

REPORT OF THE HEAD OF PLANNING AND REGENERATION

MID DEVON LOCAL PLAN REVIEW 2013 – 2033 PROPOSED MODIFICATIONS

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

Reason for Report: To consider suggested modifications to the proposed submission local plan and to make appropriate recommendations to Council.

RECOMMENDATIONS

That Cabinet make the following recommendations to Council:

1. That delegated authority be given to the Head of Planning and Regeneration, in consultation with the Cabinet Member for Planning, to make minor changes both before and after consultation to the text and maps including updating factual information such as the latest commercial land survey results; and
2. That approval be given to publish the proposed modifications to the Local Plan for consultation and that delegated authority be given to the Head of Planning and Regeneration in consultation with the Cabinet Member for Planning for the plan's subsequent submission to the Planning Inspectorate for examination together with its supporting documentation.

Relationship to Corporate Plan: The Local Plan is the prime mechanism for the Council to achieve the Corporate Plan 2016 to 2020 Economy, Homes, Community and Environment priorities.

Financial Implications: The financial implications for the preparation of the Local Plan are reflected in existing budgets.

Legal Implications: The review of the Local Plan will enable the Council to make sound decisions and more robustly defend appeals against those decisions. 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 need to progress the plan towards adoption has become more pressing given the lack of a demonstrable five year housing supply which currently leaves the authority vulnerable to decisions being allowed on sites the Council does not consider suitable. The Government has set a target for Councils to submit a post National Planning Policy Framework (2012) local plan by the end of March 2017 or be at risk of intervention. The timescale for the submission of the Mid Devon Local Plan Review as set out in the latest Local Development Scheme seeks to meet this deadline.

1.0 BACKGROUND

- 1.1 Consultation on the Local Plan Review Proposed Submission document was held between 9 February 2015 and 27 April 2015. 971 submissions were received, consisting of 2,434 specific comments. At that time it was intended, that once these comments had been considered, the Local Plan would have been submitted under

delegated authority to the Planning Inspectorate later that year. However following that consultation the need for additional technical work was identified in order to ensure that the evidence base would be more robust prior to submission.

- 1.2 The need for additional technical evidence has resulted in a delay in submitting the plan. This external technical work has been reliant on statutory consultee involvement which has taken much longer than anticipated to complete. During this time the Council, at its meeting of 22 September 2016, also resolved to allocate land at Junction 27 of the M5 motorway for leisure, retail and tourism together with associated additional housing sites at Blundells Road, Tiverton and Higher Town, Sampford Peverell. This has resulted in the plan needing to be updated to incorporate these changes and to make the corresponding amendments such as the impact on overall housing and commercial land supply distribution for the district.
- 1.3 Since the spring 2015 consultation there have also been changes to national guidance and the supporting local plan evidence base which have led to the need for additional modifications.
- 1.4 This report identifies the main proposed changes to the plan resulting from the above, with reference to the full schedule of modifications appended to the report (**Appendix 2**) and seeks approval to undertake consultation on these local plan modifications.

2.0 Consultation Responses to the Local Plan Review Proposed Submission Document (Feb 2015 – April 2015)

- 2.1 The local plan consultation generated 2,434 specific comments. These comments are included in tabular form in **Appendix 1**. These tables set out the comments made, taking each of the plan areas in turn. The tables include the officers' recommended response to the comment and any recommended modifications to the plan arising. The individual submissions received can be viewed online using the search facility on the Local Plan Review page of the Mid Devon Website.
- 2.2 A summary of the comments received is set out below by thematic areas:

a) Development Strategy, Vision and Spatial Strategy

A variety of representations were made on this section of the plan with the majority that responded supporting this section. Those that did not support the overall strategy disagreed with the housing figures and the strategic site allocations. Other various recommendations were made for minor amendments to text such as reference to external strategies and additional goals as part of the vision.

