents within the District, there is potential to claw back some of this expenditure leakage (back from Exeter and elsewhere). This would result in more rather than less sustainable shopping patterns, i.e. shorter shopping trips.

3.29 Mid Devon is not limited to meeting the needs of its own residents. In the same way the pre-publication draft EWEDRLS expects Exeter to continue to serve a wide area beyond its boundary. An approach that only assessed needs within authority boundaries would also fail to recognise the niche role the DOV is to expected play, related to a proposed tourist attraction. This type of DOV facility will inevitably attract trade from a wide area. The key issue is whether the DOV development proposals will have an adverse impact on town centres or will harm or jeopardise the development strategy within other authority areas.

3.30 Given the nature of the development and the wide trade draw, NLP`s assessment suggests there will be no significant impact on the development strategy of neighbouring authorities. The implications of the scheme on the emerging development strategies are unlikely to cause significant cross boundary issues. Minor adjustments may need to be made within emerging retail capacity assessments by neighbouring authorities e.g. Exeter and Taunton to reflect the J27 proposals, but these adjustments would not be of strategic significance.

3.31 Commitments and Proposals

The draft EWEDRLS indicates there is ample comparison goods expenditure growth within Exeter`s catchment area to support commitments and proposals in Exeter. The growth projections for the catchment area as a whole indicates there will be a significant amount of growth available to support development outside Exeter i.e. between £378 million to £420 million by 2026.

3.32 **Sequential approach and disaggregation.**

NLP concluded that the Council can consider the scope to disaggregate (split up elements of the scheme onto different sites) or change the content of the proposal. The Council can also consider the appropriate area of search for sites. **The Council may conclude the promoter's scheme and DOV proposals cannot be reduced in size or disaggregated.** It is for the Council to decide how the need for a tourist attraction and DOV should be met and the degree to which the development can or can't be disaggregated when applying the sequential approach for plan making. NLP have indicated there is synergy between the proposed tourist attraction, themed hotel, restaurants, cafés and food hall, and therefore **it would not be appropriate to disaggregate these uses** and seek to accommodate these elements on separate sites. NLP advise that while the DOV has less synergy with the proposed tourist attraction, its co-location will be beneficial in terms of spin-off trade and linked trips.

- 3.33 If all proposed main town centre uses are taken as a whole then a site area of about 28 hectares would be required. This is the basis upon which **NLP concluded that there are no sequentially preferable alternative sites that could accommodate the development proposed**, i.e. assuming no disaggregation of the main town centre uses.

4.0 **Deliverability and Viability**

- 4.1 Questions have been raised over whether the land that within the proposed allocation is available for development. Further clarification on land availability both from land owners and agents acting for the promoters of the commercial allocation as been sought. **Evidence has been provided that most of the land south of the A38 is available subject to further negotiation.** There is one large land parcel where the owner has indicated their land is definitely not available for development at the present time. Evidence has been provided by the promoters that their scheme can be laid out in an alternative form to deliver the complete scheme without requiring the unavailable parcel of land should it remain unavailable. The scheme would be delivered with slightly less green infrastructure but the absence of the unavailable land would not prevent the scheme coming forward in the plan period. **The issues over land availability have now been satisfactorily resolved.**
- 4.2 It has been argued by the promoters that to deliver a major tourist attraction at J27 would require some enabling development in order to financially support the delivery of the tourist facilities. The DOV and the logistics (warehousing and distribution) elements of the original proposal were identified as enabling development. (Since then the promoter's web site and recent pre-application exhibitions indicate the logistics/warehousing element is no longer part of the proposals).
- 4.3 Previously only a broad review of the development and revenue costs has been put forward suggesting some degree of cross subsidy may be required. NLP identified that more detailed evidence was needed to clearly demonstrate the DOV and employment land (now omitted) should be permitted as enabling development. **The promoters have provided further detailed viability**

evidence which is considered to demonstrate the interdependency of the tourism, leisure and retail (DOV) proposals.

5.0 Housing need

The Strategic Housing Market Assessment (relates to the whole Local Plan Review).

- 5.1 The Pre-Submission Draft identified a Local Plan requirement of 7,200 dwellings during the plan period (360 per year). Since it was prepared the Strategic Housing Market Assessment (SHMA) has been finalised which gives an objectively assessed need of between 361 – 400 dwellings per year. **The SHMA mid-range figure of 7,600 dwellings during the plan period (380 per year) is considered by Officers to be appropriate and justified.** This figure also accords with the latest release of demographic information with regard to the 2014 sub-national population projections and latest household formation rates.
- 5.2 Officers propose amending the emerging Plan to reflect this revised figure. Officers consider that the increase in objectively assessed need to 7,600 dwellings during the plan period can be met without allocating additional sites for residential development. This can be achieved partly as monitoring results from the first two years of the plan period indicate a higher than expected level of planning permissions granted during this period and also as a result of greater knowledge of allocated site capacity gained as a result of the local plan consultations and ongoing site analysis.

Additional Housing Requirements related to a Junction 27 Allocation.

- 5.3 National planning policy acknowledges the importance of ensuring housing numbers and employment opportunities are considered in tandem. Edge Analytics has been commissioned by the Council to assess what the additional housing requirements would be to meet the housing needs arising from the Junction 27 proposal.
- 5.4 The allocation currently being considered is smaller than previously considered schemes. As referred to above in the background section of this report, this scheme previously estimated an indicative number of jobs arising from the proposal at approximately 3,500. The promoters' representation to the Local Plan consultation had refined this figure to 2,266 jobs based on an amended proposal and full time equivalent jobs. The proposals, which are now presented on the promoters' website, no longer include a warehousing/logistics element and their proposed site area is now reduced from 96 hectares to 71 hectares, with an estimated 1,186 jobs.
- 5.5 A range of scenarios relating to the relationship between jobs, population and housing have been considered including one in relation to the impact of allocating a scheme at J27. Different job numbers associated with the scheme were assessed and sensitivity tested taking account of different economic activity rates and changes in commuting patterns.
- 5.6 Edge Analytics concluded that with the junction 27 proposal the overall housing requirement for the plan period should be 7,860, or 393 per year.

Therefore the additional housing requirement resulting from this proposal would be 260 dwellings during the plan period, which equates to 13 additional dwellings per year.

- 5.7 The table below sets out the various local plan housing requirements referred to above:

	Plan period requirement	Annual requirement
Pre-submission Draft LP	7,200	360
LP adjusted to reflect latest evidence	7,600	380
LP with J27	7,860	393
Additional dwellings required if J27 allocated	260	13

Additional Housing Options.

- 5.8 If members are minded to make a modification to the plan to allocate land at J27, sites for the additional 260 dwellings will also need to be allocated in the Local Plan. The Planning Policy Advisory Group met recently and considered various options over how an additional housing need could be met. The selection criteria used for identifying additional sites were as follows: sites previously consulted on as part of the Local Plan Review Options consultation (January 2014) or received as a local plan representation; sites considered by the Strategic Housing Land Availability Assessment Panel; compliance with the Local Plan Review Distribution Strategy; and proximate to the development proposal at Junction 27.
- 5.9 **Cullompton** is the main focus of growth during the plan period. Any additional development would have to be phased until after the strategic highways improvements have been delivered. A significant amount of development is already programmed for Cullompton during this period. Cullompton was therefore not considered as an appropriate location to meet this extra level of need.
- 5.12 **Crediton** is not well related to the proposal at Junction 27 and is therefore not an area considered for additional residential development to meet this extra need.

