

MID DEVON DISTRICT COUNCIL

LOCAL PLAN REVIEW 2013 – 2033

PROPOSED SUBMISSION January 2017

(Incorporating Proposed Modifications)

## NOTE

### Introduction

1. The latest iteration of the Local Plan Review (proposed modifications) (LPR) was published in January 2017, together with an updated Sustainability Appraisal (SA). Both documents are the subject of a further round of public consultation until 14<sup>th</sup> February 2017. These consultation responses will be sent to the Secretary of State in March 2017, together with the Local Plan (LP), and it is anticipated that the LP will be subject to an Examination in Public (EiP) in September 2017.
2. The Inspector at the EiP will assess all submitted policies, strategic, site specific and Development Management, according to the criteria set out in para 182 of the National Planning Policy Framework (NPPF). The plan must be;
  - Positively prepared, that is based on strategies that seek to meet objectively assessed development and infrastructure requirements,
  - Justified, that is, the most appropriate strategies, taking into account reasonable alternatives, and using a proportionate evidence base. Para 158 et seq of the NPPF sets out the requirements of this criterion, and the need for evidence to be adequate and up-to-date,
  - Effective, that is, deliverable, as set out in para 173 of the NPPF.
  - Consistent with national policy, that is compliant with policies as set out in the NPPF.
3. Although the current round of public consultation is limited to comments on the proposed modifications to the LP, at the EiP the Inspector will consider in detail submissions relevant to each and every policy proposed in the LP.

4. For the purposes of this Note I have read through the January 2017 LP Review and the updated Sustainability Appraisal in detail, but have not had the opportunity of opportunity to look at any of the supporting evidence base, nor previous iterations of the LP or SA and previous consultation responses.

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5. The 2015 version of the SA, using a preferred option of a District-wide housing figure of 7,200 dwellings (now updated to 7,860 – see para 2.2 LP), considered the sustainability of three main options for the distribution of development across Mid Devon. These were;
  - A new community (J28 Cullompton) – which became the preferred option
  - An alternative town focus (Hartnoll Farm)
  - An alternative new community (J27 Willand)
6. The first option became the preferred option for MDDC on the basis of this assessment, as being the most sustainable of the options considered. Consideration could be given to challenging this preferred option at the EiP, but it will be necessary to revisit the 2015 SA and the supporting evidence base of the previous iteration of the LP.
7. For example, it may be possible to make a case that a more spatially balanced approach across the District should have been considered, such as lower scale development at Cullompton with the shortfall made up by development at Hartnoll Farm and Willand. Further possible permutations arise if consideration is given to the capacity of smaller towns and villages across the District to accommodate larger scale development in terms of housing allocations and employment land.
8. The overall levels of housing and employment land for the District are set out in Section 2 of the LP (p 23). For the purposes of this note the overall housing figures are not challenged, but if there are doubts regarding these it will be necessary to examine the basis of the figures calculated by analysing the Strategic Housing Market Assessment (SHMA). The same applies to the site

assessments set out in the Strategic Housing Land Availability Assessment (SHLAA). See also NPPF para 159 et seq.

9. Similar considerations apply to the calculation of employment land undertaken by MDDC. An Employment Land Review (2013) identifies the need for approx. 14 ha or 140,000 sqm of commercial floorspace across the District (para 2.14). Para 2.15 states that there is an excess of such land supply in Cullompton and that allocated sites have been subject to Strategic Commercial Land Availability Assessment (SCLAA). Although the LP states that commercial allocations are “broadly in accordance” with the housing locations (para 2.13), consideration should be given to an analysis of the balance between housing and employment land in East Cullompton, as a shortfall of employment land will result in out-commuting whilst an excess will see the opposite, both of which would fall foul of core sustainable development principles as set out in the NPPF. ( See also Policy S1 – Sustainable development priorities e) ....reducing the need to travel – LP page 30) Other relevant considerations include the fact that as air quality is recognised as an issue at Cullompton, (see Air Quality Action Plan) any major developments generating significant traffic movements may be constrained.
10. Policy S2 – Amount and distribution of development, para 2.22 recognises the need for compliance with the NPPF in terms of travel and transport, and states explicitly that “Significant growth in Cullompton can be made sustainable through this investment in infrastructure” (J28 improvements, relief road, reopening of Station etc). The implication to be drawn is that any major development absent such improvements would not be sustainable.
11. The modification to the text of para 2.48 of Policy S7 – Town centres makes reference to a masterplan which will set out principles to be followed in any planning applications if East Cullompton is allocated as a strategic site. It is unclear as to how this matter will be dealt with at the EiP, if at all, and clarification from MDDC should be sought.
12. Policy S8 – Infrastructure, makes reference to an Infrastructure Plan wherein key infrastructure will be set out. Para 2.55 refers to a 2014 Infrastructure Plan, but it is unclear as to whether this is the same document. For the avoidance of any doubt, MDDC should be asked when this Plan will be produced, what its status will be (Development Plan

Document/Supplementary Planning Document) and whether it will be considered at the EiP. The Infrastructure Plan is clearly essential to the proposed allocation of East Cullompton and its deliverability. Any doubts over the deliverability of this Policy would seriously undermine the East Cullompton allocation and bring into question the overall soundness of the LP.