b) Strategic Policies

Of the representations received, the majority supported the strategic policies in the plan. The policies that received most comments in the strategic policies section were S2 Amount and distribution of development and S11 Cullompton. For both, the majority of responses supported the policies. Of those that objected to S2, some suggested increasing the amount of development in the district overall although in contrast others felt that there was overprovision of housing in the proposed plan. In terms of the distribution of development a wide range of alternatives were suggested including greater development at Tiverton, Crediton and rural areas. Of those that objected to S11, most comments centred on the scale of development proposed at Cullompton and concerns over the impact on existing infrastructure, the environment and flooding.

c) Town allocations

Most representations in the town allocation section were focussed on sites in Tiverton and Cullompton. In Tiverton the two sites that received most representations were TIV10 Roundhill and the TIV14 Wynnards Mead contingency site. A large proportion of the comments for TIV10 formed signatures as part of a petition which noted parking, drainage, amenity and access as reasons for their objection to the site. Similarly for TIV14, most of the responses formed signatures as part of a replicated letter which argued issues on heritage and the impact on the local road network as reasons for objection. In Cullompton, most comments were on CU7-CU12 East Cullompton. There were various representations of support for the policy; however the majority of comments objected to the proposed allocation. Those that objected were concerned about the loss of agricultural land, potential flood risk, impact on infrastructure, school capacity and the environment.

d) Rural allocations

Of the representations made on rural allocations the vast majority of comments focussed on the village of Morchard Bishop. Almost all of the responses for Morchard Bishop formed signatures as part of replicated letter which set out its support for the proposed allocation stating that the site was sufficient to meet the needs of the village and for rejecting the previously considered option sites in the settlement. There were various other comments for the other rural allocations both supporting and objecting to various sites. The other site of note in terms of a higher number of representations received on rural allocations was CB1 Land off Church Lane, Cheriton Bishop. The majority of responses to this site objected, although there was some support. Those that objected identified their concerns over issues around traffic, parking, topography, village character and impact on neighbours.

e) Junction 27 M5

This site was not recommended for allocation in the Proposed Submission Local Plan, nevertheless it received a significant number of comments. Of those that responded the majority supported the decision not to include the site as an allocation in the Proposed Submission Local Plan. Those that objected to its exclusion cited the positive impact of the development to tourism and leisure and the position of the site having excellent infrastructure connections.

f) Development Management Policies

A wide range of responses were received for this section of the plan with many expressing support for the development management policies. A number of comments were received for DM5 'Parking' with some respondents putting forward alternative parking standards. Several comments were received for DM12 'Design of Housing' and DM13 'Dwelling Sizes' with some arguing that the policies did not reflect the Ministerial Statement of 25th March 2015. Policy DM24 'Protection of Local Green Space and recreational land/buildings' received the most responses with the majority recommending that Morchard Bishop OMO2 'Church Street', should be listed as Local Green Space. Other comments on this policy supported Local Green Space designations in Bradninch, Cheriton Fitzpaine, Morchard Bishop, Sandford and Bickleigh.

g) Policies Map

The majority of comments made on the policies maps section related to minor cartographic and formatting errors, for example, where a proposed allocation appears to extend across the garden of a private residential property. There were also errors identified in relation to the North West Cullompton allocation and the need for the Local Plan Review to reflect the recently adopted masterplan. It was also noted that the conservation area for Cheriton Bishop is incorrect.

h) Miscellaneous comments

A wide range of comments were received during the Local Plan Review consultation, some of which were not directly related to a policy but made general suggestions or comments on the Plan such as including additional context for Mid Devon District. Comments on the Local Plan Review evidence were also made on the Strategic Flood Risk Assessment (SFRA), Strategic Housing Market Area Assessment (SHMA) and the Sustainability Appraisal (SA). With regard to the SFRA, comments centred on the methodology of the study suggesting additional considerations to form part of the study. SHMA comments related to the discussion on S2 Amount and Distribution of Development and how the overall amount of development in the policy relates to objectively assessed housing need. A range of comments were received regarding the SA including general comments requesting additional text, suggestions for amendments to the methodology and changes to the specific scores provided to each policy in the SA analysis.

i) Community Infrastructure Levy

There was support for the residential CIL charge, but concerns over the provision of affordable housing and the differential rates used. The strategic sites CIL exemption was generally supported although some questioned the zero rates in urban extensions. It was suggested that a single, district wide charge should be applied. Other comments questioned how CIL might fund certain measures, for example, in relation to the historic environment or sporting facilities and a number of representations pointed out that the Council have not produced an instalments or exemptions policy. Furthermore, the Infrastructure Plan/Reg 123 list received a number of comments and several respondents put forward additional suggestions to be added to the list (CIL is considered in more detail within a separate report on this Cabinet agenda).