5.13 **Tiverton (Appendix 3)**

The Tiverton Eastern Urban Extension in the adopted Local Plan allocates up to 2,000 dwellings. The figure of 2,000 dwellings reflected advice from Devon County Council with regard to constraints on the highways network. The proposed number of dwellings for the site was subsequently reduced as part of the Masterplanning work to 1,520 dwellings. The Master Plan figure of 1,520 dwellings was included in the Local Plan Review. An additional 480 dwellings could therefore be allocated within the existing 'planned for' infrastructure constraints. It should be noted however that if a further 480 dwellings were to be accommodated in the area this would need to extend beyond the currently allocated area as work on Tiverton Eastern Urban Extension Masterplanning would suggest that there are limitations on site densities on the existing allocated site.

5.14 If the eastern urban extension site, currently identified in the local plan, was to be extended it is logical for this to include **land at Hartnoll Farm** which abuts the current urban extension. This land was previously considered at the Local Plan Review Options Consultation January 2014. If only part of this site was needed it would be sensible for this to comprise the western and southern parts of the site which are predominantly Grade 3 agricultural land and are well screened from wider view. This would also allow for the areas adjoining the Grand Western Canal to be left undeveloped, also maintaining the strategic green gap between the edge of Tiverton and Halberton village. A new access, or reconfiguration of current Hartnoll Farm/employment land access arrangements, would be needed to allow development to occur independently of the development of the current eastern urban extension. If members are minded to allocate some land at Hartnoll Farm it is recommended that this should be capable of accommodating approximately 200 dwellings to allow flexibility with further refinement of densities at Tiverton Eastern Urban Extension should that be necessary.

5.15 Alternatively the whole of the Hartnoll Farm site could be developed, which would trigger additional highways improvements. This would require approximately 1,000 dwellings at Hartnoll Farm and the development of land at Blundells, referred to below, would also be required to provide a new strategic access point. This would equate to 1,200 dwellings in total, which is over and beyond the additional need referred to above. It would also involve grade 1 agricultural land and extend Tiverton significantly closer to Halberton.

5.16 **Land at Blundells School** is allocated in the adopted Local Plan for 200 dwellings. The site is bounded by development to three sides, with the River Lowman forming the northern boundary. It is currently proposed to be deleted in the Local Plan Review as the site had not come forward. However officers now understand that the land is still available and developable. Development of the site would need to safeguard highway access to accommodate growth beyond the plan period. Part of the site is brownfield and the development would provide an opportunity to clean up contaminated land. Devon County Council officers have confirmed that development of 200 dwellings at Blundells would be acceptable over and above the current Tiverton Eastern Urban Extension limit of 2,000 dwellings, if the Blundells development is accessed off Heathcoat Way and a future highway route safeguarded.

- 5.17 The flooding issues associated with the development of this site have been examined previously and have been the subject of discussions with the Environment Agency. It is considered that flooding issues can be overcome via mitigation. This development would create a total of 6 hectares of developable land along the southern edge of the site, and 8 hectares of floodplain, which would be provided as Green Infrastructure.
- 5.18 Sampford Peverell (Appendix 4)
Land at Higher Town could provide 60 dwellings. The site is elevated and would require careful landscaping and mitigation measures. This development is proportionate in scale to the existing village. The Highway Authority has advised that any development of the site should be phased until after improved access to the A361. Other potential sites in the village were assessed but were not considered of an appropriate scale or would impact adversely on heritage assets.
- 5.19 Hemyock (Appendix 5)
Land south west of Connigar Close was assessed positively through the SHLAA process and an application has recently been submitted. This site could provide 22 dwellings. However given that the site is within the Area of Outstanding Natural Beauty it would need sensitive design and landscaping. Other sites were considered in Hemyock but were not favoured owing to their scale and impact on the Area of Outstanding Natural Beauty.
- 5.20 Kentisbeare (Appendix 6)
Land was previously included in the Local Plan at Kentisbeare next to the Village Hall as an affordable housing allocation for 20 dwellings. This was removed owing to a lack of impetus in the site coming forward for affordable housing and due to strong objection from the Parish Council. However if allocated for a mix of market and affordable housing it is considered that it would come forward for development. This site was not supported by the Planning Policy Advisory Group.
- 5.21 Uffculme
Sites were also considered at Uffculme but were not included as options as the sites were not deemed to be appropriate extensions to the village, had access difficulties and some were in Minerals Safeguarding Areas.
- 5.22 Willand
Given the proximity of the proposed development at Junction 27 to Willand its suitability to accommodate potential additional housing sites was also considered. Although there are developable sites in the village, sites in Willand are not recommended as Devon County Council has advised that development of these sites would exacerbate traffic problems prior to planned future improvements.
- 5.23 The **Planning Policy Advisory Group** considered the options set out below. The Group recommended to Cabinet that if Cabinet Members were minded to recommend an allocation at Junction 27 to Council, then **the corresponding additional housing should be met at Land at Blundells, Tiverton and at Higher Town, Sampford Peverell**. This is also the favoured approach of officers in meeting the additional housing need should members decide to make a J27 allocation.

Potential Site	Number of Dwellings
Tiverton – Hartnoll Farm	200
Tiverton – Land at Blundells	200
Sampfords Peverell – Higher Town	60
Kentisbeare	20
Hemyock – Land SW of Conigar Close	22

6.0 Mid Devon Tourism Study 2014 November 2014

6.1 The Study concludes:-

“Existing tourism facilities within the District largely draw on a visitor pool from within the region, and particularly within a 20-40km catchment. However there are a number of strategic routes through the District – the M5 and A361 in particular. There should be an opportunity to develop the tourism infrastructure around these key links to encourage a greater proportion of people to “stop” or break their journey in the area, for instance to visit a local attraction, market or retail facilities or to stay. This opportunity builds on the District’s location at Gateway location to Exmoor and the North Devon Coast; and on the route to Dartmoor, the South Devon Coast and Cornwall from much of the UK.

6.2 *The opportunity which exists seems to particularly relate to encouraging day visits, as well as short stay trips (such as long weekends).*

6.3 It identifies 6 strands to increase the tourism offer of Mid Devon. The proposed allocation at J27 would respond to Strand 5 (Catching passing tourists / major tourist facility) and 6 (Fun for the kids). Additionally in making provision for additional hotel accommodation it would also in part address Strand 2 (Developing the accommodation offer). For more detail on each of these strands please see **Appendix 7**.

6.4 The promoters for the commercial allocation at J27 have submitted as part of their representation a “Leisure Impact Assessment” produced by Colliers international. Their report concludes an allocation J27 *“has potential to make a step change in the district’s performance as a tourism area and the jobs which tourism sustains.*

6.5 *“It delivers the opportunity which was identified in the Mid Devon Tourism Study (November 2014) commissioned by Mid-Devon in developing its evidence base for the new Local Plan.*

6.6 *The destination attractions planned would, while being major attractors, only need to capture a relatively small proportion of the market there is in the area for day trips from home and from holiday accommodation. A high proportion of those trips would not otherwise be made to Devon. It is unlikely that there*

would be any negative impact on other attractions. It is more likely that the impact would be positive as a result of extra visitors being attracted to the area and its role in signposting tourists to attractions in the region.