13. The proposed allocation of East Cullompton sits uneasily with the objectives set out in Strategic Policy 9 – Environment, in particular objectives b, c, and d. Any new LP should not only be compliant with the NPPF, but should also be internally consistent, and there is a clear tension between this Policy and the other Strategic Policies considered in this Note relevant to the East Cullompton allocation. The SA should also be revisited bearing this requirement in mind.
14. Policy S11 of the LP identifies Cullompton as the focus for 3,930 dwellings and 73,500 sqm of commercial floorspace over the plan period. NW Cullompton is identified as the location for 1,350 dwellings and 10,000 sqm commercial floorspace and East Cullompton for 1,750 dwellings and 20,000 sqm of commercial floorspace (see Table to para, 2.69. Table 16, p 86 however identifies 1,700 dwellings). To facilitate and enable such a scale of development a number of major infrastructural improvements are identified as being necessary. These include;
  - “...any necessary improvements to the M5 motorway, including J28 and,
  - the reopening of Cullompton Railway Station
  - a new relief road to the east of the town centre, the Town Centre Relief Road
15. At the time of writing it is wholly unclear as to whether any or all of these necessary infrastructural improvements will be forthcoming, how they will be funded and over what time frames. It is clear however that without these improvements any development of the scale envisaged at East Cullompton could not be regarded as being sustainable in terms of location.
16. The updated SA Jan 2017 considers suggested alternatives to the preferred site at East Cullompton at pages 78-80. The only alternative site considered at this stage is one at Aller Barton Farm, south of Honiton Road. This

alternative is discounted largely on the basis of scoring less well than the preferred site in terms of impacts on the built environment. See SA 2017 p 78 – 79, summary matrix table p 81 and commentary p 260-261.

17. The summary table on p 81 identifies greater uncertainty in terms of sustainability objectives A) – protection of the natural environment, H) – community health and well-being, and I) delivering necessary infrastructure, but better than the preferred site in terms of objective D) – minimising resource use. What appears to tip the balance in favour of the preferred site is objective B) – protection and promotion of heritage assets.
18. A more detailed appraisal of this site is to be found on pages 258-268 of the 2017 SA. The appraisal here suggests that the issue of negative effects on objective B) is less clear cut and there are a number of caveats in terms of these impacts.
19. A similarly detailed appraisal of the preferred site is not undertaken in the 2017 SA as this document focuses on suggested alternatives to the preferred site. It is presumed that a detailed appraisal of the preferred site is to be found in the 2015 SA, but time constraints have not permitted an analysis of such at the present time. It is strongly recommended that the 2015 SA is revisited with a view to assessing the accuracy of the scoring of the sustainability objectives of the preferred site in good time prior to the EiP.
20. Site specific policies for the preferred site at East Cullompton, Policies CU7 - 12 are set out in the LP Review on pages 97-106 of the Review.
21. In addition, proposed policy CU17 – Week Farm may be of relevance to the East Cullompton allocation. It is a 10.7 ha site, allocated for employment (B2-B8) use. This site adjoins the proposed allocation site at East Cullompton, and could be linked as a possible site for the employment needs of East Cullompton. In addition, the modified explanatory text at para 3.135 makes specific reference to J28 improvement works and a second overbridge required in connection to Policy CU7.
22. Similar considerations apply to proposed policy CU18 – Venn Farm, a 4.4 ha site allocated for B1-B8 employment use.
23. Policy CU19 – Town Centre Relief Road is relevant to the East Cullompton allocation as the policy provides for an essential component of the infrastructural improvement scheme for the development strategy of

Cullompton. The development of this scheme depends in part on the delivery of the East Cullompton allocation by way of developer and/or CIL contributions. Given the constraints identified in para 3,143a it is highly likely that the preferred route for the relief road will lie to the east of the M5, although the results of a Flood Risk Assessment (FRA) are still awaited.

24. Policy CU20 – Cullompton Infrastructure allows for the promotion of the reopening of Cullompton Station and other improvements set out in Policy S8, to be funded by developer and/or CIL contributions. As with the proposed relief road, without this element of the infrastructural improvement scheme in place the sustainability of the East Cullompton allocation would be called into question.
25. There are relatively few proposed modifications to these policies in the 2017 consultation document and given that opportunities to comment on these policies at this stage are limited to such, a detailed analysis of the proposed policies relating to the preferred site is not undertaken here. Having said that, these policies will need to be subject to close analysis in good time prior to the commencement of the EiP.

## **Summary and Conclusions**

26. By way of summary and conclusions to this preliminary Note, it is clear that the proposed allocation of the East Cullompton site (Policies S11 and CU7-12) and the likelihood of the approval and adoption of these policies into the new Mid Devon Local Plan is heavily dependent on the delivery of the Infrastructure scheme as set out in proposed Policies S8, CU19 and CU20.
27. Without the Infrastructure scheme the proposed site of East Cullompton could not be regarded as sustainable in locational terms for the scale of development envisaged. The Infrastructure scheme has significant obstacles to overcome, including, but not limited to, funding and deliverability, floodplain constraints and land availability.
28. If the proposed allocation of the site at East Cullompton (and its potential evolution into Culm Garden Village) is to be successfully resisted, future work should focus on the essential infrastructural components upon which the

allocation relies, with a view to submitting a detailed analysis for the EiP. Site specific issues such as localised flooding are unlikely to be addressed at the EiP, but will be deferred until the planning application stage.

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