3.0 Changes to the Local Plan Review.

Changes arising as a result of consultation responses Proposed Submission Document (Feb 2015 – April 2015)

Development Strategy and Strategic Policies

Following consultation on the proposed submission version of the Local Plan, a number of minor amendments are proposed for the strategic policies. The main changes include an amendment to Policy S3 to support self-build and custom-build and additional supporting text for Policy S7 'Town Centres' to ensure that the focus on healthy town centres does not preclude retail, leisure and recreation uses within strategic site allocations such as East Cullompton.

Town Allocations

Tiverton

Policy TIV2 has been amended in response to comments from DCC to ensure the provision of a new grade-separated junction to the A361. In response to concerns raised by the Environment Agency, a new criterion has been added to Policy TIV3 requiring the provision of a strategic Sustainable Urban Drainage Scheme to deal with surface water from the development paying particular attention to runoff into Tidcombe Fen SSSI. Policy TIV6 Farleigh Meadows has also been updated in response to comments stating that the policy did not reflect the planning permission for the site. In response to the findings of the Historic Environment Appraisal, Policy TIV14 'Wynnards Mead' is proposed to be deleted.

Cullompton

In response to comments received, a number of amendments are proposed for policies CU1 – CU6. Policy CU2 has been updated in response to comments from DCC requesting contributions from development to the Town Centre Relief Road and bus service enhancements. In addition, Policy CU4 ‘North West Cullompton Community Facilities’ criterion b) has been updated in accordance with comments provided by DCC requiring construction costs for 300 places of a 420 place primary school with provision for early years. A number of the Cullompton policies have been amended following the findings of the Historic Environment Appraisal which was prepared in response to comments received from Historic England. In addition, Policy CU9 ‘East Cullompton Environmental Protection and Green Infrastructure has been amended to address concerns from the EA requesting a *strategically designed, and phased Sustainable Urban Drainage Scheme.*

Crediton

A number of comments were received for Policy CRE2 ‘Red Hill Cross’ and therefore, the policy has been amended to include improved access to the town centre for pedestrians and cyclists. As above, a number of policies have been amended following the preparation of a Historic Environment Appraisal, to ensure appropriate mitigation where necessary. These include, CRE2 ‘Red Hill Cross’, CRE3 ‘Cromwells Meadow’, CRE4 ‘The Woods Group’, CRE7 ‘Stonewall Lane’ and CRE10 ‘Land South of A377’. Additional supporting text has been added to policy CRE5 ‘Pedlerspool’ following comments from the EA regarding the River Creedy.

Rural Allocations

Many of the rural allocations have been updated following the preparation of a Historic Environment Appraisal, which has been prepared in response to the representation from Historic England. A wide range of minor changes have been made to the rural allocations following the representations received. Policy BO1, Land adjacent to Hollywell, Bow has been revised to ensure the policy is flexible to respond to alternative highway options. A number of responses were received for CB1; Land off Church Lane and subsequently, the policy now includes provision of a landscape buffer, a design solution and has been reduced in site area to ensure that it is more in keeping with the existing pattern of development. Following comments from a representor that HE1 ‘Depot, Hemyock’ is no longer immediately deliverable, this is now proposed to be deleted accordingly. Policy WI2 ‘Willand Industrial Estate’ has been reinstated following representations addressing the Council’s original reason for deletion. The remainder of the site is now deliverable with access to phase 2 having been secured.

Development Management Policies

A number of the development management policies have been amended in response to comments received to ensure greater clarity. Policies DM12 ‘Design of Housing’ and DM13 ‘Dwelling Sizes’ are now proposed to be combined following representations highlighting that the policies did not reflect the Ministerial Statement of 25th March. Following a number of comments received in relation to DM24 ‘Protection of Local Green Space and recreational land/buildings’, additional Local Green Space designations are proposed for Millennium Green, Bampton and Millennium Green, Sandford.