- 6.7 *It is unlikely that the suite of attractions could otherwise be developed in a town centre location within the region.*
- 6.8 *It is likely that there is currently a large amount of leakage of restaurant spend out of the area around Junction 27 and suppressed demand because the existing offer is limited. The restaurants would not be aimed at a local market. It is likely that they would, nevertheless, stem some of this leakage and release latent demand by providing an offer that is different to that which exists. That offer could only be provided with any scale at Westwood because of development economics. The Class A3 (restaurants / cafes) provision at would make a minor impact on places like Taunton and Exeter because the addition to stock would be small in relation to what there is currently and the revenue it would take from that area would be insignificant in relation to the amount of restaurant turnover in those locations.*
- 6.9 *The proposed themed hotel at Eden Westwood would be markedly different in nature from any other tourist accommodation in the area. It would attract different market sectors. It fills an opportunity identified by the Mid-Devon Tourism Study. The budget hotel would also provide a type of hotel provision that is not currently present in the district and a valuable service to tourists passing through the area.”*
- 6.10 The Current Proposed Submission Plan contains only one policy on Tourism DM 22 which states.

DM22 Tourism and Leisure.

Proposals for new or expanded tourism, visitor or leisure facilities will be supported within or adjacent to defined settlements. Elsewhere, the nature of the proposed development must justify a countryside location and minimise environmental impacts, avoiding an unacceptable traffic impact on the local road network. Development proposals must:

- a) Respect the character and appearance of the location;**
- b) Where possible, involve conversion or replacement of existing buildings;**
- and**
- c) Demonstrate that the need is not met by existing provision within nearby settlements.**

- 6.11 The promoters of the J27 commercial allocation contend that the Proposed Submission Local Plan is unsound without positive policies which address the recommendations of the Tourism Study.
- 6.12 DM22 is a broad based policy which could support the provision of a tourism/leisure proposal at J27 providing the Council is satisfied it justifies its countryside location. NLP has confirmed that having addressed the sequential test the site is sequentially acceptable for the use proposed. **An allocation for tourism and leisure development at J27 would broadly**

meet the requirements of DM22 providing the Council is satisfied the sequential test is met and J27 is the most appropriate site for such a proposal. On this basis it is considered that the plan would still be found sound.

7.0 Transport Infrastructure.

7.1 The J27 promoters have provided a Transport Assessment as part of their evidence base and have been discussing the transport and highway issues with Devon County Council and Highways England.

7.2 Devon County Council Highways (DCC) and Highways England (HE) have advised that they are not currently in a position to reach a conclusion on the type and level of mitigation works that would be required if the J27 commercial allocation was made.

7.3 DCC have stated they are still negotiating with Parsons Brinckerhoff (promoters highway consultants) and assessing the J27 traffic model. DCC have currently not reached a conclusion so there is currently nothing they can add to the draft policy at this stage. The model is currently with their signals team and they are expecting results back later this week (week ending 9/9/16) but from their initial feedback there is likely to be more work required by Parsons Brinckerhoff before DCC are satisfied.

7.4 Highways England has identified the need for further information in the Transport Assessment and has stated that without the full transport assessment being available they are not in a position to make a recommendation on mitigation options or acceptability. They confirm receipt of further information which they are reviewing.

7.5 An update on the transport infrastructure issues will be given at the meeting.

8.0 Landscape and Ecology

8.1 J27 Implication Report Habitat Regulations Assessment (HRA)

LUC Consulting was asked to advise on the Habitats Regulations Assessment Implications of the proposed J27 allocation and associated housing options. They have advised that the need for an 'appropriate assessment' cannot be discounted at this stage. An 'appropriate assessment' is undertaken when effects to European sites are likely, or there is a lack of information to prove otherwise. It is considered that should members allocate land at Junction 27 there would be sufficient time to undertake any necessary additional assessments within the timescales referred to later in the report as this must be addressed prior to plan submission. At this stage this is not considered to be a significant risk to the plan.

8.2 Landscape

The site comprises mostly agricultural land between the east side of Junction 27 of the M5 and the B3181, Willand. Existing development consists of clusters of agricultural buildings and associated dwellings. To the north of the A38 there is a small business park and to the south, within the site, there is a

small service area and hotel, both very close to the junction. East of the site is a caravan Park, Waterloo Cross Inn and a Garden Centre.

- 8.2 The site is not covered by any designations although there are three listed buildings close to the edge of the site: Higher Houndaller Farmhouse (north of the site), Leonard Moor Cottages (along the centre of the eastern boundary) and Braddon's Farmhouse (adjacent to the southern boundary). The historic parkland at Bridwell Park, Uffculme, is within 0.5km of the east of the site. The Blackdown Hills AONB lies approximately 5km east of the site.
- 8.3 The southern half of the site has an Agricultural Land Classification of mainly Grade 3a, with a strip of western fields adjacent to the M5 of Grade 3b. The central section of the site is site is Grade 3b.
- 8.4 Assessment of landscape character, features, vegetation and habitat, visibility, viewpoints and relationship with existing development is included at **Appendix 8**. Positive and negative features of the site within a landscape context are also referred to in this appendix.

8.5 Sensitivity to Development

To the south of the A38, visibility into the site is more limited, although the pattern of hedges and trees could be compromised by large scale development, compromising the rural character of the view from the M5. South of Mountstephen Farm, the landscape becomes more open and there is less landscape structure to integrate the development into the open landscape which is more widely visible. It would also extend the development corridor up the M5 from Willand, changing the perception of a rural corridor for users of the motorway.

- 8.6 In more distant views, development would be visible, such as from the Sampford Peverell area, although the strong vegetation pattern again would potentially integrate the site into the landscape. From the part of the AONB visited for the study, the area around Junction 27 is not visible and so the potentially larger scale and more visible buildings for employment use would be screened by intervening landform.
- 8.7 Development of the site will have an impact on the local immediate landscape and character. The development as a tourist and leisure destination will be require it to be visible and while landscaping and mitigation design measure can soften and lessen the landscape impact the development will be visible from nearby viewpoints and locations. The promoter's scheme for example proposes a land mark building 35metres (115 ft) high. **Accepting development at J27 will inevitably change its character and appearance.**

9.0 ARCHAEOLOGY

- 9.1 An Archaeological desk based assessment survey of the site has been undertaken of the site and there has been no indication that archaeological deposits are present which merit preservation in situ. Given the size of the application site and the archaeological potential for the prehistoric and Roman periods, however, further site evaluation will be necessary. It is suggested, therefore, that a geophysical survey be undertaken to be followed, if

necessary, by targeted evaluation trenches. If appropriate more detailed excavations could be necessary. An appropriate provision in any allocation policy should be made for further investigation

- 9.2 Given the likely shallowness of archaeological deposits on the subject site and the possible degree of plough damage, **the potential for significant archaeology existing on the site may be limited and variable.** Geophysical survey of the site has now been undertaken, the results of which do not affect this conclusion over archaeological potential.