Policies Maps

The majority of comments made on the policies maps section related to minor cartographic and formatting errors. Where appropriate, these have now been corrected.

Changes arising from the Council decision of 22 September 2016

- 3.1 At its meeting of 22 September 2016 Council resolved to allocate land at Junction 27 of the M5 for leisure, retail and tourism and associated additional housing sites at Blundells Road, Tiverton and Higher Town, Sampford Peverell. It is therefore not intended to replicate the contents of the report regarding the Junction 27 allocation considered at Cabinet on 15th September 2016 and Council 22nd September 2016.
- 3.2 This has resulted in amending and rewriting all the inter-related parts of the plan, policies and tables together with updating the Sustainability Appraisal, Habitat Regulations Assessment, Infrastructure Plan, and Heritage Impact Assessments.
- 3.3 A new policy J27 has been added, together with associated housing policies TIV16 Blundells School and SP2 Higher Town, Sampford Peverell. The plan's housing numbers and commercial floorspace calculations have also been amended accordingly. The role and benefits of the proposed allocation at J27 have been acknowledged throughout the document.

Modifications arising from changes in circumstances since February 2015

- 3.4 Since the pre-submission Local Plan was published for consultation in 2015 a number of issues have arisen which have necessitated changes to the Local Plan. These changes are referenced in full in the schedule of modifications. The main changes that have occurred relate to the following key areas:
 - a) Change in Government Guidance including the creation of National Space Standards, the Written Ministerial Statement on Wind Energy and the Housing and Planning Act 2016;
 - b) Updated evidence such as the publication of the Strategic Housing Market Assessment Final Report 2015; and
 - c) Devon County Council's latest highway advice regarding capacity at Junction 28 of the M5 Motorway.

4.0 Schedule of Local Plan Modifications

- 4.1 The changes set out above have been encapsulated within the schedule of proposed modifications included at **Appendix 2**. This list of proposed changes to the plan will ultimately form part of the submission to the Planning Inspectorate along with any supplementary modifications considered necessary following further consultation.
- 4.2 For clarity, policies affected by these proposed changes are listed below. The list also includes policies amended due to changes made by the Planning Policy Advisory Group (see section 8). The changes are to be found within the track-change version of the Local Plan Review at **Appendix 3**.

Policy Number	Policy	Policy Number	Policy
S1	Sustainable Development Priorities	CU17	Week Farm
S2	Amount and distribution of development	CU18	Venn Farm
S3	Meeting housing needs	CU19	Town Centre Relief Road
S4	Ensuring housing delivery	CU20	Cullompton Infrastructure
S5	Public open space	CU21	Land at Colebrook Contingency Site
S6	Employment	CRE1	Wellparks
S9	Environment	CRE2	Red Hill Cross
S10	Tiverton	CRE3	Cromwells Meadow
S11	Cullompton	CRE5	Pedlerspool
S12	Crediton	CRE6	Sports Field, Exhibition Road
S14	Countryside	CRE10	Land south of A377
TIV1	Eastern Urban Extension	CRE11	Crediton Infrastructure
TIV2	Eastern Urban Extension Transport Provision	BO1	Land adjacent to Hollywell, Bow
TIV3	Eastern Urban Extension Environmental Protection and Green Infrastructure.	CH1	Barton, Chawleigh
TIV6	Farleigh Meadows	CB1	Land off Church Lane, Cheriton Bishop
TIV9	Howden Court	HA1	Land Adjacent Fishers Way, Halberton
TIV11	Palmerston Park	HE1	Depot, Hemyock
TIV12	Phoenix Lane	NE1	Court Orchard
TIV13	Tidcombe Hall Contingency Site	WI2	Willand Industrial Estate
TIV14	Wynnards Mead Contingency Site	DM1	High Quality Design
TIV15	Tiverton Infrastructure	DM2	Renewable and low carbon energy
CU1	North West Cullompton	DM3	Transport and air quality
CU2	NW Cullompton Transport Provision	DM7	Traveller Sites
CU3	NW Cullompton Environmental Protection and Green Infrastructure	DM12	Design of Housing
CU4	NW Cullompton Community Facilities	DM13	Dwelling Sizes
CU5	NW Cullompton Carbon Reduction and Air Quality	DM14	Town centre development
CU6	NW Cullompton Phasing	DM15	Development outside town centres
CU7	East Cullompton	DM22	Tourism and leisure development
CU9	East Cullompton Environmental Protection and Green Infrastructure	DM24	Protection of Local Green Space and recreational land/buildings
CU10	East Cullompton Community Facilities	DM25	Development affecting heritage assets
CU11	East Cullompton Carbon Reduction and Air Quality	DM26	Green infrastructure in major development
CU12	East Cullompton Phasing	DM28	Other protected sites
CU13	Knowle Lane	TIV16(NEW)	Blundells School
CU14	Ware Park and Footlands	BA4(NEW)	School Close Bampton
CU15	Land at Exeter Road	SP2(NEW)	Higher Town Sampford Peverell
CU16	Cummings Nursery	UF1(NEW)	Land West of Uffculme
		J27(NEW)	Land at J27 of the M5 Motorway