10.0 Submission timetable

- 10.1 The allocation of a 71 hectare site south of the A38 will create a delay in the submission of the local plan to the Planning Inspectorate. The risk assessment earlier in this report identifies a potential delay of 5 to 6 months. This delay would be created by:-

- Amending and rewriting all the inter-related parts of the plan, policies and tables together with amending the Sustainability Appraisal, Habitat Regulations Assessment, Infrastructure Plan, Heritage Mitigation Strategy and further duty to co-operate meetings, the modified plan could not get to the October Cabinet/Council meetings. November would be potentially the earliest the Cabinet/Council could receive the modified plan with major and minor modifications for approval. If major modifications are approved (J27 and associated housing sites) an additional period of consultation would be required.
- Publishing and preparing for consultation would take the timetable to mid-December
- Consultation would begin no later than 2nd January 2017 and take place until 13th February 2017 (6 weeks).
- Representations catalogued, summarised and summaries produced etc - 4 weeks.
- Submission to Planning Inspectorate end of March 2017

- 10.2 Due to existing lack of 5 year land supply the Council is already experiencing proposals for housing development on non-allocated land. The delay in plan timetable would extend this risk for a further 5 - 6 month period.
- 10.3 If the allocation is made and that allocation is supported by the Inspector at Examination there is a risk the Secretary of State might call in the plan and inspectors report for consideration. Historically the SoS has intervened when land at J27 (a much smaller site) was previously identified by an Inspector for commercial purposes and the Council were minded to include the site. The SoS directed that the plan be approved without a land allocation at J27. The Government, planning policy and the economy have changed during that time. However the fact a previously proposed allocation was subject to a Secretary of State direction may mean any allocation in a similar location could be subject to SoS decision. This will not delay the submission of the plan but may delay its adoption if the SoS intervened.
- 10.4 MDDC is part of the group of councils preparing the Greater Exeter (GE) Strategic Plan and timescale for GE gathering its evidence base may well

overlap with the submission timetable of Mid Devon's Local Plan. Evidence gathered as part of the evidence base for GE will need to take account of Mid Devon's published submission plan. With a J27 modification, the Mid Devon Submission Plan will be available by November 2016 as set out in November Cabinet report. Those preparing the GE evidence base will be aware Mid Devon plan contents and proposals.

- 10.5 The Government has stated that authorities who have not prepared a local plan by March 2017 are at risk of having Government intervention. The risk to Mid Devon may well be low given that the plan is well advanced, Mid Devon District Council has a good track record of plan making and we expect more attention to be given to authorities without a plan in places in the South East due to the relative higher levels of housing demand. However it would be unwise to delay submission of the plan beyond March 2017 as there is still a risk of government intervention and the authority would become increasingly vulnerable owing to uncertainty over future land supply.

11.0 Planning Policy Advisory Group.

- 11.1 At a recent meeting of the Planning Policy Advisory Group members indicated by a vote of 5:3 to recommend that land at J27 be allocated for the mixed use allocation referred to in this report and drafted policy below. Members also indicated their preferred option to accommodate the additional dwellings at Blundell's School, Tiverton (200) and Higher Town, Sampford Peverell (60).

12.0 Summary.

- 12.1 In addressing the implications of making a J27 allocation, the reasons for non-allocation in November /December 2014 are important and set out at 1.7. Further reports and evidence are now available to respond to those reasons. This is available on the Council's website under the J27 section, marked 'new':

<https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-site-specific-evidence-base/>

Attention is also drawn to other publically available reports and material on the promoter's website http://www.edenwestwood.com/background_documents

It is concluded that in retail terms, evidence now suggests that an allocation would be sound and without significant impact upon other town centres. The additional housing requirement of 260 can be addressed in an appropriate and justifiable way. Natural England has previously considered the proposed allocation positively. Viability assessment information submitted shows allowance for highway infrastructure improvements, but the full extent of such improvements is still under consideration by Highways England and the Highway Authority (DCC). Outstanding matters on transport and the Habitats Regulations will need to be addressed prior to submission. Updates will be given to Members on both elements at Council on 22nd October to inform their decision at that meeting.

- 12.2 **If land at J27 is not allocated the Local Plan would in your officer's view remain sound,** minor revisions would be considered by Cabinet/Council in

October and the Local Plan would be submitted to the Inspectorate in November

- 12.3 **If land at J27 is allocated the Local Plan would be still be capable of remaining sound.** The plan would be considered by Cabinet/Council in November not October. An allocation at J27 and additional housing would be a major modification. A further period of consultation would be required anticipated Jan/Feb 2017. Submission to the Planning Inspectorate would be delayed until the end of March 2016, risking the possibility of further speculative planning applications/appeals around five year land supply.
- 12.4 Should Members be minded to allocate land at J27 for tourism, retail and leisure, Members are advised neighbouring authorities are likely to maintain their objections to its inclusion and are likely to object to a proposed major modification to the local plan. However the duty to cooperate is not a duty to agree. The Council has taken steps to address the concerns of our duty to cooperate partners via additional evidence. This is considered a reasonable approach that is consistent with the requirements of the duty to cooperate.
- 12.4 If the decision is made to allocate land at J27 a suggested draft J27 policy is set out below. This may require further refinement before the final submission plan is presented to Cabinet/Council in November

POLICY J27

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

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

The allocation makes provision for the following elements:

- **Travel Hub (c.7ha) – Motorway/roadside services; electric car hub; hotel.**
- **Agronomy Visitor Centre (c.9ha) – exhibition space and hall, gallery; research and education space; regional visitor centre and hotel.**
- **Outdoor Adventure Zone (c.6ha) – Surf lake/lagoon; beach; high ropes adventure area.**
- **Outlet Shopping Village (c.6ha) - Designer outlet shopping centre retailing controlled goods comprising discontinued/end-of-range lines, seconds and surplus/sample stock.**
- **Supporting access roads, parking and infrastructure/landscaping (c.43 ha).**

- Transport provision to ensure appropriate accessibility for all modes, including new or improved access and egress onto the M5 motorway and pedestrian and cycling links across the motorway to Tiverton Parkway Railway Station via a new bridge and connections to Tiverton and Cullompton ;
- Environmental protection and enhancement and noise mitigation where necessary;
- A comprehensive phasing programme will be required to ensure the tourist and leisure provisions are delivered at the same time as the retail and service elements of the development.

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

Contact for any more information	Adrian Welsh, Forward Planning Team Leader 01884 234344 Jenny Clifford, Head of Planning and Regeneration 01884 234346
Background Papers	Cabinet November and December 2014, Council January 2015 Council 27 April 2016 Local plan evidence base: https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-site-specific-evidence-base/
File Reference	
Circulation of the Report	Cabinet Member for Planning and Regeneration

APPENDIX 1

Retail and Town Centre impacts. (more detail analysis.)

Since the Council last considered whether to allocate land at J27 for commercial purposes the promoters have submitted their representation to the Local Plan (April 2015).

Eden Westwood, who are promoting only the commercial allocation, have sought to address the previously identified reasons in their representation to the Local Plan.(submitted April 2015). The scheme put forward in their local plan representation has removed some of the previously proposed town centre uses such as:-

- the cinema,
- conference centre,
- concert hall and,
- the garden centre.

The evidence they have submitted has addressed the need for the individual components having regard to the availability of spending capacity/demand within the catchment to support the Designer Outlet Village, the hotels, visitor centre and restaurants and cafes. In each case their report shows that there is both significant headroom within these sectors and/or a gap in the type of provision that Eden Westwood proposes such that any impact on town centres in the study area would be insignificant.

Their report also assesses the availability of sequentially preferable sites that could accommodate the scheme as proposed, incorporating all the components that combine to create the unique visitor attraction, within the centres of Tiverton, Crediton, Exeter, Exmouth, Taunton and Bridgwater and concludes that there are no available sites that would be more suitable. Their report also assesses the health of 14 town and city centres within an agreed catchment (Tiverton, Taunton, Bridgwater, Crediton, Exeter, Torquay; Newton Abbott, Plymouth, Tavistock, Bideford, Barnstaple, Yeovil, Dorchester and Weymouth) and finds that none would be adversely affected by the proposals, with all centres continuing to achieve higher future trading turnovers than at the assessment year and with none impacted by more than 5.21% in terms of trade diversion.

Their report concludes that the scheme would not adversely affect any adjoining centres or put any planned investments at risk and that an allocation comprising the format and range of occupiers proposed based on the Eden Westwood partnership would be sound and consistent with national policy.

This Council sought independent analysis of the submitted evidence of the retail proposals. The Council employed Nathaniel Lichfield and Partners (NLP). NLP`s first report (July 2015) on the submitted representation concluded that:-

- it must be accepted that the proposal comes as a package and the tourism components are largely financially dependent on the retail and hotel elements of the scheme that as a local plan allocation, it is the duty of the Council to assess the need for the development and undertake a sequential test of site selection.
- while CBRE (the promoters consultants) had undertaken a sequential assessment that they NLP agreed with, NLP considered the Council would need to extend this exercise to include the additional sites of Exeter Bus and Coach Station, the Eastern Urban Extension of Tiverton , North West Cullompton and East Cullompton, and;
- the Council would need to undertake further work
 5. to complete the sequential test,
 6. to estimate what proportion of trade would be drawn from beyond MDDC, and the origin of the trade.
 7. to assess what allocations exist in the 17 Local Authority areas that make up the -core catchment area, and then extrapolate how the EW proposal would reduce the need for the allocations, and consider in greater detail than has been put forward by CBRE, how the surrounding town centres might be impacted, and
 8. once the retail implications of the allocation are established for the 17 surrounding Local Authorities, the Duty to Co-operate would need to be considered, given that the allocation would effectively be reducing the need in some local authority areas.

NLP had noted in their report that the proposal offered a significant opportunity to address 2 out of the 6 recommendations within the Mid Devon Tourism Study (see Section 5) however in the absence of the necessary evidence that demonstrates need, a complete sequential site analysis and a complete study of the potential impacts on other development plan proposals and retail draw NLP recommended it was not possible for the Council to allocate the site for the proposed development at the time.(July 2015)

The Council requested NLP to carry out further work to address the issues identified in their July 2015 report..

NLP`s second report (March 2016) concentrates on the following four areas, which were highlighted as needing further analysis in their previous report:

- the need for the proposed development, in particular the Designer Outlet Village (DOV);
- a sequential analysis of the Local Plan allocations within the Submission Plan, as well as providing further analysis of the Exeter Coach and Bus Station site;
- a fine grain analysis of the trade draw pattern of the development; and

- a corresponding fine grain analysis of the trade diversion and impact of the proposal in monetary and floorspace terms, and how that impacts on emerging or existing local plan allocations in the region.

Need

The proposed Food Hall is likely to have a dual role in meeting predominantly the needs of tourist visitors to EW, and to a much lesser extent meeting local resident's needs. NLP accepts the need for the Food Hall can be linked to The Ark tourist attraction. NLP say the proposed Food Hall is also likely to serve a dual purpose, and we are satisfied there is a need for the modest scale of convenience goods retail development proposed.

The comparison goods turnover of the DOV (Designer Outlet Village) is estimated to be £87.8 million (NLP Table 1 in their report). The DOV will have an extensive catchment area and 20% of this turnover is expected to come from beyond the core area zones. The remaining £70.2 million will be drawn from the Core Area.

Total comparison goods expenditure growth within the Core Area is estimated to be £3.52 billion. The turnover of the DOV (£70.2 million), derived from the Core Area, accounts for only 2% of projected expenditure growth up to 2024.

Even if all of the DOV's core area turnover, absorbs only expenditure growth that is theoretically available to support new retail floorspace in the Core Area (i.e. allowing for expenditure outflow and increase turnover efficiencies) then the DOV will account for only 4.8% of growth up to 2024 (£70.2 million out of £1.46 billion).

The overall retained comparison goods retail capacity within the Core Area would reduce from around 265,000 sq.m net (354,000 sq.m gross) to about 253,000 sq.m net (337,000 sq.m gross).

These figures suggest there will be significant residual expenditure growth to support new retail development in the Core Area, over and above the DOV.

Based on evidence from other DOV's across the country and NLP's experience, we accept the DOV will attract trade from a wide area, particularly if it is linked with a major tourist attraction. It will be meeting part of the regional need for comparison goods retail growth not a Mid Devon need.

The need for tourism attractions will be qualitative in nature, recognising these attractions will have a wide draw. The need for these facilities cannot always be quantified in terms of the local area. The scale of facility proposed is of a regional nature.

The need for tourism attractions should be aligned with the tourism strategy/vision for the area rather than an analysis of the local catchment population and expenditure. (Mid Devon Tourism Study Section 5.0)

The need for a themed hotel is likely to be linked to the generation of visitors to the tourist attraction. Many tourist attractions have associated hotel accommodation.

The proposed restaurant and café uses can be considered ancillary to the proposed tourist attraction, and therefore the need for these uses is generated by the visitors to the tourist attraction rather than a need generated by the local catchment population.

Sequential test

Taking into account the original sequential assessment undertaken by CBRE and this additional analysis of allocated site now undertaken, NLP concludes that there are no sequentially preferable alternative sites that could accommodate the development proposed.

Trade draw and impact.

The highest levels of impact at 2022 (less than 6%) amount to about 2 years growth in comparison goods expenditure. Total comparison goods expenditure is expected to increase by 41% between 2014 and 2022, about 5% per annum. Having undertaken this fine grain analysis of anticipated trade draw, trade diversion and impact, NLP is satisfied that the impacts of the DOV are not significant. The level of trade diversion is unlikely to undermine consumer choices within town centres or result in a significant increase in shop vacancies, because trade diversion will be offset by expenditure growth. The scale of reduction in comparison goods retail capacity projections within neighbouring authorities within the Core Area is modest when compared with total projections over plan periods. There is no evidence to suggest this impact would significantly delay or jeopardise planned investment in other town centres or result in a reduction in consumer choice.

NLP therefore concludes that, if the Council seek to include EW as an allocation, this would not render the Plan unsound.

The March 2016 NLP report was shared with our duty to co-operate partners (Neighbouring Authorities and others and a meeting was held on the 16th May 2016 to discuss the conclusions of the NLP report and the Eden Westwood proposals) Clearly a number of the neighbouring authorities have expressed their objections and concerns to the possible inclusion of the Eden Westwood site in the local plan and do not necessarily accept or agree with the conclusions of the NLP's reports. North Devon queried the comparison goods expenditure growth levels that are forecast between 2014 and 2024 stating "CBRE are predicting a growth rate of c.50% which we find very high against a population growth rate of c.10% in 'rural' areas". Exeter City Council questioned the basis of the data used by NLP and stated they had more up to date data on retail growth and expenditure in a Pre-publication Draft Exeter and West End of East Devon Retail and Leisure Study which they had recently commissioned. A copy of that study data was sent to NLP who were asked if this new information changed any of their conclusions and findings in respect of the Eden Westwood proposals.

MDDC asked NLP to prepare supplementary work to build on the previous advice and to respond to retail issues raised.