5.0 The Sustainability Appraisal

5.1 The Local Plan Review has been subject to Sustainability Appraisal during its preparation. The appraisal is an iterative process informing the development of the Local Plan Review and has been published alongside each stage of consultation. The Sustainability Appraisal assesses the likely significant effects of the Local Plan, focussing on the environmental, economic and social impacts. The latest version of the Sustainability Appraisal has been updated to consider the latest available evidence including reasonable alternatives proposed through consultation responses. The Sustainability Appraisal concludes that the proposals set out in the Local Plan Review together with the schedule of modifications are the most appropriate given the reasonable alternatives available. The Sustainability Appraisal and other updated evidence produced in the process of the plan's preparation will be made available for comment during the Local Plan Review proposed modifications consultation.

6.0 Consultation

- 6.1 This report seeks to approve the local plan modifications for public consultation commencing in January 2017. This consultation will be solely on modifications to the plan made since February 2015 identified as tracked changes to the Local Plan (**Appendix 3**).
- 6.2 It is proposed that the consultation will run over a six week period from 3th January 2017 until 14th February 2017 in accordance with the recently updated Statement of Community Involvement (October 2016).
- 6.3 The local plan consultation is proposed to be advertised in the press and online. Notifications will also be provided to approximately three thousand individuals and organisations currently on the local plan mailing list. This includes those who have previously made representations to the local plan, statutory consultees, local and neighbouring councils and other interested parties who have requested to be included on this list.
- 6.4 It is proposed that staff will be made available to service an exhibition at each of the following locations :
- i) Crediton
 - ii) Cullompton
 - iii) Tiverton
 - iv) Sampford Peverell
 - v) Willand
 - vi) Uffculme
- 6.5 Any representations received will be submitted to the Secretary of State along with the Local Plan, other relevant documents and the previous representations received. An independent inspector will then hold an examination on the Local Plan which will take into account public and other opinion when judging whether the plan is sound.
- 6.6 In addition to the public consultation referred to above, the local planning authority also has a legal duty to cooperate with other neighbouring local planning authorities, Devon County Council and other public bodies to engage constructively, actively and on an ongoing basis with regard to plan preparation. This requirement was created in the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. Mid Devon District Council has been proactive in undertaking this duty. Meetings are continuing with duty to co-operate partners with regard to the plan and the proposed modifications. A duty to cooperate statement will be submitted alongside the plan to the Planning Inspectorate.

7.0 Delegated Authority

- 7.1 The tracked changes version of the plan attached as **Appendix 3** does not currently include the latest information on commercial floorspace completions. The annual commercial land monitoring for 2015/ 2016 will be completed prior to the plan being printed for consultation. This report seeks approval for delegated authority to update the plan prior to consultation to reflect this information when available together with other minor corrections.
- 7.2 The Government has stated that authorities who have not prepared a local plan by March 2017 are at risk of having Department for Communities and Local Government intervene. The risk to Mid Devon is likely to 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 with comparatively greater housing need. 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 housing land supply. It is therefore also recommended that delegated authority be given to the Cabinet Member for Planning and Regeneration and the Head of Planning and Regeneration to approve the plan for submission following any minor changes considered necessary arising from the consultation responses. This also includes all the accompanying documentation.