The key retail issues NLP addressed were as follows:-

- The Pre-publication Draft Exeter and West End of East Devon Retail and Leisure Study (Draft E&WEofEDRLS) prepared by GVA contains more recent information. MDDC wishes to understand whether any changes to NLP's advice would be required, in particular feedback regarding comparison goods expenditure growth levels.
- There were concerns over the reliance placed on long term projections, and that a cautious approach should be employed.
- The NLP report suggests there is no quantitative need for the DOV comparison floorspace, over and above other allocations within Mid Devon, based on local expenditure generated within the District. This suggests the scale of DOV proposed will result in unsustainable planning and an overprovision of retail floorspace, causing an adverse impact on the vitality and viability of existing centres.
- The NLP report did not consider all current commitments in Exeter and other neighbouring authorities, i.e. in Exeter's case the Ikea store, the Bus and Coach Station scheme and the outstanding Moor Exchange Scheme (up to an additional 16,288 sq.m floorspace of which 11,102 sq.m is A1).
- In terms of the sequential approach and disaggregation, can the proposals be located within town centres within the wider catchment area, including separate components of the proposals?

NLP's conclusions (August 2016 report) were

Expenditure growth levels.

Concerns have been raised regarding the level of comparison expenditure growth adopted by CBRE suggest expenditure will increase by 50% (2014 to 2024). GVA's draft (E&WEof EDRLS) (smaller catchment area) suggests only marginally lower proportional growth, 42.5% (2016 to 2026). CBRE and GVA have adopted the same approach/data source. Both studies rely on Experian's data and forecasts. Adopting Experian's latest expenditure forecast could reduce CBRE's comparison goods expenditure projections at 2024 by about 5%. A 5% reduction in projected expenditure at 2024 would only marginally increase the impact percentages previously calculated by NLP and would not change the overall conclusions. Impact on Exeter would increase from 2.15% to 2.26% and the impact on Tiverton would increase from 5.40% to 5.68%.

It's been suggested the trend of increasing expenditure growth is "*reaching a peak*" for comparison goods and that consumers are "*trading up to higher quality goods rather than buying more goods*". This assertion is not entirely accurate and does not reflect the forecasts provided by the main expenditure data providers used in the planning industry e.g. Experian, Pitney Bowes or CACI. As indicated above, the draft GERLS assumes continued growth in comparison goods expenditure based on Experian forecasts. Growth rates are not as high as those experienced in the past but there is no suggestion that a peak will be reached.

NLP is not aware of any retail evidence study or development plan that has successfully assumed limited growth in comparison good expenditure

anywhere in the country. Experian's growth forecasts are generally the most conservative available and have been considered to be robust at numerous appeals and EIPs.

NLP would not recommend that MDDC assumes comparison expenditure growth has reached a peak, and this approach should not be adopted. The development plan should plan positively for growth and investment. Failure to plan for growth would lead to a high risk the development plan will be found unsound.

Some of the projected growth is a result of consumers spending more on higher quality goods rather than buying more goods. This uplift has been taken into account through growth in turnover efficiency. For example, GVA's draft (E&WEofEDRLS) assumes the turnover of existing comparison retail floorspace will increase in real terms (over and above inflation) due to growth in turnover efficiency. A significant element of this growth will be a qualitative uplift in the products sold rather than a volume increase. GVA assumes turnover efficiency will increase by around 2% per annum and this is reflected in the retail floorspace projections. This is an approach widely adopted by retail planning consultants.

The draft (E&WEofEDRLS) indicates there is ample comparison goods expenditure growth to support commitments and proposals in Exeter, leaving a significant amount of growth available to support development outside Exeter. NLP has reviewed the comments received by Mid Devon Council and at this stage there is no need to amend NLP's previous advice relating to retail impact.

Long term projections

In NLP's view a ten year period is not a particularly long period to make expenditure and population projections over. (CBRE assessment 2014-2024) The draft (E&WEofEDRLS) includes even longer projections 2026, 2031 and 2033. No suggestion with the draft (E&WEofEDRLS) that these longer term projections are unreliable. NPPF requires LPA's to assess the need for development over plan period up to 15 to 20 yrs. NLP recommends cautious approach when planning for growth. NLP adopts Experian cautious expenditure forecasts (around 3% p.a. for comparison goods) rather than 5.8% Experian's annual average trend growth rate. CBRE and GVA and NLP have all adopted cautious growth rates. National Planning Policy Framework (NPPF) indicates major schemes where full impact will not be realised in five years should also be assessed up to ten years from the time of application. No suggestion in NPPF that retail impact assessment will be unreliable if projections over a ten year period are adopted. Development plan allocations should be based on longer term projections than planning applications.

Retail Need and Capacity.

There is no quantitative need for DOV comparison floorspace over and above other allocations in Mid Devon. The DOV need can only be demonstrated in terms of growth within the wider sub-region and as a result it is necessary to consider the implications for surrounding authorities within the sub region. The concerns raised in relation to these NLP conclusions indicate that further clarification is needed.

Mid Devon's comparison goods retail facilities only retain around 25% of the comparison expenditure available from residents within the District, there is potential to claw back some of this expenditure leakage (back from Exeter and elsewhere). This would result in more rather than less sustainable shopping patterns, i.e. shorter shopping trips.

Mid Devon is not limited to meeting the needs of its own residents. In the same way the pre-publication draft EWEDRLS expects Exeter to continue to serve a wide area beyond its boundary. An approach that only assessed needs within authority boundaries would also fail to recognise the niche role the DOV is expected play, related to a proposed tourist attraction. This type of DOV facility will inevitably attract trade from a wide area. The key issue is whether the DOV development proposals will have an adverse impact on town centres or will harm or jeopardise the development strategy within other authority areas.

Given the nature of the EW development and the wide trade draw, NLP's assessment suggests there will be no significant impact on the development strategy of neighbouring authorities. The implications of the EW on the emerging development strategies are unlikely to cause significant cross boundary issues. Minor adjustments may need to be made within emerging retail capacity assessments by neighbouring authorities e.g. Exeter and Taunton to reflect the EW, but these adjustments will not be of strategic significance.

Commitments and Proposals

The draft EWEDRLS indicates there is ample comparison goods expenditure growth within Exeter's catchment area to support commitments and proposals in Exeter. The growth projections for the catchment area as a whole indicates there will be a significant amount of growth available to support development outside Exeter i.e. between £378 million to £420 million by 2026.

Sequential approach and disaggregation.

NLP concluded that the Council can consider the scope to disaggregate or change the content of the proposed development at EW, when considering the appropriateness of a plan allocation. The Council can also consider the appropriate area of search for sites. These are matters of judgement and the Council, having considered whether flexibility and disaggregation and the area of search are appropriate, may in line with NLP's advice, conclude the EW and DOV proposals cannot be reduced in size or disaggregated.

NLP concluded that it is for the Council to decide how the need for a tourist attraction and DOV should be met and the degree to which the development can or can't be disaggregated when applying the sequential approach for plan making.

NLP accepted there is synergy between the proposed tourist attraction, themed hotel, restaurants, cafés and food hall, and therefore it would not be appropriate to disaggregate these uses and seek to accommodate these elements on separate sites. NLP also concluded that the DOV has less

synergy with the proposed tourist attraction, but the co-location of these uses will be beneficial to each other in terms of spin-off trade and linked trips.

If all proposed main town centre uses are taken as a whole then a site area of about 28 hectares would be required. This is the basis upon which NLP concluded that there are no sequentially preferable alternative sites that could accommodate the development proposed, i.e. assuming no disaggregation of the main town centre uses.

Conclusion.

NLP has confirmed that a regional need can be demonstrated for the retail floor space of the DOV, its provision will not have a significant impact on other centres and/or commitments, the tourism proposals offer a significant opportunity to address 2 out of the 6 recommendations within the Mid Devon Tourism Study, the restaurants, café uses and themed hotel can be considered ancillary to the proposed tourist attraction, and the traveller services already have outline planning permission at J27. NLP's view is the local plan would be sound with its inclusion, the need for it can be demonstrated and the site chosen is sequentially appropriate.

APPENDIX 2

What are Designer Outlet Centres/Villages

The principal proposed retail allocation at J27 is intended to be for a Designer Outlet Village (DOV) or Designer Outlet Centre (DOC)

Designer Outlet Centres' (DOC) or 'Designer Outlet Villages' (DOV) are a specialist form of retailing with a primary function of selling, at significantly discounted prices, high value and luxury products that are end of range, seconds or surplus to requirements. The DOC concept is borne out of the 'Factory Outlet Centre. The factory outlet centres typically provide space for manufacturers to sell end of range and surplus products directly to the public at heavily discounted prices. It is this concept that continues to define new and existing DOCs today. Typically Designer Outlet Centres are more fashion-dominated than their Factory Outlet Centre counterpart, focusing on high end and high value products.

There are now around 45 purpose built outlet centres trading in the UK, with further centres planned.

Existing outlet centres in the south west of England comprise: Clarks Village (Street); Swindon Designer Outlet Centre, Gloucester Quays; Atlantic Village (Bideford); Poole Pottery Factory; Dolphin Quay (Poole) and the Wilton Shopping Village (Salisbury).

How do Designer Outlet Centres differ from Town Centres?

The DOCs comprise managed, purpose built, units accommodating groups of manufactures/retailers selling brand name goods. These goods typically include fashion, sportswear, household, general apparel and accessories at heavily discounted prices, typically between 30% and 70% off the recommended retail price.

Historically planning consents for DOCs have sought to control the use of floorspace ensuring that a significant percentage (typically between 70% and 95%) of gross retail floorspace is to be used only for the purposes of manufacturers selling their branded seconds, surplus stock, or discounted lines. This remains the case within recent planning applications including the proposed outlet centres at Ashchurch (M5, Junction 9), Tewkesbury and Scotch Corner, Richmond

Goods often comprise previous season's stock, seconds, run-ons and samples, and are intended to complement rather than compete with the 'current' products available in town centre shops. Conditions are often imposed restricting the scope of the Class A1 (shopping) use, precluding the units from retailing, for example, convenience goods, DIY goods, tools, garden furniture, carpets, floor covering, electrical/gas/appliances, hardware, motor vehicle spares and accessories. Similar conditions have been applied preventing or limiting the sale of A3, A4 and A5 uses (Cafes, restaurants, takeaways etc)

Such conditions also typically tie into pricing restrictions to ensure that goods are heavily discounted (typically between 30% and 70% of the recommended retail price).

It may also be appropriate to impose conditions restricting the individual unit size or the overall total floorspace of a specific use within the proposal. Typically restrictions are placed on units falling below a certain size. Such restrictions could also be applied to the installation of mezzanines.

More recently conditions on proposed DOCs at Ashchurch, Tewkesbury, and Scotch Corner, Richmond, have been applied in order to secure a shuttle bus linking the DOC to the town centre.

The DOC concept is often about more than a functional shopping trip. DOCs are usually high quality, traffic free environments with an emphasis on leisure. DOCs are increasingly combining with other leisure uses. Many visitors to DOCs consider themselves to be on 'a day out' rather than responding to everyday shopping needs to which Town Centres are aligned to.

Generally shoppers will continue to visit town centre stores as well as DOCs, in order that they can access a full range of products including, for example, the latest fashions and products available in high street stores.

Appendix 7

Mid Devon Tourism Study 2014 November 2014

Strand 5: Catching Passing Tourists / Major Tourist Facility

Mid Devon has an excellent strategic location, particularly with the mainline railway and the motorway (M5) running through the east of the District. It is also accessible from the regional airports at Exeter and Bristol. Given the volume of tourists who pass through Mid Devon on route to other destinations, such as North and South Devon and Cornwall, and as recognised by stakeholders, more could be done to encourage these tourists to stop en-route and increase the length of time (and money) tourist spend in Mid Devon.

Based on the analysis set out, there could be opportunity for the development of new tourism infrastructure or facilities to increase visitor numbers and spend. Based on the evidence set out, the opportunity here could be quite varied, but could include:

- Delivery of a new man-made tourism attraction, such as an amusement park or a major climbing/ high ropes course to cater for families and/ or the adventure market; and/or
- Development of a tourism facility which showcased local food and produce, linked to the slow tourism agenda and the strong agricultural economy in Devon.

A major facility or attraction would also be likely provide a number of associated services, such as a visitor attraction or activity, retail space, accommodation and café/restaurant floorspace; with a critical mass of 'things to do or stop for' being important in attracting visitors and maximising economic benefit. The precise nature of the facility is difficult to precisely predict, and any proposal would need to be supported by bespoke market research, but it could also link to Strand 2: Developing the Accommodation Offer.

Proposals for any major facility would need to be considered carefully in terms of any impacts (economic impact or trade) on other parts of the district, and particularly the market towns, and potentially on other adjoining areas, depending on the scale or focus of any major investment, in view of the Duty to Cooperate required of local authorities by the 2011 Localism Act.

Strand 6: Fun for the Kids

The final area of activity where there appears to be growth potential is in providing interactive, child-friendly activities to attract the family trips which are currently not happening in Mid Devon. This requires a combination of:

- An appropriate offer with a variety of activities, which are priced competitively; and
- Innovative marketing and discounts to attract trade.

Whilst the landscape and natural environment is a key driver for a number of visitors to Mid Devon and could be a driver for sustainable rural tourism, the unpredictability

of the British weather poses a constraint. Developing an “all weather” offer and facilities in Mid Devon with an appeal across a range of visitor groups is an area where there could be future growth.

Strand 2: Developing the Accommodation Offer

The stakeholder discussions and analysis undertaken suggest that the selective development of the accommodation offer could help to increase overnight stays in the District, and capitalise on its location astride key transport routes. The opportunity appears to be to capture growth potential in: Enhancing the offer of more good quality budget hotel accommodation in the District;

There would seem to be a particular opportunity to encourage visitors travelling through the area to stop, through provision of accommodation close to the M5 and A361 gateways to Devon.

Appendix 8

Landscape.

Landscape Character

The site is within National Character Area 148: Devon Redlands, and within the Devon Character Area: Culm Valley Lowlands. In the Mid Devon Landscape Character Assessment the site is within LCT 3E: Lowland Plains.

Landform and Watercourses

The site forms the south-eastern slope of the shallow valley of the Spratford Stream, and is separated from much of the valley floor by the motorway and the mainline railway. The valley side is indented with the small valleys of tributary watercourses. The site is highest between Pitt Farm and the B3181 where the land rises towards a ridge at over 95m AOD. Adjacent to the motorway, the land is between 70m AOD and 75m AOD.