8.0 Planning Policy Advisory Group

- 8.1 At its meeting on 10 November 2016 members of the Planning Policy Advisory Group considered all paperwork accompanying this report. The group supported the recommendations in this report; however it raised a number of issues it wished to be addressed via changes to policies and supporting text. Such changes were made at the meeting and approved by the group. They are incorporated within the appendices to this report. In addition the group also requested that Cabinet give further consideration to the following issues detailed below:

Additional housing sites required in connection with the proposed allocation at Junction 27.

- 8.2 PPAG requested that officers give further consideration to whether there is a need to allocate land at Higher Town, Sampford Peverell(SP2). In particular members noted that the proposed allocation at Blundells Road, Tiverton (TIV16) was for 200 houses only; whereas the adopted local plan allocation in the Allocations and Infrastructure Development Plan Document under policy AL/TIV/9 was for 200 dwellings together with 7,000 square metres of employment floorspace. Members therefore wished to understand whether there is scope to increase the housing numbers since the employment floorspace is not proposed to be included in the new policy. If so, members wished consideration be given to the deletion of the proposed allocation at Higher Town, Sampford Peverell.
- 8.3 Officers have reviewed the Blundells Road proposed allocation. As set out policy proposes 200 dwellings on 6 hectares giving a residential density of approximately 33 dwellings per hectare. If this were to be increased to 260 dwellings the density would rise to approximately 43 dwellings per hectare. These assumptions are based on the full 6 hectares being suitable for residential development. The allocation as a whole includes land subject to flooding by the River Lowman and proposes land shaping to raise areas for development above flood zone 3 and the creation of

additional compensatory floodplain. Increasing the number of houses above that proposed would give less flexibility in the design of the flood mitigation measures and would be likely to position housing closer to areas that would remain subject to flooding. Residential use is considered 'more vulnerable' to flooding in comparison to commercial uses as defined in the NPPF Technical Guidance. A higher residential density may also lead to a less satisfactory residential environment and leave less land available for a sustainable urban drainage system. Importantly development of this site must also safeguard a strategic road route through the site to serve as a road access for future development needs beyond the plan period. This will require land. In conclusion, Officers are of the view that they cannot recommend increasing housing numbers on the Blundells Road, Tiverton site. Accordingly it is considered that the proposed allocation at Sampford Peverell should remain.

North West Cullompton Phasing Policy CU6

- 8.4 This policy is proposed to be revised in order to align the phasing with that agreed in the adopted masterplan SPD for the site. Criterion f as amended reflects this as follows: 'occupation of no more than 500 dwellings before the opening of a through route linking Willand Road to Tiverton Road and the delivery of traffic management measures on Willand Road'. Some members of PPAG considered that this did not reflect previous discussion with the land promoters regarding road delivery at the time of masterplanning. Section 5.4 of the Masterplan explains the mechanism and timing of road infrastructure. This documentation was considered and agreed by Council at its meeting of February 2016. Policy CU6 does not propose to change what was previously agreed in the masterplan. Furthermore Officers consider that any proposed policy change requiring the road to be brought forward in advance of 500 houses being occupied would jeopardise its delivery.

Contact for any more information	Adrian Welsh, Forward Planning Team Leader 01884 234344 awelsh@middevon.gov.uk
Background Papers	Cabinet November and December 2014; Council January 2015; Council 27 th April 2016; Cabinet 15 th September 2016; Council 22 nd September 2016; Local plan evidence base https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-evidence-base/ https://www.middevon.gov.uk/residents/planning-policy/local-plan-review-site-specific-evidence-base/
File Reference	
Circulation of the Report	Councillor Richard Chesterton, Cabinet Member for Planning & Regeneration Management Team