Significant Vegetation

Across much of the site, there is a complex pattern of relatively geometric but substantial hedges and hedgerows. Trees are found both within hedges and in the fields, probably originating from former field boundaries. There are also several blocks of woodland, some mixed coniferous and deciduous, which lie between the service area and Pitt Farm. The pattern of hedges along the straight lanes across the site and down the B3181, as well as the well vegetated boundaries across the site north of Pitt Farm, help to define its character.

Habitat Survey

The Phase 1 habitat survey indicated that the site features a variety of habitat types, including Biodiversity Action Plan habitats. The many mature trees found throughout are important for biodiversity and the hedgerows act as wildlife corridors. The hedgerows and woodlands / copses add to the structural diversity and wildlife potential of the site. If the site is developed upon it is recommended that the hedgerows and woodlands are retained where possible. The hedgerow running along the road from Braddons Farmhouse to the B3181 junction is particularly species rich in places. Key species present or potentially present Bat species; Badger; Dormouse UK and Devon BAP), Barn Owl; Hedgehog (UK BAP); Amphibian species; Reptile species; Nesting birds

Visibility

The landscape appraisal of the site completed as evidence in support of the Local Plan Review produced a Visual Envelope of the site in order to understand the visibility of the site, and as a guide to likely view points within the landscape. The Visual Envelope took account of the topography but not barriers such as buildings, trees or hedges. Since the initial landscape appraisal of the site was produced the promoters of the J27 site have commissioned further landscape work. This work has included Zones of Theoretical Visibility (ZTVs) as well as 20 suggested viewpoints from which views toward the site should be considered. Officers of the Council have

visited and provided comments to the promoters Landscape Consultant regarding the suitability of the viewpoints.

The site is bounded by major roads and partly by a cycle way, and is crossed by the A38, and two lanes, one of which is a footpath and one a permissive path, which provide viewing opportunities.

The location of the site on a north-west facing slope tends to limit views from the south and east, although there are viewing opportunities from the north and west. Vegetation on the site boundaries limits the views to and across the site.

Heading south along the M5, the service area, within the site, is not visible from the motorway. Approaching the bridge carrying the cycle path (south of J27), there are open views to the site, interrupted only by the occasional clump of native or semi-native trees. Beyond the bridge, and adjacent to the cycle path, the views onto the site are completely open, except parallel to Pitt Farm, when for a short distance roadside vegetation reduces views to the site. However, where views are available, they are limited to one or two field depths when significant on-site field boundary vegetation generally limits the extent of views beyond these boundaries to where there are gaps

From the A38 heading east, the site is largely open to the road, the service area to the south beyond a low hedge blocking views further to the south. On the south, beyond the service area, there is an open field with a low hedge and post and rail fence, which allows views across the field, until they are blocked by the mature vegetation on the far side of the field. Further east as far as Waterloo Cross, the junction of the A38 and the B3181 the site is screened by the Waterloo Cross Caravan Park and the Waterloo Cross public house.

Along the B3181, heading south, views into the site vary according to the management of the roadside vegetation and the time of year. Where views are available they are limited to a single field depth, owing to substantial boundary vegetation on the far boundary, combined with the slope towards the M5 corridor. However, beyond the entrance to Mountstephen Farm, wider views become available across the more open landscape, with the hills east of Tiverton forming the horizon some 5 or 6km away. In places there are no roadside hedges..

From the more elevated points of Sampford Peverell such as Higher Town, about 1.5 km from the site, the southern part of the site is seen across the intermediate skyline, but much of the site is obscured by woodland. The more open areas approaching Willand are clearly visible.

The site is crossed by three lanes, the northernmost links the B3181 to the A38 near the service area. It is closed to traffic but is accessible by pedestrians. A further two are designated as a public footpath and a permissive path. All of these routes are limited by hedges and hedgerow trees, which were typically about 1.5 to 1.8m high at the time of survey. This vegetation largely restricts views across the fields to field gates, and then only to one field depth, as a result of the substantial vegetation along most boundaries within the fields.

To the east of the B3181 the land rises towards the edge of Uffculme about 1km away, but generally drops towards the River Culm. The combination of a strong pattern of hedges, hedgerows, woodland blocks and topography prevents views of

the site, reinforced by the limited footpaths across the landscape which limits viewing opportunities to lanes.

Although there is extensive high ground to the north of the site, beyond the M5 and the A361, the strong hedgerow pattern along the lanes and across the fields limits the viewpoints. However, from the Grand Western Canal Country Park to the west of Sampford Peverell, there are views from the towpath towards the site, and in particular the more open southern part of the site. The towpath is also a public footpath and part of the National Cycle Network.

Views from the AONB towards the site tend to be limited to those from higher ground because of the intricate pattern of vegetation and undulating topography at the foot of the escarpment. From Culmstock Beacon, over 5km from the site and about 700m inside the AONB, part of the site is just discernible with the naked eye. Part of the site can be discerned along the ridge carrying the B3181. Junction 27 is not visible owing to intervening land form.

There is also extensive high ground to the north west of J27, beyond the M5 and A361. From this elevated are/ridge it is possible to achieve views across a majority of the site. However, due to the hedgerow pattern along the lanes and across fields, the opportunities to achieve these viewpoints is limited mostly to views from field gateways.

Relationship to Existing and Proposed Development

Along the A38 from Junction 27 to Waterloo Cross, the context of the site is significantly developed, although less so to the north. The junction itself consists of extensive engineering with associated road surfaces, signage, lighting, columns and moving vehicles. The developed context is provided by the service area, Business Park, Caravan Park and the Waterloo Cross Public House, reinforced by the garden centre, just beyond the roundabout at Waterloo Cross. Beyond the southern end of the site, employment development has extended north-eastwards from Willand to adjacent to the site boundary; there is also development consisting of a Public House, filling station and a car sales business. The M5 corridor, along the western boundary of the site has a strong influence on that part of the site, providing almost continuous movement, noise and large scale engineering.

Across the site are several large clusters of farm buildings, including poultry sheds. Despite those features, the site does not appear developed when within it largely as a result of the pattern of woodland and hedgerows which limits views across the site. Where there are views down the lanes to the hills beyond the M5, and where the M5 is not seen, the link to the more distant rural landscape emphasises the rural character of the site.

Positive Features of the site

The pattern of hedges, hedgerows, mature trees and woodlands provide effective sub-division of the site south of the A38 at Pitt Farm and also provides the skyline in view from the M5 and B3181. There is also a sense of remoteness along the lanes, where not influenced by the M5.

Negative Features of the site

The developed context of the junction, including the service area and the junction itself, provide an incongruous character to the rural landscape, but one that is

common to motorway junctions. Although off site, the caravan park, public house and garden centre reinforce the developed character.

The M5 corridor reduces the tranquillity and remoteness of the western side of the site, although it is the principal location from which the site is viewed. Although there are two large farm developments on the site, at Pitt Farm and Mountstephen Farm, the vegetated boundaries and woodlands limit their impact.

Distinct areas within the site

The site consists of two distinct character areas, from north to south as set out below:

- The Junction 27 development cluster takes in the motorway junction, the service area and the business park (there is a second development cluster at Waterloo Cross, which is off site) (B); and
- South of the service area and the A38 and extending as far as Mountstephen House, is an area of enclosed fields, with limited views and robust field boundaries interspersed with woodland blocks (C).